



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008

MINUTES OF PROCEEDINGS

No. 1

WEDNESDAY, 5 NOVEMBER 2008

The Legislative Assembly for the Australian Capital Territory convened at 10.00 a.m. in the Legislative Assembly Chamber, Canberra, on Wednesday, 5 November 2008.

- 1 On which day, being the first day of the meeting of the Seventh Assembly for the despatch of business pursuant to a Notice of the Speaker, Thomas Duncan, Clerk of the Legislative Assembly, Maximilian Michael Kiermaier, Deputy Clerk and Serjeant-at-Arms and Janice Margaret Rafferty, Clerk Assistant, attending in the Assembly according to their duty, the said Notice was read at the Table by the Clerk:

**NOTICE CONVENING THE FIRST MEETING OF THE SEVENTH
LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

Pursuant to subsection 17(2) of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth), I, Wayne Bruce Berry, Speaker of the Legislative Assembly for the Australian Capital Territory, do by this Notice convene the first meeting of the Seventh Legislative Assembly for the Australian Capital Territory at 10.00 a.m. on Wednesday, 5 November 2008, in the Chamber of the Legislative Assembly, Canberra, in the Australian Capital Territory.

Dated 29 October 2008

WAYNE BRUCE BERRY
Speaker, Legislative Assembly
for the Australian Capital Territory

2 OATH OR AFFIRMATION OF ALLEGIANCE

The Clerk informed the Assembly of the requirements under section 9 of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth) and section 6A of the *Oaths and Affirmations Act 1984* for Members to make and subscribe an oath or affirmation before the Chief Justice of the Supreme Court of the Australian Capital Territory.

The Honourable Terence John Higgins, Chief Justice of the Supreme Court of the Australian Capital Territory, entered the Chamber and was escorted by the Serjeant-at-Arms to the Chair.

3 NOTIFICATION OF CANDIDATES ELECTED

The Clerk laid on the Table the instrument, dated 29 October 2008, notifying the names of candidates elected to the Legislative Assembly for the Australian Capital Territory at the general election held on 18 October 2008, which showed that the following had been elected:

Electorate of Brindabella:

Brendan Smyth
Steve Doszpot
Amanda Bresnan
John Hargreaves
Joy Burch

Electorate of Ginninderra:

Jon Stanhope
Meredith Hunter
Alistair Coe
Mary Porter
Vicki Dunne

Electorate of Molonglo:

Zed Seselja
Katy Gallagher
Shane Rattenbury
Andrew Barr
Jeremy Hanson
Simon Corbell
Caroline Le Couteur.

4 OATHS OR AFFIRMATIONS OF ALLEGIANCE BY MEMBERS

The Members, whose names are set out above, made and subscribed an oath or affirmation of allegiance as required by law.

His Honour Mr Justice Higgins retired.

5 ELECTION OF SPEAKER

Ms Hunter, addressing herself to the Clerk, proposed Mr Rattenbury to the Assembly for its Speaker, and moved—That Mr Rattenbury take the Chair of the Assembly as Speaker.

Mr Rattenbury informed the Assembly that he accepted the nomination.

Mr Seselja, addressing himself to the Clerk, proposed Mrs Dunne to the Assembly for its Speaker, and moved—That Mrs Dunne take the Chair of the Assembly as Speaker.

Mrs Dunne informed the Assembly that she accepted the nomination.

There being no further proposal, the time for proposals expired.

The Assembly proceeded to ballot; and the ballot being concluded, the Clerk reported the result, as follows:

Mrs Dunne—6 votes

Mr Rattenbury—11 votes.

Mr Rattenbury was declared elected as Speaker, and he was escorted to the Chair.

6 ELECTION OF CHIEF MINISTER

Ms Gallagher proposed Mr Stanhope to the Assembly as Chief Minister, and moved—That Mr Stanhope be elected Chief Minister for the Territory.

Mr Stanhope informed the Assembly that he accepted the nomination.

Mr Smyth proposed Mr Seselja to the Assembly as Chief Minister, and moved—That Mr Seselja be elected Chief Minister for the Territory.

Mr Seselja informed the Assembly that he accepted the nomination.

There being no further proposal, the time for proposals expired.

The Assembly proceeded to ballot; and the ballot being concluded, the Speaker reported the result, as follows:

Mr Seselja—6 votes

Mr Stanhope—11 votes

Mr Stanhope was declared elected as Chief Minister.

Mr Stanhope (Chief Minister), by leave, made a statement concerning his election as Chief Minister.

7 LEADER OF THE OPPOSITION—CONSENT—STATEMENT BY MEMBER

Mr Seselja gave his consent to his appointment as Leader of the Opposition and, by leave, made a statement concerning his appointment.

8 A.C.T. GREENS—STATEMENT BY MEMBER

Ms Hunter, as Parliamentary Convenor of the ACT Greens, by leave, made a statement.

9 ELECTION OF DEPUTY SPEAKER

Mr Corbell proposed Ms Porter to the Assembly as Deputy Speaker, and moved—That Ms Porter be elected Deputy Speaker.

Ms Porter informed the Assembly that she accepted the nomination.

Mr Seselja (Leader of the Opposition) proposed Mrs Dunne to the Assembly as Deputy Speaker, and moved—That Mrs Dunne be elected Deputy Speaker.

Mrs Dunne informed the Assembly that she accepted the nomination.

There being no further proposal, the time for proposals expired.

The Assembly proceeded to ballot; and the ballot being concluded, the Speaker reported the result, as follows:

Mrs Dunne—6 votes

Ms Porter—11 votes

Ms Porter was declared elected as Deputy Speaker.

10 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act—Auditor-General's Reports Nos.:

5/2008—Administration of the *Freedom of Information Act 1989*, dated 16 September 2008.

6/2008—Annual Report 2007-08, dated 29 September 2008.

11 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

ACT Civil and Administrative Tribunal Legislation Amendment Act—ACT Civil and Administrative Tribunal (Commencement) Determination 2008—Disallowable Instrument DI2008-263 (without explanatory statement) (LR, 16 October 2008).

Animal Diseases Act—Animal Diseases (Exotic Disease Quarantine Area) Revocation 2008 (No. 1)—Disallowable Instrument DI2008-209 (LR, 21 August 2008).

Animal Welfare Act—

Animal Welfare (Animal Boarding Establishments) Code of Practice 2008—Disallowable Instrument DI2008-234 (LR, 11 September 2008).

Animal Welfare (Animal Boarding Establishments) Code of Practice 2008 (No. 2)—Disallowable Instrument DI2008-247 (LR, 22 September 2008).

Children and Young People Act—Children and Young People (Visiting Conditions) Declaration 2008—Disallowable Instrument DI2008-231 (LR, 8 September 2008).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2008 (No. 1)—Disallowable Instrument DI2008-265 (LR, 17 October 2008).

Corrections Management Act—Corrections Management (Official Visitor) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-253 (LR, 29 September 2008).

Court Procedures Act—Court Procedures Amendment Rules 2008 (No. 2)—Subordinate Law SL2008-44 (LR, 29 September 2008).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2008 (No. 3)—Disallowable Instrument DI2008-262 (LR, 9 October 2008).

Duties Act—

Duties (Stock Exchanges) Declaration 2008—Disallowable Instrument DI2008-223 (LR, 28 August 2008).

Duties (Transitional Provisions) Regulation 2008—Subordinate Law SL2008-38 (LR, 11 September 2008).

Electoral Act—Electoral Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-43 (LR, 18 September 2008).

Emergencies Act—

Emergencies (Bushfire Council Members) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-221 (LR, 27 August 2008).

Emergencies (Bushfire Council Members) Appointment 2008 (No. 3)—Disallowable Instrument DI2008-222 (LR, 27 August 2008).

Environment Protection Act—Environment Protection (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-230 (LR, 8 September 2008).

Financial Management Act—Financial Management (Credit Facility) Approval 2008 (No. 1)—Disallowable Instrument DI2008-236 (LR, 11 September 2008).

Gambling and Racing Control Act—

Gambling and Racing Control (Government Board) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-237 (LR, 17 September 2008).

Gambling and Racing Control (Government Board) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-238 (LR, 11 September 2008).

Health Act—

Health (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-261 (LR, 13 October 2008).

Health (Interest Charge) Determination 2008 (No. 1)—Disallowable Instrument DI2008-212 (LR, 21 August 2008).

Health Professionals Act—

Health Professionals (Fees) Determination 2008 (No. 5)—Disallowable Instrument DI2008-216 (LR, 25 August 2008).

Health Professionals (Fees) Determination 2008 (No. 6)—Disallowable Instrument DI2008-229 (LR, 4 September 2008).

Health Professionals Regulation—Health Professionals (Medical Radiation Scientists Board) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-213 (LR, 21 August 2008).

Heritage Act—Heritage (Council Chairperson) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-252 (LR, 29 September 2008).

Liquor Act—Liquor Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-39 (LR, 11 September 2008).

Long Service Leave (Building and Construction Industry) Act—Long Service Leave (Building and Construction Industry) Governing Board Appointment 2008 (No. 5)—Disallowable Instrument DI2008-239 (LR, 11 September 2008).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Regulation 2008—Subordinate Law SL2008-42 (LR, 15 September 2008).

Planning and Development Act—Planning and Development Amendment Regulation 2008 (No. 4)—Subordinate Law SL2008-41 (LR, 15 September 2008).

Public Place Names Act—

Public Place Names (Amaroo) Determination 2008 (No. 1)—Disallowable Instrument DI2008-251 (LR, 25 September 2008).

Public Place Names (Braddon and Reid) Determination 2008 (No. 1)—Disallowable Instrument DI2008-242 (LR, 18 September 2008).

Public Place Names (Forde) Determination 2008 (No. 2)—Disallowable Instrument DI2008-226 (LR, 1 September 2008).

Public Place Names (Forde) Determination 2008 (No. 3)—Disallowable Instrument DI2008-254 (LR, 2 October 2008).

Public Place Names (Hume) Determination 2008 (No. 1)—Disallowable Instrument DI2008-243 (LR, 18 September 2008).

Public Sector Management Act—Public Sector Management Amendment Standards 2008 (No. 3)—Disallowable Instrument DI2008-215 (LR, 21 August 2008).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Operation of Sports Bookmaking Venues) Direction 2008 (No. 1)—Disallowable Instrument DI2008-249 (LR, 25 September 2008).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2008 (No. 2)—Disallowable Instrument DI2008-211 (LR, 21 August 2008).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2008 (No. 3)—Disallowable Instrument DI2008-250 (LR, 25 September 2008).

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2008 (No. 2)—Disallowable Instrument DI2008-210 (LR, 21 August 2008).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2008 (No. 2)—Disallowable Instrument DI2008-248 (LR, 25 September 2008).

Racing Act—

Racing Appeals Tribunal Appointment 2008 (No. 1)—Disallowable Instrument DI2008-255 (LR, 2 October 2008).

Racing Appeals Tribunal Appointment 2008 (No. 2)—Disallowable Instrument DI2008-256 (LR, 2 October 2008).

Racing Appeals Tribunal Appointment 2008 (No. 3)—Disallowable Instrument DI2008-257 (LR, 2 October 2008).

Racing Appeals Tribunal Appointment 2008 (No. 4)—Disallowable Instrument DI2008-258 (LR, 2 October 2008).

Racing Appeals Tribunal Appointment 2008 (No. 5)—Disallowable Instrument DI2008-259 (LR, 2 October 2008).

Residential Tenancies Act—Residential Tenancies Tribunal Selection 2008 (No. 3)—Disallowable Instrument DI2008-244 (LR, 22 September 2008).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 7)—Disallowable Instrument DI2008-232 (LR, 11 September 2008).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 8)—Disallowable Instrument DI2008-246 (LR, 22 September 2008).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 9)—Disallowable Instrument DI2008-264 (LR, 20 October 2008).

Road Transport (General) (Vehicle Registration) Exemption 2008 (No. 1)—Disallowable Instrument DI2008-240 (LR, 11 September 2008).

Road Transport (General) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-36 (LR, 21 August 2008).

Road Transport (Offences) Regulation—Road Transport (Offences) Application to Holiday Period Declaration 2008 (No. 1)—Disallowable Instrument DI2008-214 (LR, 21 August 2008).

Road Transport (Public Passenger Services) Act—

Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2008 (No. 2)—Disallowable Instrument DI2008-233 (LR, 11 September 2008).

Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2008 (No. 2)—Disallowable Instrument DI2008-235 (LR, 11 September 2008).

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2008 (No. 3)—Disallowable Instrument DI2008-228 (LR, 29 August 2008).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-40 (LR, 11 September 2008).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No. 7)—Disallowable Instrument DI2008-260 (LR, 3 October 2008).

Road Transport (Third-Party Insurance) Act—Road Transport (Third-Party Insurance) Regulation 2008—Subordinate Law SL2008-37 (LR, 25 August 2008).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Duty) Determination 2008 (No. 1)—Disallowable Instrument DI2008-220 (LR, 28 August 2008).

Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2008 (No. 1)—Disallowable Instrument DI2008-219 (LR, 28 August 2008).

Training and Tertiary Education Act—

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2008 (No. 4)—Disallowable Instrument DI2008-217 (LR, 28 August 2008).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2008 (No. 5)—Disallowable Instrument DI2008-218 (LR, 28 August 2008).

University of Canberra Act—

University of Canberra Council Appointment 2008 (No. 1)—Disallowable Instrument DI2008-266 (LR, 20 October 2008).

University of Canberra Council Appointment 2008 (No. 2)—Disallowable Instrument DI2008-267 (LR, 20 October 2008).

University of Canberra Council Appointment 2008 (No. 3)—Disallowable Instrument DI2008-268 (LR, 20 October 2008).

University of Canberra Council Appointment 2008 (No. 4)—Disallowable Instrument DI2008-269 (LR, 20 October 2008).

University of Canberra Council Appointment 2008 (No. 5)—Disallowable Instrument DI2008-270 (LR, 20 October 2008).

University of Canberra Council Appointment 2008 (No. 6)—Disallowable Instrument DI2008-271 (LR, 20 October 2008).

Utilities Act—

Utilities (Dam Safety Code) Variation Determination 2008 (No. 1)—Disallowable Instrument DI2008-241 (LR, 11 September 2008).

Utilities (Energy and Water Consumer Council) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-245 (LR, 22 September 2008).

Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-224 (LR, 28 August 2008).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-225 (LR, 28 August 2008).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2008 (No. 3)—Disallowable Instrument DI2008-227 (LR, 1 September 2008).

12 DAYS AND TIMES OF NEXT MEETINGS

Mr Stanhope (Chief Minister) moved—That the Assembly, at its rising, adjourn until 10.30 a.m. on Tuesday, 9 December 2008 and fix Wednesday, 10 December 2008 and Thursday, 11 December 2008 as sitting days of the Assembly, commencing at 10.30 a.m.

Question—put and passed.

13 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 10.58 a.m., adjourned until Tuesday, 9 December 2008 at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly