

**1998-1999-2000-2001**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 114**

**TUESDAY, 27 FEBRUARY 2001**

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- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Cornwell) 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 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – INQUIRY – DEFAMATION BILL 1999 – ALTERATION TO REPORTING DATE**

Mr Hargreaves (Deputy Chair), by leave, moved – That the resolution of the Assembly of 31 August 2000, as amended on 30 November 2000, referring the Defamation Bill 1999 to the Standing Committee on Justice and Community Safety for inquiry and report, be amended by omitting “last sitting day of February 2001” and substituting “1 May 2001”.

Question – put and passed.

- 3 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 2 OF 2001 – STATEMENT BY DEPUTY CHAIR**

Mr Hargreaves (Deputy Chair), by leave, presented the following report:

Justice and Community Safety – Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Scrutiny Report No. 2 of 2001, dated 27 February 2001 –

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

- 4 COURT SECURITY BILL 2000**

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 – put.

The Assembly voted -

Ayes, 9

Noes, 7

Mrs Burke	Mr Moore	Mr Berry	Ms Tucker
Mr Cornwell	Mr Rugendyke	Mr Corbell	Mr Wood
Mr Hird	Mr Smyth	Mr Hargreaves	
Mr Humphries	Mr Stefaniak	Mr Quinlan	
Mr Kaine		Mr Stanhope	

And so it was resolved in the affirmative – Bill agreed to in principle.

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*Detail stage*

Clauses 1 to 4, by leave, taken together –

Debate adjourned (Mr Stefaniak – Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

**5 LEGISLATION (ACCESS AND OPERATION) BILL 2000**

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 adjourned (Mr Rugendyke) and the resumption of the debate made an order of the day for the next sitting.

**6 LEGISLATION (ACCESS AND OPERATION) (CONSEQUENTIAL PROVISIONS) BILL 2000**

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 adjourned (Mr Rugendyke) and the resumption of the debate made an order of the day for the next sitting.

**7 LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 2000**

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 -

*Paper:* Mr Stefaniak (Attorney-General) presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Stefaniak, by leave, his amendments Nos 1 and 2 (*see* Schedule 1) were made.

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

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

## **8 STATUTE LAW AMENDMENT BILL 2000 (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.

## **9 SALE OF MOTOR VEHICLES AMENDMENT BILL 2000**

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.

## **10 QUESTIONS**

Questions without notice being asked –

*Papers:* Mr Moore (Minister for Health, Housing and Community Services) presented the following papers:

Nursing – Staff agreements – Copies of:

Comparison of “rostering flexibility” clauses in negotiated agreements to implement the ACT Government’s nursing offer.

Variation to the *Calvary Hospital Nursing Services Certified Agreement 2000-2001*.

Variations to The Canberra Hospital Nursing Staff Agreement [Version 4].

Questions continued.

Questions concluded.

*Papers:* Mr Humphries (Treasurer), presented the following papers:

Project Saul – Answer to question without notice asked of Mr Humphries by Mr Rugendyke and taken on notice on 15 February 2001.

Telstra's pricing regime for supply of broadband services via ADSL technology – Answer to question without notice asked of Mr Humphries by Mr Stanhope (Leader of the Opposition) and taken on notice on 15 February 2001.

ACTEW's investment in TransACT – Answer to question without notice asked of Mr Humphries by Mr Osborne and taken on notice on 14 February 2001.

#### **11 LEAVE OF ABSENCE TO MEMBER**

Mr Humphries (Chief Minister) moved - That leave of absence for today, 27 February 2001, be given to Mr Osborne.

Question - put and passed.

#### **12 MANUKA BUSINESS CENTRE – CAR PARKING – PAPERS AND STATEMENT BY MEMBER**

Mr Quinlan, by leave, presented the following papers:

Manuka business centre – Car parking restrictions – Copies of:

Letter from General Manager, Dick Smith Investments Pty Ltd & Associated Companies, dated 19 February 2001 to Mr Brendan Smyth, MLA.

Extract of letter from Director, Manuka Plaza Nominees Pty Ltd to Mr Brendan Smyth, MLA.

Fax from Chairman, Manuka Business Association, dated 15 February 2000 to Mr Brendan Smyth MLA –

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

#### **13 CROATIA DEAKIN SOCCER CLUB – STATEMENT BY MINISTER**

Mr Smyth (Minister for Urban Services), by leave, made a statement concerning the granting of a lease to Croatia Deakin Soccer Club following a question asked previously by Ms Tucker.

#### **14 LEGISLATIVE ASSEMBLY (BROADCASTING OF PROCEEDINGS) ACT – AUTHORITY TO BROADCAST**

The Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8 – Authority to broadcast proceedings in relation to:

A public hearing of the Standing Committee on Justice and Community Safety for its inquiry on 20 February 2001 into the Defamation Bill 1999, dated 19 February 2001.

Public hearings of the Standing Committee on Planning and Urban Services for its inquiries into:

2001-02 Draft Budget on 16 and 19 March 2001.

Proposed South Bruce Development on 30 March 2001.

Turner, section 47 on 6 April 2001.

Public hearing of the Standing Committee on Justice and Community Safety for its inquiry on 9 and 14 March 2001 into the 2001-02 Draft Budget.

Public hearing of the Standing Committee on Education, Community Services and Recreation on 5 and 15 March 2001 for its inquiry into the 2001-02 Draft Budget – dated 26 February 2001.

**15 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 57 – RURAL RESIDENTIAL DEVELOPMENT AS LAND USE – GOVERNMENT RESPONSE – MOTION TO TAKE NOTE OF PAPER**

Mr Smyth (Minister for Urban Services) presented the following paper:

Planning and Urban Services – Standing Committee – Report No. 57 – Proposals for the establishment of rural residential development as a land use (*presented 28 November 2000*) – Government response –

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

Debate adjourned (Mr Hargreaves) and the resumption of the debate made an order of the day for the next sitting.

**16 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 58 – VARIATION NO. 64 TO THE TERRITORY PLAN: LATHAM SHOPS – GOVERNMENT RESPONSE – PAPER NOTED**

Mr Smyth (Minister for Urban Services) presented the following paper:

Planning and Urban Services – Standing Committee – Report No. 58 – Monitoring the implementation of Variation No. 64 to the Territory Plan: Latham Shops (*presented 28 November 2000*) – Government response –

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

Question – put and passed.

**17 PRESENTATION OF PAPERS**

Mr Smyth (Minister for Business, Tourism and the Arts) presented the following papers:

Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3) – Canberra Tourism and Events Corporation – Quarterly reports for:

July to September 2000.

October to December 2000.

**18 PRESENTATION OF PAPER**

Mr Smyth (Minister for Urban Services) presented the following paper:

Croatia Deakin Soccer Club – Block 2, section 33 Deakin – Copy of Recommendation from the Conservator, pursuant to section 209 of the *Land (Planning and Environment) Act 1991*, to issue a lease to Croatia Deakin Football Club Incorporated for the purpose of an outdoor recreation facility, dated 19 February 2001.

## **19 SUBORDINATE LEGISLATION (INCLUDING EXPLANATORY STATEMENTS UNLESS OTHERWISE STATED) AND A COMMENCEMENT PROVISION – PAPERS**

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

Agents Act – Declaration – Qualification for travel agent – Instrument No. 9 of 2001 (No. 7, dated 15 February 2001).

Building Act – Revocation and adoption of the Building Code and the Australian Capital Territory Appendix – Instrument No. 379 of 2000 (No. 2, dated 11 January 2001).

Children and Young People Act – Appointments to the Childrens Services Council –

Chairperson – Instrument No. 11 of 2001 (No. 7, dated 15 February 2001).

Members – Instruments Nos 12 to 16 (inclusive) (No. 7, dated 15 February 2001).

Construction Practitioners Registration Act – Construction Practitioners Registration Regulations Amendment – Subordinate Law 2001 No 4 (No. 7, dated 15 February 2001).

*Construction Practitioners Registration Amendment Act 2000* – Notice of commencement (15 February 2001) of remaining provisions (No. 7, dated 15 February 2001).

Dog Control Act – Determination of fees – Instrument No. 19 of 2001 (No. 8, dated 22 February 2001).

Health and Community Care Services Act – Appointments to the Health and Community Care Service Board – Chair and Member – Instrument No. 10 of 2001 (No. 7, dated 15 February 2001).

Public Place Names Act – Determination of street nomenclature – Conder – Instrument No. 17 of 2001 (No. 7, dated 15 February 2001).

Territory Superannuation Provision Protection Act – Authorisation – Instrument No. 18 of 2001 (S5, dated 13 February 2001).

Vocational Education and Training Act – Determination of fees – Instrument No. 20 of 2001 (No. 8, dated 15 February 2001).

## **20 ADJOURNMENT**

Mr Moore (Manager of Government Business) moved - That the Assembly do now adjourn.

*Papers:* Mr Hargreaves, by leave, presented the following papers:

Bus shelter – Barrington Gardens, Gordon – Copies of:

Letter from Minister for Urban Services, dated 10 December 1999 to Mr John Hargreaves, MLA.

Survey for Bus Shelter and recommendations, dated 28 and 29 July 1999.

Debate ensued.

Question - put and passed.

And then the Assembly, at 3.50 p.m., adjourned until tomorrow at 10.30 a.m.

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

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**M J McRAE**  
Clerk of the Legislative Assembly

Schedule 1**LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 2000**

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Amendments circulated by Attorney-General

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**1****Clause 4****Proposed new subsection 15 (6)****Page 3, line 17—**

Omit “10 May 1991”, substitute “6 December 1991”.

**2****Schedule 2****Amendment 2.12****Proposed new subsection 11 (2)****Page 11, line 25—**

Omit “10 May 1991”, substitute “6 December 1991”.

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