

2001-2002-2003-2004

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 91

WEDNESDAY, 3 MARCH 2004

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 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Berry, from 12 residents, requesting that the Assembly call on the Minister for Police to implement urgent programs to increase police numbers in the ACT, and retain or transfer back, officers who have community policing experience, to serve within the Australian Capital Territory.

3 COMMISSIONER FOR THE FAMILY BILL 2004

Mrs Burke, pursuant to notice, presented a Bill for an Act to provide for the establishment of a commissioner for the family, and for related purposes.

Title read by Clerk.

Mrs Burke moved – That this Bill be agreed to in principle.

Debate adjourned (Ms Gallagher – Minister for Education, Youth and Family Services) and the resumption of the debate made an order of the day for the next sitting.

4 LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2004

Ms Tucker, pursuant to notice, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*.

Title read by Clerk.

Ms Tucker moved – That this Bill be agreed to in principle.

Debate adjourned (Mr Corbell – Minister for Planning) and the resumption of the debate made an order of the day for the next sitting.

5 SOCIAL PLAN FOR CANBERRA

Ms MacDonald, pursuant to notice, moved – That the Assembly:

- (1) notes the overwhelmingly positive community response to the release of the Government's Social Plan, and the initiatives in that Plan that will help Canberrans reach their potential, make a contribution to, and share the benefits of their community; and
- (2) endorses the strategy detailed in the Plan that provides a framework to guide government and community decision making in social policy over the next ten to fifteen years.

Debate ensued.

Ms Tucker moved the following amendment:

Paragraph (1), omit “overwhelmingly”.

Ms Tucker, by leave, was granted an extension of time.

Debate continued.

Amendment agreed to.

Ms Dundas, who had already spoken, by leave, again addressed the Assembly and, by leave, moved the following amendment:

Paragraph (2), omit “strategy”, substitute “goals”.

Amendment agreed to.

Question proposed – That the motion, as amended, be agreed to.

Debate continued.

Question – put and passed.

6 AGED PERSONS' ACCOMMODATION

Mrs Dunne, pursuant to notice, moved – That this Assembly calls on the Minister for Health and the Minister for Planning to table by the adjournment on 4 March 2004, a list of applications along with the type of accommodation and the number of Commonwealth bed licences, if any, to come before the Government since January 2002 in each of the following categories:

- (1) applications for land allocations for aged persons accommodation;
- (2) development applications for aged persons accommodation;
- (3) proposed developments for aged persons accommodation in pre-application discussions or the high quality sustainable design process;
- (4) proposed developments for aged persons accommodation which have been withdrawn since January 2002 and the reasons for their withdrawal; and
- (5) proposed developments for aged persons accommodation which were rejected by the Government since January 2002.

Mrs Dunne, by leave, was granted an extension of time.

Debate ensued.

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 QUESTIONS

Questions without notice were asked.

8 PRESENTATION OF PAPERS

Mr Wood (Manager of Government Business) presented the following papers:

Subordinate Legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64 –

Justices of the Peace Act – Justices of the Peace Appointment 2004 (No 1) – Disallowable Instrument DI2004-23 (LR, 19 February 2004).

Road Transport (General) Act – Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 3) – Disallowable Instrument DI2004-25 (LR, 26 February 2004).

Road Transport (Safety and Traffic Management) Regulations – Road Transport (Safety and Traffic Management) Parking Authority Declaration 2004 (No 2) – Disallowable Instrument DI2004-24 (LR, 26 February 2004).

Smoke-free Areas (Enclosed Public Places) Act – Smoke-free Areas (Enclosed Public Places) (Fees) Determination 2004 (No 1) – Disallowable Instrument DI2004-22 (LR, 19 February 2004).

9 AGED PERSONS' ACCOMMODATION

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne – That this Assembly calls on the Minister for Health and the Minister for Planning to table by the adjournment on 4 March 2004, a list of applications along with the type of accommodation and the number of Commonwealth bed licences, if any, to come before the Government since January 2002 in each of the following categories:

- (1) applications for land allocations for aged persons accommodation;
- (2) development applications for aged persons accommodation;
- (3) proposed developments for aged persons accommodation in pre-application discussions or the high quality sustainable design process;
- (4) proposed developments for aged persons accommodation which have been withdrawn since January 2002 and the reasons for their withdrawal; and
- (5) proposed developments for aged persons accommodation which were rejected by the Government since January 2002 –

Debate resumed.

Question – put and passed.

10 MENTALLY ILL PERSONS – TRANSPORTATION BY POLICE

Ms Dundas, pursuant to notice, moved – That this Assembly calls on the Minister for Police and Emergency Services to require that plain clothes police and unmarked police cars be used wherever possible when collecting a mentally ill person from their home for assessment by a psychiatrist.

Debate ensued.

Mr Smyth, by leave, moved the following amendments together:

- (1) after the word “require”, insert “where operationally possible, and without putting the mentally ill person or the community at further risk,”; and
- (2) omit “wherever possible”.

Debate continued.

Amendments agreed to.

Question – That the motion, as amended, viz:

“That this Assembly calls on the Minister for Police and Emergency Services to require where operationally possible, and without putting the mentally ill person or the community at further risk, that plain clothes police and unmarked police cars be used when collecting a mentally ill person from their home for assessment by a psychiatrist.” –

be agreed to – put and passed.

11 WILLIAMSDALE QUARRY

Mr Smyth (Leader of the Opposition), pursuant to notice, moved – That this Assembly calls on the ACT Government to provide, by close of business today, details of:

- (1) the process by which the sale of Williamsdale Quarry was achieved, including details of any public tenders that were sought and the responses to those tenders;
- (2) the sale of the Williamsdale quarry business and assets, including the sale price;
- (3) all parties who expressed interest in buying Totalcare’s share of the Williamsdale Quarry joint venture;
- (4) all parties who expressed interest in buying the Williamsdale Quarry joint venture business and assets;
- (5) the reasons why various parties were unsuccessful in their offers to purchase the Williamsdale Quarry business; and
- (6) any involvement and undertakings by Totalcare in the Williamsdale Quarry business after 30 June 2002.

Debate ensued.

Ms Dundas moved – That debate be adjourned.

Question – put.

The Assembly voted —

Ayes, 7

Mr Cornwell
Mrs Cross
Ms Dundas
Mrs Dunne

Mr Smyth
Mr Stefaniak
Ms Tucker

Noes, 6

Mr Berry
Mr Corbell
Ms MacDonald
Mr Quinlan

Mr Stanhope
Mr Wood

And so it was resolved in the affirmative.

Ordered – That the resumption of the debate be made an order of the day for the next sitting.

12 ADJOURNMENT NEGATIVED

It being 5 p.m. – The question was proposed – That the Assembly do now adjourn.

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

Question – put and negatived.

13 BIODIVERSITY – PROTECTION IN NEW DEVELOPMENTS

Ms Tucker, pursuant to notice, moved – That this Assembly:

(1) notes:

- (a) the importance of protecting biodiversity, threatened species and reducing the impact of greenfield development on important remnant woodland in the ACT; and
- (b) the options paper “Options for the Protection of Sensitive Fauna in Mulligan’s Flat and Gooroo Nature Reserve from the Impacts of Domestic Cats”, released by the Conservation Council of the South East Region and Canberra in November 2003; and

(2) calls on the Government to:

- (a) commit to making the new suburbs at Forde and Bonner cat free;
- (b) ensure that information about their commitment to this and/or any other restrictions be made well known in advertising the sale of blocks, at the auction, and where otherwise appropriate; and
- (c) report to this Assembly on progress at the next sitting.

Debate ensued.

Mrs Dunne, by leave, moved the following amendments together:

- (1) Sub-paragraph (2) (a), omit “Commit to”, substitute “Investigate”.
- (2) Sub-paragraphs (2) (b) and (c), omit the sub-paragraphs, substitute:
 - “(2) (b) given that there is increasing pressure for cat-free zones in all suburbs abutting nature reserves, conduct public consultation about the impact of cat-free zones; and
 - (c) report back to this Assembly by the last sitting day of June 2004.”.

Mrs Dunne, by leave, was granted an extension of time.

Debate continued.

Mr Stanhope (Minister for Environment), by leave, was granted an extension of time.

Debate continued.

Mrs Dunne, who had already spoken, by leave, again addressed the Assembly.

Question – That Mrs Dunne’s amendments be agreed to – put.

The Assembly voted —

Ayes, 4	Noes, 9	
Mr Cornwell	Mr Berry	Mr Quinlan
Mrs Dunne	Mr Corbell	Mr Stanhope
Mr Smyth	Mrs Cross	Ms Tucker
Mr Stefaniak	Ms Dundas	Mr Wood
	Ms MacDonald	

And so it was negatived.

Mr Stanhope moved the following amendment: Omit sub-paragraph 2 (a), substitute:

“(2) (a) ensure that cats are permanently confined to premises, either indoors, or if outdoors, in cat runs (enclosures) or by appropriate fencing, in the new suburbs of Forde and Bonner;”.

Ms Tucker, moved the following amendment to Mr Stanhope’s amendment: Omit the words “or by appropriate fencing”.

Debate continued.

Mr Smyth (Leader of the Opposition), by leave, moved – That debate be adjourned.

Question – put and negatived.

Debate continued.

Ms Tucker’s amendment to Mr Stanhope’s amendment agreed to.

Mr Stanhope’s amendment, as amended, agreed to.

Question proposed – That the motion, as amended, be agreed to.

Debate continued.

Question – put.

The Assembly voted —

Ayes, 9		Noes, 4
Mr Berry	Mr Quinlan	Mr Cornwell
Mr Corbell	Mr Stanhope	Mrs Dunne
Mrs Cross	Ms Tucker	Mr Smyth
Ms Dundas	Mr Wood	Mr Stefaniak
Ms MacDonald		

And so it was resolved in the affirmative.

Motion, as amended, agreed to, viz:

“That this Assembly:

- (1) notes:
 - (a) the importance of protecting biodiversity, threatened species and reducing the impact of greenfield development on important remnant woodland in the ACT; and
 - (b) the options paper “Options for the Protection of Sensitive Fauna in Mulligan’s Flat and Gooroo Nature Reserve from the Impacts of Domestic Cats”, released by the Conservation Council of the South East Region and Canberra in November 2003; and.
- (2) calls on the Government to:
 - (a) ensure that cats are permanently confined to premises, either indoors, or if outdoors, in cat runs (enclosures), in the new suburbs of Forde and Bonner;
 - (b) ensure that information about their commitment to this and/or any other restrictions be made well known in advertising the sale of blocks, at the auction, and where otherwise appropriate; and
 - (c) report to this Assembly on progress at the next sitting.”.

14 ADJOURNMENT

Mr Wood (Manager of Government Business) moved – That the Assembly do now adjourn.

Debate ensued.

Question – put and passed.

And then the Assembly, at 6.44 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS’ ATTENDANCE: All Members were present at some time during the sitting, except Mr Hargreaves (on leave).

T Duncan
Clerk of the Legislative Assembly