



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 136

TUESDAY, 8 APRIL 2008

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 **LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 53—STATEMENT BY DEPUTY CHAIR**

Ms MacDonald (Deputy Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 53, dated 7 April 2008, together with the relevant minutes of proceedings—

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

3 **PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 13—INQUIRY INTO LAND VALUATION IN THE AUSTRALIAN CAPITAL TERRITORY—PUBLICATION OF REPORT—REPORT NOTED**

Dr Foskey (Chair) presented the following report:

Public Accounts—Standing Committee—Report 13—*Inquiry into Land Valuation in the Australian Capital Territory*, dated 18 March 2008, together with a copy of the extracts of the relevant minutes of proceedings—

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

Question—put and passed.

Dr Foskey moved—That the report be noted.

Question—put and passed.

4 WATER RESOURCES (VALIDATION OF FEES) BILL 2008

Mr Corbell (Attorney-General), on behalf of the Minister for the Environment, Water and Climate Change, by leave, presented a Bill for an Act to validate certain fees.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 8 April 2008.

Title read by Clerk.

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

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

5 HUMAN CLONING AND EMBRYO RESEARCH AMENDMENT BILL 2007

The Assembly, according to order, resumed consideration at the detail stage.

Detail Stage

Clause 7—

Consideration resumed on Mrs Dunne's amendments Nos. 1 and 3 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

<p style="text-align: center;">AYES, 4</p> <p>Mrs Burke Mrs Dunne Mr Mulcahy Mr Smyth</p>	<p style="text-align: center;">NOES, 8</p> <p>Mr Barr Mr Berry Mr Corbell Dr Foskey Ms Gallagher Mr Gentleman Mr Hargreaves Ms MacDonald</p>
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And so it was negatived.

Mrs Dunne, by leave, moved her amendments Nos. 2 and 4 together (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

<p style="text-align: center;">AYES, 5</p> <p>Mrs Burke Mrs Dunne Mr Mulcahy Mr Pratt</p>	<p style="text-align: center;">NOES, 8</p> <p>Mr Barr Mr Berry Mr Corbell Dr Foskey Mr Smyth Ms Gallagher Mr Gentleman Mr Hargreaves Ms MacDonald</p>
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And so it was negatived.

Clause 7 agreed to.

Clauses 8 to 12, by leave, taken together and agreed to.

Clauses 13 to 15, by leave, taken together and agreed to.

Clause 16 agreed to

Proposed new clause—

Mrs Dunne moved her amendment No. 9 (*see* [Schedule 1](#)), which inserts a new clause 16A in the Bill.

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 7	
Mrs Burke	Mr Pratt	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Smyth	Mr Berry	Mr Hargreaves
Dr Foskey		Mr Corbell	Ms MacDonald
Mr Mulcahy		Ms Gallagher	

And so it was negatived.

Clauses 17 to 36, by leave, taken together and agreed to.

Proposed new clause—

Dr Foskey moved her amendment No. 1 (*see* [Schedule 2](#)), which inserts a new clause 36A in the Bill.

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 7	
Mrs Burke	Mr Seselja	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Smyth	Mr Berry	Mr Hargreaves
Dr Foskey		Mr Corbell	Ms MacDonald
Mr Mulcahy		Ms Gallagher	

And so it was negatived.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

6 UNIT TITLES AMENDMENT BILL 2007

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 GENE TECHNOLOGY AMENDMENT BILL 2007

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 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.

8 QUESTIONS

Questions without notice were asked.

9 CULTURAL FACILITIES CORPORATION ACT—CULTURAL FACILITIES CORPORATION—QUARTERLY REPORT 2007-2008—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Minister for the Arts) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2007-2008 (1 October to 31 December 2007)—

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

10 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008—REVISED EXPLANATORY STATEMENT

Mr Corbell (Attorney-General) presented the following paper:

Justice and Community Safety Legislation Amendment Bill 2008—Revised explanatory statement.

11 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-6 (LR, 11 March 2008).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-34 (LR, 6 March 2008).

Canberra Institute of Technology (Advisory Council) Appointment 2008 (No. 2)—Disallowable Instrument DI2008-35 (LR, 6 March 2008).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-46 (LR, 31 March 2008).

First Home Owner Grant Act—First Home Owner Grant Regulation 2008—Subordinate Law SL2008-4 (LR, 11 March 2008).

Gas Safety Act—Gas Safety (Provision of Compliance Indicator and Certificate of Compliance) Code of Practice 2008—Disallowable Instrument DI2008-41 (LR, 27 March 2008).

Housing Assistance Act—Housing Assistance Regulation 2008—Subordinate Law SL2008-7 (LR, 18 March 2008).

Legal Profession Act—Legal Profession Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-13 (LR, 31 March 2008).

Magistrates Court Act—

Magistrates Court (Building Infringement Notices) Regulation 2008—Subordinate Law SL2008-10 (LR, 28 March 2008).

Magistrates Court (Occupational Health and Safety Infringement Notices) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-9 (LR, 31 March 2008).

Magistrates Court (Planning and Development Infringement Notices) Regulation 2008—Subordinate Law SL2008-11 (LR, 28 March 2008).

Pest Plants and Animals Act—Pest Plants and Animals (Pest Plants) Declaration 2008 (No. 1)—Disallowable Instrument DI2008-44 (LR, 31 March 2008).

Planning and Development Act—

Planning and Development (Fees) Determination 2008 (No. 1)—Disallowable Instrument DI2008-42 (LR, 27 March 2008).

Planning and Development (Fees) Determination 2008 (No. 2)—Disallowable Instrument DI2008-43 (LR, 28 March 2008).

Public Place Names Act—Public Place Names (Kingston) Determination 2008 (No. 1)—Disallowable Instrument DI2008-36 (LR, 13 March 2008).

Residential Tenancies Act—Residential Tenancies Tribunal Selection 2008—Disallowable Instrument DI2008-40 (LR, 27 March 2008).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-5 (LR, 11 March 2008).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 3)—Disallowable Instrument DI2008-38 (LR, 18 March 2008).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 4)—Disallowable Instrument DI2008-45 (LR, 28 March 2008).

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) (Authorised Fixed Fare Hiring) Approval 2008 (No. 2)—Disallowable Instrument DI2008-39 (LR, 20 March 2008).

Taxation Administration Act—Taxation Administration (Amounts payable—Utilities (Network Facilities Tax)) Determination 2008 (No. 1)—Disallowable Instrument DI2008-37 (LR, 13 March 2008).

12 ROADSIDE DRUG TESTING—MINISTERIAL STATEMENT—PAPER NOTED

Mr Hargreaves (Minister for Territory and Municipal Services), by leave, made a ministerial statement concerning roadside drug testing and presented the following paper:

Roadside drug testing—Ministerial statement, 8 April 2008.

Mr Hargreaves moved—That the Assembly takes note of the paper.

Debate ensued.

Paper: Mrs Burke, by leave, presented the following paper:

Roadside drug testing—Briefing—Letter to Mr Pratt from Mr Hargreaves, dated 7 April 2008.

Mr Smyth moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

And so it was negatived.

Debate continued.

Question—put and passed.

13 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—RUDD RAZOR GANG CUTS—IMPACT ON JOBS AND BUSINESS IN THE A.C.T.

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak 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 Mr Smyth be submitted to the Assembly, namely, “The adverse impact of the Rudd razor gang cuts on jobs and business in the ACT.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

14 GENE TECHNOLOGY AMENDMENT BILL 2007

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.

Ms Gallagher (Minister for Health) addressing the Assembly—

Adjournment negatived: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Ms Gallagher requiring the question to be forthwith without debate—
Question—put and negatived.

Debate continued.

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.

15 ADJOURNMENT

Ms Gallagher (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.23 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

SCHEDULES OF AMENDMENTS

Schedule 1

HUMAN CLONING AND EMBRYO RESEARCH AMENDMENT BILL 2007

Amendments circulated by Mrs Vicki Dunne

1

Clause 7

Proposed new section 11A

Page 5, line 21—

insert

**11A Offence—creating or developing human embryo
 containing genetic material provided by more than
 2 people**

A person commits an offence if—

- (a) the person intentionally creates or develops a human embryo by a process other than the fertilisation of a human egg by a human sperm; and
- (b) the human embryo contains genetic material provided by more than 2 people.

Maximum penalty: imprisonment for 15 years.

2

Clause 7

Proposed new section 16

Page 7, line 1—

omit proposed new section 16, substitute

16 Offence—creating or developing hybrid embryo

A person commits an offence if the person intentionally creates or develops a hybrid embryo.

Maximum penalty: imprisonment for 15 years.

3

Clause 7

Proposed new section 21

Page 10, line 17—

omit

4

Clause 7

Proposed new section 22A

Page 11, line 20—

omit

5

Clause 13

Proposed new section 25A (b) (ii) to (iv)

Page 15, line 4—

omit proposed new section 25A (b) (ii) to (iv), substitute

- (ii) a human embryo created using precursor cells taken from a human embryo or a human foetus; and

6

Clause 16

Proposed new section 29 (1) (c)

Page 17, line 9—

omit

7

Clause 16

Proposed new section 29 (1) (f)

Page 17, line 18—

omit

8

Clause 16

Proposed new section 29 (1A)

Page 17, line 25—

omit

, (c)

9

Proposed new clause 16A

Page 17, line 29—

insert

16A New section 29 (3)

before the note, insert

- (3) An application under subsection (1) must also include details about—
 - (a) any collaboration or arrangement the applicant has with an entity that may manufacture, process, produce or market any material discovered or derived from research carried out under the licence; and

- (b) any financial relationship the applicant has with an entity mentioned in paragraph (a); and
 - (c) any other matter that may be seen as a conflict of interest for the applicant.
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Schedule 2

**HUMAN CLONING AND EMBRYO RESEARCH
AMENDMENT BILL 2007**

Amendment circulated by Dr Foskey

1
Proposed new clause 36A
Page 25, line 20—

insert

36A **Proposed new section 55**

insert

55 **Expiry of Act**

This Act expires 5 years after the day the *Human Cloning and Embryo Research Amendment Act 2008* commences.
