2004–2005

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 17

TUESDAY, 3 MAY 2005

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 THE HON AL GRASSBY, AM

Mr Stanhope (Chief Minister) moved—That the Assembly expresses its deep regret at the death of the Hon Al Grassby, AM, former Minister for Immigration, former Member of the House of Representatives for Riverina and former Member for Murrumbidgee in the NSW Legislative Assembly and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Smyth (Leader of the Opposition), Dr Foskey, Mr Hargreaves, Mr Stefaniak, Ms MacDonald and Mr Pratt addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 SUSPENSION OF STANDING ORDERS—APPROPRIATION BILL 2005-2006 AND RATES AMENDMENT BILL 2005

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

(1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2005-2006 and the Rates Amendment Bill 2005;

(2) (a) questions without notice concluding at the time of interruption; or

(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—"That debate on the Appropriation Bill 2005-2006 be adjourned and the resumption of the debate be made an order of the day for the next sitting" is agreed to;

(3) at 3 p.m. on Thursday, 5 May 2005, the order of the day for resumption of debate on the question that the Appropriation Bill 2005-2006 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion—That the Bill be agreed to in principle; and

(4) (a) questions without notice concluding at the time of interruption; or

(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

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

4 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 8—NINTH AUSTRALASIAN AND PACIFIC CONFERENCE ON DELEGATED LEGISLATION AND SIXTH AUSTRALASIAN AND PACIFIC CONFERENCE ON THE SCRUTINY OF BILLS—PUBLICATION OF REPORT—REPORT NOTED

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 8—Ninth Australasian and Pacific Conference on Delegated Legislation and Sixth Australasian and Pacific Conference on the Scrutiny of Bills, dated 2 May 2005—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Stefaniak moved—That the report be noted.

Question—put and passed.

5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 9—MEETING OF WORKING GROUP OF CHAIRS AND DEPUTY CHAIRS—AUSTRALIAN SCRUTINY OF PRIMARY AND DELEGATED LEGISLATION COMMITTEES—PUBLICATION OF REPORT—REPORT NOTED

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 9—Meeting of Working Group of Chairs and Deputy Chairs—Australian Scrutiny of Primary and Delegated Legislation Committees, dated 2 May 2005—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Stefaniak moved—That the report be noted.

Question—put and passed.

6 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 10—STATEMENT BY CHAIR

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 10, dated 2 May 2005, together with the relevant minutes of proceedings—

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

7 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 6—DRAFT VARIATION TO THE TERRITORY PLAN NO. 237—DEAKIN SECTION 12 BLOCKS 9, 13 AND 19 EMBASSY MOTEL REDEVELOPMENT—PROPOSED RESIDENTIAL USE—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 6—*Draft Variation to the Territory Plan No. 237—Deakin Section 12 Blocks 9, 13 and 19 Embassy Motel Redevelopment—Proposed Residential Use*, dated May 2005, 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 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 5—DRAFT VARIATION TO THE TERRITORY PLAN NO. 244—DUFFY PART BLOCK 2 SECTION 56 STROMLO—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 5—*Draft Variation to the Territory Plan No. 244—Duffy part Block 2 Section 56 Stromlo*, dated May 2005, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

9 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 7—DRAFT VARIATION TO THE TERRITORY PLAN NO. 205—DEAKIN BLOCK 11 SECTION 68 (OASIS LEISURE CENTRE) PROPOSED OFFICE USE—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 7—*Draft Variation to the Territory Plan No. 205—Deakin Block 11 Section 68 (Oasis Leisure Centre) Proposed Office Use*, dated May 2005, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

10 STATUTE LAW AMENDMENT BILL 2005

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—

On the motion of Mr Stanhope (Attorney-General), his amendment No. 1 (*see* Schedule 1) was made.

Paper: Mr Stanhope presented a supplementary explanatory statement to the Government amendment.

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

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

11 PEST PLANTS AND ANIMALS BILL 2005

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.

Mrs Dunne, pursuant to standing order 174, moved—That the Bill be referred to the Standing Committee on Planning and Environment.

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.

12 QUESTIONS

Questions without notice were asked.

It being 3 p.m., business was interrupted pursuant to the order of the Assembly.

13 APPROPRIATION BILL 2005-2006

Mr Quinlan (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2005, and for other purposes.

Papers: Mr Quinlan presented the following papers:

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Budget 2005-2006—Financial Management Act, pursuant to section 10—

Speech (Budget paper No. 1).

Budget at a glance (Budget paper No. 2).

Budget overview (Budget paper No. 3).

Budget estimates—

Budget paper No. 4.

Budget paper No. 4—Appendix.

CD—Budget 2005-2006.

Supplementary budget paper—A guide to changes in 2005-06 Budget presentation.

Title read by Clerk.

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

Debate adjourned (Mr Smyth—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

14 RATES AMENDMENT BILL 2005

Mr Quinlan (Treasurer) presented a Bill for an Act to amend the *Rates Act 2004*.

Papers: Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Title read by Clerk.

Mr Quinlan 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.

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—

Long-term contracts:

Peter Garrison (2), dated 1 January and 8 April 2005.

Shane Gilbert, dated 5 April 2005.

Short-term contracts:

Brett Phillips, dated 23 December 2004.

David Collett, dated 22 April 2005.

Diane Spooner, dated 10 January 2005.

Diane Spooner.

Gordon Davidson, dated 31 March 2005.

Loretta Zamprogno (2), dated 2 February and 8 April 2005.

Meredith Whitten, dated 18 April 2005.

Pam Davoren.

Peter Garrisson, dated 10 February 2005.

Schedule D variations:

Clare Wall, dated 27 March 2005.

Geoff Keogh, dated 5 April 2005.

Megan Douglas, dated 19 April 2005.

Peter Ottesen, dated 6 and 14 March 2005—

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

16 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Administrative arrangements—Administrative Arrangements 2005 (No. 2)—Notifiable Instrument NI2005-153 (No. S2, Sunday, 1 May 2005).

17 PRESENTATION OF PAPERS

Mr Quinlan (Treasurer) presented the following papers:

Ownership agreements

2005-2006 Ownership agreements between the Treasurer and the Chief Executives and Executives from the following agencies:

ACT Forests, dated 26 April 2005.

ACT Health, dated 21 and 26 April 2005.

ACT Planning and Land Authority, dated 27 and 29 April 2005.

ACT Workcover, dated 21 and 26 April 2005.

Chief Minister's Department, dated 26 April 2005.

Department of Disability, Housing and Community Services, dated 20 and 26 April 2005.

Department of Economic Development, dated 20 and 26 April 2005.

Department of Education and Training, dated 27 April 2005.

Department of Justice and Community Safety, dated 21 and 26 April 2005.

Department of Treasury, dated 29 April 2005.

Department of Urban Services, dated 26 April 2005.

Emergency Services Authority, dated 26 April 2005.

InTACT, dated 26 and 27 April 2005.

Statements of Intent

Financial Management Act, pursuant to section 58—

ACT Gambling and Racing Commission, dated 26 April 2005.

ACT Health Promotion Board, dated 26 April 2005.

ACT Insurance Authority, dated 19 and 26 April 2005.

ACTION Authority, dated 26 April 2005.

ACT Public Cemeteries Board, dated 26 April 2005.

Australian Capital Tourism Corporation, dated 26 April 2005.

Australian International Hotel School, dated 20 and 26 April 2005.

Canberra Institute of Technology, dated 21 and 26 April 2005.

Cultural Facilities Corporation, dated 20 and 26 April 2005.

Exhibition Park in Canberra, dated 26 April 2005.

Independent Competition and Regulatory Commission, dated 27 April 2005.

Legal Aid Commission, dated 20 and 26 April 2005.

Public Trustee for the ACT, dated 26 April 2005.

Stadiums Authority, dated 21 and 26 April 2005.

Workers' Compensation Supplementation Fund, dated 26 April 2005.

Instruments

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds from ACT Health to the Office for Children, Youth and Family Support, including a statement of reasons, dated 21 and 26 April 2005.

Pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Urban Services to the Chief Minister's Department, including a statement of reasons, dated 20 April 2005.

Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Education and Training, including a statement of reasons, dated 13 April 2005.

18 PRESENTATION OF PAPERS

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

Performance reports

Financial Management Act, pursuant to section 30A—Quarterly departmental performance reports for the March quarter 2004-2005 for the following departments or agencies:

ACT Emergency Services Authority, dated April 2005.

ACT Health.

ACT Workcover, dated April 2005.

Attorney-General's Portfolio within Department of Justice and Community Safety.

Chief Minister's, dated April 2005.

Disability, Housing and Community Services, dated April 2005.

Economic Development, dated April 2005.

Education and Training, dated April 2005.

Office for Children, Youth and Family Support, dated April 2005.

Planning Portfolio within ACT Planning and Land Authority.

Planning Portfolio.

Police and Emergency Services' Portfolio within Department of Justice and Community Safety.

Treasury, dated April 2005.

Urban Services Portfolio.

Revised explanatory statements

Public Place Names Act—

Public Place Names (Bruce) Determination 2005 (No. 1)—Disallowable Instrument DI2005-23—Revised explanatory statement.

Public Place Names (Dunlop) Determination 2005 (No. 1)—Disallowable Instrument DI2005-20—Revised explanatory statement.

Public Place Names (Watson) Determination 2005 (No. 1)—Disallowable Instrument DI2005-22—Revised explanatory statement.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Domestic Violence Agencies Act—Domestic Violence (Prevention Council) Appointment 2005—Disallowable Instrument DI2005-41 (LR, 7 April 2005).

Electoral Act—Electoral Commissioner Appointment 2005—Disallowable Instrument DI2005-36 (LR, 31 March 2005).

Financial Management Act—Financial Management Amendment Guidelines 2005 (No. 1)—Disallowable Instrument DI2005-50 (LR, 28 April 2005).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-33 (without explanatory statement) (LR, 14 April 2005).

Hotel School Act—Hotel School Appointment 2005 (No. 1)—Disallowable Instrument DI2005-51 (LR, 19 April 2005).

Land (Planning and Environment) Act—Land (Planning and Environment) Criteria for Direct Grant of a Lease (City West Precinct) Determination 2005 (No. 1)—Disallowable Instrument DI2005-44 (LR, 6 April 2005).

Legal Aid Act—Legal Aid Commission Appointment 2005—Disallowable Instrument DI2005-53 (LR, 21 April 2005).

Liquor Act—Liquor Licensing Board Appointment Amendment 2005—Disallowable Instrument DI2005-54 (LR, 21 April 2005).

Nature Conservation Act—Nature Conservation (Species and Ecological Communities) Declaration 2005 (No. 1)—Disallowable Instrument DI2005-39 (LR, 11 April 2005).

Public Place Names Act—

Public Place Names (Duffy) Determination 2005 (No. 1)—Disallowable Instrument DI2005-57 (LR, 21 April 2005).

Public Place Names (Harrison) Determination 2005 (No. 1)—Disallowable Instrument DI2005-40 (LR, 7 April 2005).

Public Sector Management Act—

Public Sector Management Amendment Standard 2005 (No. 2)—Disallowable Instrument DI2005-38 (LR, 31 March 2005).

Public Sector Management Amendment Standard 2005 (No. 3)—Disallowable Instrument DI2005-46 (LR, 11 April 2005).

Public Sector Management Amendment Standard 2005 (No. 4)—Disallowable Instrument DI2005-49 (LR, 14 April 2005).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Operation of Sports Bookmaking Venues) Direction 2005 (No. 2)—Disallowable Instrument DI2005-48 (LR, 14 April 2005).

Rehabilitation of Offenders (Interim) Act—Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2005 (No. 1)—Disallowable Instrument DI2005-52 (LR, 21 April 2005).

Remand Centres Act—Remand Centres (Official Visitor) Appointment 2005—Disallowable Instrument DI2005-56 (LR, 14 April 2005).

Residential Tenancies Act—Residential Tenancies (Tribunal) Selection 2005—Disallowable Instrument DI2005-26 (LR, 30 March 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 6)—Disallowable Instrument DI2005-45 (LR, 8 April 2005).

Road Transport (General) (Parking Ticket Fees) Declaration 2005 (No. 1)—Disallowable Instrument DI2005-43 (LR, 7 April 2005).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares Determination 2005 (No. 2)—Disallowable Instrument DI2005-47 (LR, 11 April 2005).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-7 (LR, 8 April 2005).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2005 (No. 2)—Disallowable Instrument DI2005-55 (LR, 18 April 2005).

Surveyors Act—Surveyors (Commissioner for Surveys) Appointment 2005 (No. 1)—Disallowable Instrument DI2005-42 (LR, 5 April 2005).

Tertiary Accreditation and Registration Act—Tertiary Accreditation and Registration Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-6 (LR, 24 March 2005).

Utilities Act—Utilities (Gas Restrictions) Regulation 2005—Subordinate Law SL2005-8 (LR, 13 April 2005).

19 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 3.49 p.m., adjourned until tomorrow at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

STATUTE LAW AMENDMENT BILL 2005

Amendment circulated by the Attorney-General

1
Schedule 1
Part 1.5
Page 16, line 1—

omit