



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2012–2013–2014**

**MINUTES OF PROCEEDINGS**

**No. 56**

**TUESDAY, 13 MAY 2014**

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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 PLANNING, ENVIRONMENT AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—POSSIBLE BREACH OF PRIVILEGE—UNAUTHORISED DISCLOSURE—STATEMENT BY CHAIR**

Mr Gentleman (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Planning, Environment and Territory and Municipal Services had, at the request of the Speaker, considered the matter of a possible breach of privilege in relation to an authorised disclosure. The Chair further advised that the Committee was unable to identify the source of any unauthorised disclosure or determine whether it had caused substantial interference with its work on the relevant inquiry it was undertaking.

**3 JUSTICE AND COMMUNITY SAFETY (LEGISLATIVE SCRUTINY ROLE)—STANDING COMMITTEE—SCRUTINY REPORT 18—STATEMENT BY CHAIR**

Mr Doszpot (Chair) presented the following report:

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 18, dated 12 May 2014, together with the relevant minutes of proceedings—

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



**4 GUGAN GULWAN YOUTH ABORIGINAL CORPORATION—STATEMENT BY MINISTER**

Mr Rattenbury (Minister for Housing), by leave, made a statement regarding Gugan Gulwan Youth Aboriginal Corporation, pursuant to the resolution of the Assembly of 19 March 2014, as amended 10 April 2014.

**5 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 5—INQUIRY INTO APPROPRIATION BILL 2013-14 (NO. 2) AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2013-14 (NO. 2)—GOVERNMENT RESPONSE—PAPER NOTED**

Mr Barr (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 5—*Inquiry into Appropriation Bill 2013-14 (No. 2) and Appropriation (Office of the Legislative Assembly) Bill 2013-14 (No. 2)*—Government response—

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

Question—put and passed.

**6 APPROPRIATION BILL 2013-2014 (NO. 2)**

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.

**7 APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2013-2014 (NO. 2)**

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—

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.

**8 ROAD TRANSPORT (ALCOHOL AND DRUGS) 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.

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*Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Attorney-General), pursuant to standing order 182A(c), by leave, his amendments Nos. 1 to 3 (*see* [Schedule 1](#)) were made together, after debate.

*Papers:* Mr Corbell presented a supplementary explanatory statement to the Government amendments and a revised explanatory statement to the Bill.

Bill, as a whole, as amended, agreed to.

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

## 9 DISCHARGE OF ORDER OF THE DAY

Mr Corbell (Minister for the Environment and Sustainable Development), pursuant to standing order 152, moved—That order of the day No. 4, Executive business, relating to the Planning and Development (Project Facilitation) Amendment Bill 2014, be discharged from the *Notice Paper*.

Question—put and passed.

## 10 QUESTIONS

Questions without notice were asked.

## 11 PRESENTATION OF PAPER

The Speaker, pursuant to standing order 191, presented the following paper:

Standing order 191—Amendments—Justice and Community Safety Legislation Amendment Bill 2014, dated 12 May 2014.

## 12 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning an alleged breach of privilege raised by Mr Coe in relation to a possible unauthorised disclosure of the confidential proceedings of the Standing Committee on Planning, Environment and Territory and Municipal Services.

Having considered the matter, the Speaker stated that she was prepared to allow precedence to a motion under standing order 276(e).

## 13 PRIVILEGES 2014—SELECT COMMITTEE—PROPOSED ESTABLISHMENT

Mr Coe moved—That:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2014 be established to examine the circumstances surrounding information obtained by Mr Simon Corbell regarding the inquiry into the Planning and Development (Project Facilitation) Amendment Bill 2014 by the Standing Committee on Planning, Environment and Territory and Municipal Services;
- (2) the Committee shall report back to the Assembly by the first sitting week in August 2014; 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;  
to be notified to the Speaker by 4 pm this sitting.

Debate ensued.

Question—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.

#### **14 PRESENTATION OF PAPERS**

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

ACT Health Infrastructure Program—Implementation Plans—  
Canberra Hospital Emergency Department Paediatric Stream.  
Walk-In Centres in the ACT.

#### **15 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—PAPER AND STATEMENT BY MINISTER**

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—  
Financial quarter ending 31 March 2014—

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

#### **16 PRESENTATION OF PAPER**

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

Legislation Act, pursuant to section 64—Duties Act—Duties (Commercial Lease with  
Premium) Determination 2014 (No. 1)—Disallowable Instrument DI2014-49 (LR,  
17 April 2014), together with its explanatory statement.

#### **17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—INFRASTRUCTURE INVESTMENT AND TRANSFORMATIONAL PROJECTS**

The Assembly was informed that Ms Berry, Dr Bourke, Mr Coe, Mr Gentleman, Ms Lawder, Ms Porter 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 Ms Porter be submitted to the Assembly, namely, “The importance to ACT job generation and economic activity of infrastructure investment and transformational projects”.

Discussion ensued.

Discussion concluded.

**18 ADJOURNMENT**

Mr Barr (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 4.45 p.m., adjourned until tomorrow at 10 a.m.

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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

# SCHEDULE OF AMENDMENTS

## Schedule 1

### ROAD TRANSPORT (ALCOHOL AND DRUGS) AMENDMENT BILL 2013

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Amendments circulated by the Attorney-General

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1

Clause 5

Page 2, line 15—

*omit clause 5, substitute*

5

**Power to require alcohol screening test if vehicle not involved in accident—driver and driver trainer  
New sections 8 (1A) and (1B)**

*insert*

- (1A) The person must remain at the place where the alcohol screening test is being carried out until the test is completed in accordance with the police officer's directions.
- (1B) In addition, if an alcohol screening device is not immediately available and the police officer has reasonable cause to suspect that the person has alcohol in the person's body, the police officer may direct the person to remain at the place where the alcohol screening test is to be carried out for the time (not exceeding 30 minutes) reasonably necessary for an alcohol screening device to be made available and the test to be completed.

**Example—screening device not immediately available**

there is no working screening device at the place where the test is to be carried out

*Note 1* A person commits an offence if a person fails to comply with the direction of a police officer under this section—see s 22B (Failing to stay for screening test).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

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**2**  
**Clause 9**  
**Page 5, line 4—**

*omit clause 9, substitute*

**9**      **Power to require drug screening test if vehicle not  
involved in accident—driver and driver trainer**  
**New section 13A (2A)**

*insert*

- (2A) In addition, if a drug screening device is not immediately available and the police officer has reasonable cause to suspect that the person has a drug in the person's body, the police officer may direct the person to remain at the place where the drug screening test is to be carried out for the time (not exceeding 30 minutes) reasonably necessary for a drug screening device to be made available and the test to be completed.

**Example—screening device not immediately available**

there is no working screening device at the place where the test is to be carried out

*Note 1* A person commits an offence if a person fails to comply with the direction of a police officer under this section—see s 22B (Failing to stay for screening test).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

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**3**  
**Clause 15**  
**proposed new section 22B (1) (b)**  
**Page 9, line 3—**

*omit proposed new section 22B (1) (b), substitute*

- (b) the person fails to remain at the place where the screening test is to be, or is being, carried out until the test is completed in accordance with the police officer's directions.
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