

1998-1999-2000-2001

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 140

THURSDAY, 30 AUGUST 2001

- 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 ABSENCE OF CLERK

The Speaker informed the Assembly, that due to the unavoidable absence of the Clerk, the Deputy Clerk will act as Clerk.

3 PETITIONS

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Corbell, from 128 residents, requesting the Assembly to review the release and sale of Section 79, Block 3 adjacent to Giralang Primary School for the purpose of residential development, and move immediately to (i) more thoroughly assess the likely effect on the school and its students and families of building residences on Section 79; and (ii) consult widely with the school users and other community members on this proposed sale and any likely development.

Mr Hird, from 213 residents, requesting the Assembly to accept the recommendations of the Standing Committee on Planning and Urban Services and proceed with the construction of the Gungahlin Drive Extension as a matter of urgency.

Ms Tucker, from 25 residents, requesting the Assembly to recognise the danger fireworks present to the community and animals and to immediately ban the sale of over the counter fireworks in the ACT.

Ms Tucker, from 534 residents, requesting the Assembly, as an urgent priority, approve the inclusion of a swing or slide in the memorial park that is being erected in Noakes Place, Charnwood.

4 HERITAGE BILL 2001

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to provide for the recognition and protection of places and objects of natural and cultural heritage significance.

Paper: Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth moved - That this Bill be agreed to in principle.

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

5 CONSIDERATION OF EXECUTIVE BUSINESS

Mr Moore (Manager of Government Business), by leave, moved - That Executive business order of the day No. 1, relating to the Payroll Tax Amendment Bill 2001, be called on forthwith.

Question – put and passed.

6 PAYROLL TAX AMENDMENT BILL 2001

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 –

Paper: Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Humphries his amendments Nos 1 and 2 (*see* Schedule 1) were made together.

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

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

7 PLANNING AND URBAN SERVICES - STANDING COMMITTEE – REPORT NO. 80 – NATIONAL COMPETITION POLICY REVIEW – TAXI AND HIRE CAR LEGISLATION – REPORT NOTED

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee – Report No. 80 – The National Competition Policy Review of ACT Taxi and Hire Car Legislation, dated 29 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Debate ensued.

Question – put and passed.

8 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 83 – COMMITTEE ACTIVITY IN 2000-2001 – REPORT NOTED

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee - Report No. 83 – Activity of the Standing Committee on Planning and Urban Services in 2000-2001, dated 29 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Question – put and passed.

9 FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 27 – PRESENTATION AND FRAMEWORK OF THE CAPITAL WORKS PROGRAM – REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee) – Public Accounts Committee Report No. 27 – The Presentation and Framework of the Capital Works Program, dated 27 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Question - put and passed.

10 FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 28 – PUBLIC ACCESS TO GOVERNMENT CONTRACTS ACT 2000 – REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee) – Public Accounts Committee Report No. 28 – Public Access to Government Contracts Act 2000 Report on Auditor-General's Report, dated 27 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Debate ensued.

Question - put and passed.

11 FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 29 - REVIEW OF AUDITOR GENERAL'S REPORT NO. 4, 2001 -- PEER BASED DRUG SUPPORT SERVICES TENDER – 1998 – REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee) – Public Accounts Committee Report No. 29 – Review of Auditor General's Report No. 4, 2001, Peer Based Drug Support Services Tender – 1998, dated 27 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Debate ensued.

Question - put and passed.

12 FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – INQUIRY – AUDITOR-GENERAL'S REPORT NO. 1, 2001 – FINANCIAL AUDITS WITH YEARS ENDING UP TO 30 JUNE 2000 – STATEMENT BY CHAIR – PAPER

Mr Quinlan (Chair), pursuant to standing order 246A, made a statement to the Assembly on behalf of the Standing Committee on Finance and Public Administration in relation to the Committee's inquiry into the Auditor General's Report No 1, 2001 – Financial Audits with Years ending to 30 June 2000, and, by leave, presented the following paper:

Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee) – Auditor General's Report No 1, 2001 – Financial Audits with Years ending to 30 June 2000 – Statement, pursuant to standing order 246A, dated 27 August 2001.

13 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 18 – COMMISSION FOR INTEGRITY IN GOVERNMENT BILL 1999 – PUBLICATION OF REPORT - REPORT NOTED

Mr Osborne (Chair) presented the following report:

Justice and Community Safety – Standing Committee – Report No. 18 – The Commission for Integrity in Government Bill 1999, dated 29 August 2001, together with a copy of the extracts of the minutes of proceedings –

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

Question - put and passed.

Mr Osborne moved – That the report be noted.

Debate ensued.

Question - put and passed.

14 JUSTICE AND COMMUNITY SAFETY– STANDING COMMITTEE – INQUIRY – A.C.T. POLICING – STATEMENTS BY CHAIR AND MEMBER

Mr Osborne (Chair), pursuant to standing order 246A, made a statement to the Assembly on behalf of the Standing Committee on Justice and Community Safety in relation to ACT Policing.

Mr Hargreaves, by leave, also made a statement in relation to the matter.

15 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 15 – STATEMENTS BY CHAIR AND MEMBER

Mr Osborne (Chair) presented the following report:

Justice and Community Safety (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Standing Committee – Scrutiny Report No. 15, dated 29 August 2001, and, by leave, made a statement in relation to the report.

Mr Hargreaves, by leave, also made a statement in relation to the report.

Mr Osborne, by leave, again addressed the Assembly.

16 STANDING ORDER 193 – AMENDMENT

Mr Corbell, by leave, moved – That, with effect from the commencement of section 28 of the *Legislation Act 2001*, standing order 193 be omitted and the following standing order substituted:

Certificate of Bill having passed

193. After a Bill has been passed, the Clerk shall certify a copy as a true copy of the Bill passed by the Assembly, and the Speaker shall then ask the parliamentary counsel to notify the making of the proposed law.

Question – put and passed.

17 GOOD GOVERNMENT IN THE A.C.T.

Mr Moore (Minister for Health, Housing and Community Services), pursuant to notice, moved - That this Assembly reaffirms a commitment to good government for the people of the ACT.

Debate ensued.

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.

18 QUESTIONS

Questions without notice being asked –

Paper: Mr Humphries (Treasurer) presented the following paper:

Payroll tax – Auditor-General Report No. 5, 2001, positive comments from the report.

Questions continued.

Paper: Mr Moore (Minister for Health, Housing and Community Services) presented the following paper:

Health – Copy of newspaper article, dated 7 February 2001, entitled “No health overhaul: ALP”.

Questions continued.

19 WORKERS’ COMPENSATION – STATEMENT BY MEMBER AND MINISTER

Mr Osborne, by leave, made a statement relating to an answer provided by Mr Smyth (Minister for Urban Services) concerning workers’ compensation premium.

Mr Smyth, by leave, also made a statement in relation to the matter.

20 PRESENTATION OF PAPER

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

Elective surgery – Copy of ACT Department of Health, Housing and Community Care brochure entitled “Are you waiting for surgery?”.

21 PRESENTATION OF PAPERS

The Speaker presented the following paper:

Legislative Assembly (Broadcasting of Proceedings) Act – Authority to broadcast proceedings pursuant to subsection 8(4) concerning:

Debate on the motion relating to disallowance of variation No. 138 to the Territory Plan, Gungahlin Drive Extension (28 August 2001), dated 28 August 2001.

Question time (28 August 2001), dated 28 August 2001.

Study trip

Report by Mr Rugendyke MLA – Conference for independent Members – Canberra – 10 and 11 August 2001.

22 PUBLIC SECTOR MANAGEMENT ACT – EXECUTIVE CONTRACT – PAPER AND STATEMENT BY MINISTER

Mr Humphries (Chief Minister) presented the following paper:

Public Sector Management Act, pursuant to sections 31A and 79 – Copy of executive contract or instrument –

Long term contract:

Michael Szwarcbord, dated 23 August 2001 –

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

23 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 78 – VILLAGE OF HALL – DRAFT MASTER PLAN – GOVERNMENT RESPONSE – PAPER NOTED

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

Planning and Urban Services – Standing Committee – Report No. 78 – Draft Village of Hall Master Plan (*presented 9 August 2001*) – Government response –

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

Question – put and passed.

24 PROPOSED RESIDENTIAL LAND USE POLICIES – PAPER NOTED

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

Proposed Residential Land Use Policies – Report on Discussion Paper Consultation, 21 April – 23 July 2001, dated August 2001 –

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

Debate ensued.

Question – put and passed.

25 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 76 – DRAFT VARIATION TO THE TERRITORY PLAN NO 155 – TERRITORY PLAN REVIEW – PART A – GENERAL PRINCIPLES AND POLICIES – GOVERNMENT RESPONSE – PAPER NOTED

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

Planning and Urban Services – Standing Committee – Report No. 76 – Draft Variation to the Territory Plan No. 155 – Territory Plan Review – Part A – General Principles and Policies (*presented 23 August 2001*) – Government response –

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

Debate ensued.

Question – put and passed.

26 PRESENTATION OF PAPER

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

Draft Variation to the Territory Plan No. 155 – Territory Plan Review – Part A (General Principles and Policies).

27 PRESENTATION OF PAPER

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

Land (Planning and Environment) Act – Direction pursuant to subsection 37 (1) – Review of Territory Plan relating to Block 1, Section 80 Watson.

28 PRESENTATION OF PAPERS

Mr Stefaniak (Attorney General) presented the following papers:

Administration of Justice – Statistical Profile for April to June 2001.

ACT Law Reform Commission Report No. 19 – Bail.

Statement by Minister: Mr Stefaniak, by leave, made a statement in relation to the Law Reform Commission Report.

29 PUBLIC HOUSING – SELECT COMMITTEE – REPORT – THE ROLE OF PUBLIC HOUSING IN THE A.C.T. – ADDITIONAL GOVERNMENT RESPONSE – PAPER NOTED

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

Public Housing – Select Committee – Report – The Role of Public Housing in the ACT (*presented 9 May 2000*) – Additional Government response, dated August 2001 –

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

Question – put and passed.

30 PRESENTATION OF PAPERS

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

Information bulletins –

Calvary Public Hospital – Patient Activity Data – June 2001.

The Canberra Hospital – Patient Activity Data – June 2001.

Health Regulation (Maternal Health Information) Act – June 2001 Quarterly Report.

31 SUBORDINATE LEGISLATION (INCLUDING EXPLANATORY STATEMENTS, UNLESS OTHERWISE STATED) – PAPERS

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

Subordinate Laws Act, pursuant to section 6 –

Duties Act –

Exemption guidelines for corporate reconstructions – Instrument No. 246 of 2001 (S61, dated 23 August 2001).

Exemption guidelines for certain voluntary transfers made under the *Financial Sector (Transfers of Business) Act 1999* (Cwlth) – Instrument No. 247 of 2001 (S61, dated 23 August 2001).

Determination for liability for payment of duty by Territory authorities or agents of the Territory – Instrument No. 248 of 2001 (S61, dated 23 August 2001).

Taxation Administration Act – Determination of rates of duty for the purposes of the *Duties Act 1999* – Instrument No. 245 of 2001 (S61, dated 23 August 2001).

Utilities Act – Utility Networks (Public Safety) Regulations 2001 – Subordinate Law 2001 No 28 (No. 34, dated 23 August 2001).

32 GOOD GOVERNMENT IN THE A.C.T

The order of the day having been read for the resumption of debate on the motion of Mr Moore (Minister for Health, Housing and Community Services) – That this Assembly reaffirms a commitment to good government for the people of the ACT –

Debate resumed.

Adjournment negatived: It being 5 p.m. – The question was proposed – That the Assembly do now adjourn.

Mr Moore (Manager of Government Business) requiring the question to be put forthwith without debate –

Question – put and negatived.

Debate continued.

Mr Berry, by leave, was granted an extension of time.

Debate continued.

Question – put and passed.

33 DEFAMATION BILL 1999

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.

Mr Humphries (Chief Minister), by leave, again addressed the Assembly.

Debate continued.

Question - That this Bill be agreed to in principle - put and passed.

Detail stage

Clause 1 agreed to.

Clause 2 –

Mr Stefaniak (Attorney General) moved his amendment No 1 (*see* Schedule 3).

Debate continued.

Question – That Mr Stefaniak's amendment No. 1 be agreed to – put.

The Assembly voted –

| Ayes, 9 | | Noes, 8 | |
|--------------|--------------|---------------|-------------|
| Mrs Burke | Mr Rugendyke | Mr Berry | Mr Stanhope |
| Mr Cornwell | Mr Smyth | Mr Corbell | Ms Tucker |
| Mr Hird | Mr Stefaniak | Mr Hargreaves | Mr Wood |
| Mr Humphries | | Mr Moore | |
| Mr Kaine | | Mr Quinlan | |
| Mr Osborne | | | |

And so it was resolved in the affirmative.

Clause 2, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole –

Paper: Mr Stefaniak presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Stefaniak, by leave, his amendments Nos 1 to 7 and 9 to 17 (*see* Schedule 2) and his amendments Nos 2 and 3 (*see* Schedule 3) were made together.

Remainder of the Bill, as amended, agreed to.

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

34 PROTECTION ORDERS BILL 2001

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.

The Assembly voted –

| Ayes, 9 | | Noes, 8 | |
|--------------|--------------|---------------|-------------|
| Mrs Burke | Mr Osborne | Mr Berry | Mr Stanhope |
| Mr Cornwell | Mr Smyth | Mr Corbell | Ms Tucker |
| Mr Hird | Mr Stefaniak | Mr Hargreaves | Mr Wood |
| Mr Humphries | | Mr Quinlan | |
| Mr Kaine | | Mr Rugendyke | |
| Mr Moore | | | |

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

Detail stage

Bill, by leave, taken as a whole –

On the motion of Mr Stefaniak (Attorney-General), by leave, his amendments Nos 1 to 8 (*see* Schedule 4) were made together.

Ms Tucker, by leave, moved her amendment (*see* Schedule 5).

Debate continued.

Ms Tucker, by leave, amended her amendment (*see* Schedule 6).

Debated continued.

Debate adjourned (Mr Moore – Minister for Health, Housing and Community Services) and the resumption of the debate made an order of the day for a later hour this day.

35 PROTECTION ORDERS (CONSEQUENTIAL AMENDMENTS) BILL 2001

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 Moore – Minister for Health, Housing and Community Services) and resumption of debate made an order of the day for a later hour this day.

36 COMMITTEE REPORTS OF THE FOURTH ASSEMBLY – PUBLICATION OF REPORTS

Mr Corbell, by leave, moved –

- (1) That this Assembly authorises the publication of the following reports by the nominated committees of the Fourth Assembly:

Standing Committee on Administration and Procedure:

- Order of Private Member's and Assembly business
- Register of Member's Interests
- Protocol for Government interaction with Assembly committees
- Standing order 8 – Temporary Deputy Speakers
- The Operation of the *Legislative Assembly (Broadcasting of Proceedings) Act 1997*
- Report on proposed amendments to Standing Orders relating to disorder, questions without notice and voting
- The Use of Commercial-in-Confidence material and In Camera Evidence in Committees
- Inquiry into a Code of Conduct for Members of the Legislative Assembly and a Parliamentary Ethics Adviser for the ACT
- Legislative Assembly (Privileges) Bill 1998;

Standing Committee on Education, Community Services and Recreation:

- The Future Provision of Preschool Education
- 1998-99 Annual and Financial Reports-Department of Education and Community Services and Related Agencies
- 2000-01 Draft Budget of the Department of Education and Community Services and Related Agencies

- 1999-2000 Annual and Financial Reports of the Department of Education and Community Services and Related Agencies
- The Governments response to recommendations 1 and 3 of Coroner Somes' inquest into a death at Quamby;

**Standing Committee on Finance and Public Administration
(incorporating the Public Accounts Committee):**

- An Independent Council on Competition Policy
- Draft Principles and Guidelines for the Treatment of Commercial Information held by ACT Government Agencies
- Implementation of Service Purchasing Arrangements
- 1998-99 Annual and Financial Reports – Chief Minister's Department and Legislative Assembly Secretariat
- Draft 2000-01 Budget for the Chief Minister's Department
- Draft 2000-01 Budget for the Department of the Treasury and Infrastructure
- Draft 2000-01 Total Territory Financial Position
- The Operation of the Financial Management Act 1996
- Report on Chief Minister's Department Annual and Financial Reports 1999-2000 Department of Treasury and Infrastructure
- Annual and Financial Reports 1999-2000 Legislative Assembly Secretariat Annual and Financial Reports 1999-2000
- Report on the Appropriation Bill 2000-2001 (No 2)
- Review of Auditor-General's Report No. 1, 1997 – Contracting Pool and Leisure Centres
- Review of Auditor-General's Report No. 10, 1997 – Public Interest Disclosures-Corrective Services
- Review of Auditor-General's Report No. 5, 1997 – Management of Leave Liabilities
- Review of Auditor-General's Report No. 6, 1997 – Canberra Hospital Management-Control of Salaried Specialists' Private Practice
- Review of Auditor-General's Report No. 8, 1997 – Salaried Specialist's Use of Private Practice Privileges
- Review of Auditor-General's Report No. 13, 1997 – Management of Nursing Services
- Review of Auditor-General's Report No. 9, 1997 – Fleet Leasing Arrangements
- Review of Auditor-General's Report No. 10, 1997 – Public Interest Disclosures-Lease Variation Charges and Review of Auditor-General's Report No. 2, 1998 – Lease Variation Charges – Follow-up Review
- Review of Auditor-General's Report No. 12, 1997 – Financial Audits with Years Ending to 30 June 1997
- Review of Auditor-General's Report No. 7, 1997 – Disability Program and Community Nursing

- Review of Auditor-General's Report No. 3, 1998-Major IT Projects-Follow up review
- Review of Auditor-General's Report No. 4, 1998 – Annual Management Report for the year ended 30 June 1998
- Review of Auditor-General's Report No. 6, 1998 – Assembly Members' Superannuation and Severance Payments to Former Members' Staffers
- Review of Auditor-General's Report No. 8, 1998 – Territory Operating Losses and Financial Position
- Review of Auditor-General's Report No. 5, 1998-Management of Housing Assistance
- Australasian Council of Public Accounts 5th Biennial Conference
- Review of Auditor-General's Report No. 9, 1998 – Financial Audits with Years Ending to 30 June 1998
- Review of Auditor-General's Report No. 11, 1998 – Overtime Payment to a Former Member's Staffer
- Review of Auditor-General's Report No. 10, 1998 – Management of school repairs and maintenance
- Review of Auditor-General's Report No. 7, 1998 – Magistrates Court Bail Processes
- Review of Auditor-General's Report No. 1, 1999 – Stamp Duty on Motor Vehicle Registrations
- Review of Auditor-General's Report No. 2, 1999 – Management of Year 2000 risks-Interim Report
- Review of Auditor-General's Report No. 2, 1999 – Management of Year 2000 risks-Final Report
- Review of Auditor-General's Report No 4, 1999 – Financial Audits with Years Ending to 30 June 1999
- Review of Auditor-General's report No.3, 1999 – Annual Management Report for the Year Ended 30 June 1999
- Review of the Auditor-General's Reports of the Performance Audit of Bruce Stadium (Reports 1-12, 2000 and 2-3, 2001)
- The Presentation and Framework of the Capital Works Program
- *Public Access to Government Contracts Act 2000* – Report on Auditor-General's Report
- Review of the Auditor-General's Report No. 4 2001 – Peer-Based Drug Support Services Tender – 1998;

Standing Committee on Health and Community Care:

- Mental Health Services-Strategic Plan 1998-2001
- 1998-99 Annual and Financial Reports-Department of Health and Community Care and Related Agencies
- Respite Care Services in the ACT
- Report on the Inquiry into the 2000-2001 Draft Budget.

- Report on Annual and Financial Reports 1999-2000 for the Department of Health and Community Care and related agencies
- Elder Abuse in the ACT;

Standing Committee on Justice and Community Safety:

- Children's Services (Amendment) Bill 1998
- Victims of Crime (Financial Assistance) (Amendment) Bill 1998
- Interim Report No. 1 (Prison series) – Inquiry into the establishment of an ACT Prison Justification and Siting
- Emergency Management Bill 1998
- Agents (Amendment) Bill 1998
- 1998-99 Annual and Financial Reports-Department of Justice and Community Safety and Related Agencies
- Crimes (Amendment) Bill (No.4) 1998
- Interim Report No. 3 (Prison series) – Committee visit to Western Australia, the Northern Territory and South Australia
- The 1999-2000 Annual and Financial Reports of the Department of Justice and Community Safety and Related Agencies
- The Defamation Bill 1999
- The Executive Documents Release Bill 2000
- The ACT Prison Project: Operational Models, Strategic Planning and Community Involvement
- The Freedom of Information (Amendment) Bill 1998
- The Commission for Integrity in Government Bill 1998
- **Scrutiny Reports**
- 1 to 15 of 1998
- 1 to 16 of 1999
- 1 to 16 of 2000
- 1 to 15 of 2001;

Standing Committee on Planning and Urban Services

- Draft Variation No. 97 to the Territory Plan-Northbourne Avenue
- 1998 Conference of Parliamentary Public Works and Environment Committees
- Environment Protection (Amendment) Bill 1998 – Exposure Draft
- ACTION bus services for school children
- Water Resources Bill 1998 and amendments
- Draft Variation No.63 to the Territory Plan-Policies for Home Businesses and Home Occupations
- Draft Variation No.105 to the Territory Plan Symonston section 103 block 6 Mugga Mugga
- Interim Report on Draft Variation to the Territory Plan No 89 – Murrumbidgee and Lower Molonglo Rivers-River Corridors Land Use Policy – Public Land Categories; and other Minor Changes

- Tidbinbilla Nature Reserve – Final Draft Management Plan 1998.
- The Existing Petrol Sites Policy
- Draft Variation No. 98 to the Territory Plan – Water use and catchment policies
- Draft Variation No. 124 to the Territory Plan – Charnwood section 94 block 1 (former school site)
- Activity in its First year of Operation
- Code of Practice for the Placement of Movable Signs in Public Places
- Draft Variation No. 117 to the Territory Plan – Heritage Places Register (Mt Franklin ski chalet, huts, homesteads and brumby yards)
- Draft Variation No. 137 to the Territory Plan-O'Connor section 86, block 2, Macpherson Courts
- Carparking at Exhibition Park in Canberra (EPIC)
- Report on Attendance of the Standing Committee for Urban Services at the National Conference of Parliamentary Works and Environment Committees in Hobart
13-15 September 1999
- Warrants for Traffic Calming Measures
- Motor Traffic (Amendment) Bill (No. 4) 1998 and circulated amendments
- Long Service Leave (Cleaning, Building and Property Services) Bill 1999
- Draft Variation No. 100 to the Territory Plan – Telecommunications Facilities Policies
- Betterment (Change of Use Charge)
- Draft Variation No.113 to the Territory Plan – Kingston Foreshore
- The Draft 2000-01 Budget for the Department of Urban Services (DUS)
- Draft Variation No. 114 to the Territory Plan relating to a proposal to add the Red Hill Precinct to the Heritage Places Register
- Activity in 1999-2000
- Conference of Parliamentary Public Works and Environment Committees at Parliament House, Darwin, July 2000
- Draft Variation to the Territory Plan No. 146: Callam Street Realignment – Woden Town Centre.
- Draft Variation to the Territory Plan No 159: Heritage Places Register-Albert Hall
- Motor Traffic (Amendment) Bill (No. 3) 1998
- Proposals for the Establishment of Rural Residential Development as a Land Use
- Monitoring the Implementation of Variation No 64 to the Territory Plan : Latham Shops
- Examination of Allegations of Possible Improper Influence of a Witness
- Tuggeranong Lakeshore Master Plan

- Draft Variation to the Territory Plan No 140 Existing Produce Market Sites-Greenway Section 2 Block 5 and Belconnen Section 31 Block 5
- Revised Draft Variation to the Territory Plan No 89 Murrumbidgee and Lower Molonglo Rivers-River Corridors Land Use Policy: Public Land Categories and other minor changes
- 1999-00 Annual Report of the Department of Urban Services
- Proposals for the Gungahlin Drive Extension (John Dedman Parkway)
- Draft Variation No. 152 Community Facility Land Use Policies – Forrest Section 24 Blocks 1 and 3 (Part of St. Christopher’s Precinct – Manuka)
- Draft Plan of Management for Canberra’s Urban Lakes and Ponds
- Inquire into and report on the proposed development at South Bruce Section 21 Blocks 1,3 and 4 and traffic arrangements on Haydon Drive
- Draft Variations to the Territory Plan: No. 158 Commercial B2C land use policies-Proposed changes to group centre policies; and No. 163 Kippax Group Centre-Proposed Expansion of Retail Core
- The proposed Amaroo community precinct
- Draft Variation to the Territory Plan Review Part A (General Principles and Policies)
- Draft Variation No. 138 to the Territory Plan –Gungahlin Drive Extension
- The Draft Village of Hall Master Plan
- Proposals to Duplicate Fairbairn Avenue
- A Land Administration Information System for the ACT
- Draft Management Plan for the Lower Molonglo River Corridor
- The National Competition Policy Review of ACT Taxi and Hire Car Legislation
- Activity of the Standing Committee on Planning and Urban Services in 2000-2001

Select Committee on the 2001-2002 Budget

- The broad parameters of the 2001-2002 budget

Select Committee on Estimates 1999-2000

- Appropriation Bill 1999-2000

Select Committee on Estimates 2000-2001

- Appropriation Bill 2000-2001
- Appropriation Bill 1999-2000 (No 3)

Select Committee on Estimates 2001-2002

- Budget 2001-2002

Select Committee on Gambling

- A Poker Machine Cap-interim report.
- The Proposed Gaming and Racing Commission.-interim report.
- The Social and Economic Impacts of Gambling in the ACT-final report.

Select Committee on Government Contracting and Procurement Processes

- Report

Select Committee on the Report of the Review of Governance

- Report

Select Committee on the Territory's Superannuation Commitments

- Report

Select Committee on Workers' Compensation System

- Report;

and

- (2) (a) prior to any publication of Committee reports on the Internet the Clerk establish procedures to provide for the integrity of committee reports in electronic publication; and
- (b) the reports of the standing and select committees of the Fourth Assembly be published on the Assembly's website.

Question – put and passed.

37 ENVIRONMENT PROTECTION AMENDMENT BILL 2001

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

Clause 1 agreed to.

Clause 2 –

Ms Tucker moved her amendment No. 1 (*see* Schedule 8).

Debate continued.

Question – put.

The Assembly voted –

| Ayes, 8 | | Noes, 9 | |
|---------------|-------------|--------------|--------------|
| Mr Berry | Mr Stanhope | Mrs Burke | Mr Osborne |
| Mr Corbell | Ms Tucker | Mr Cornwell | Mr Rugendyke |
| Mr Hargreaves | Mr Wood | Mr Hird | Mr Smyth |
| Mr Kaine | | Mr Humphries | Mr Stefaniak |
| Mr Quinlan | | Mr Moore | |

And so it was negatived.

Clause 2 agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Proposed new clause –

Ms Tucker moved that new clause 5A (amendment No. 2) (*see* Schedule 8) be inserted in the Bill

Debated continued.

Amendment negatived.

Clauses 6 and 7, by leave, taken together and agreed to.

Proposed new clause –

Ms Tucker moved that new clause 7A (amendment No. 3) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Question – That Ms Tucker's amendment No. 3 be agreed to – put.

The Assembly voted –

| Ayes, 8 | | Noes, 9 | |
|---------------|-------------|--------------|--------------|
| Mr Berry | Mr Stanhope | Mrs Burke | Mr Moore |
| Mr Corbell | Ms Tucker | Mr Cornwell | Mr Rugendyke |
| Mr Hargreaves | Mr Wood | Mr Hird | Mr Smyth |
| Mr Osborne | | Mr Humphries | Mr Stefaniak |
| Mr Quinlan | | Mr Kaine | |

And so it was negatived.

New clause –

On the motion of Ms Tucker new clause 7B (amendment No. 4) (*see* Schedule 8) was inserted into the Bill, after debate.

Proposed new clauses –

Ms Tucker moved that new clauses 7C to 7F (amendment No. 5) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Amendment negatived.

Proposed new clause –

Ms Tucker moved that new clause 7I (amendment No. 8) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Amendment negatived.

Proposed new clause –

Ms Tucker moved that new clause 7J (amendment No. 9) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Amendment negatived.

Clause 8 –

Ms Tucker moved her amendment No. 11 (*see* Schedule 8).

Debated continued.

Amendment negatived.

Clause 8 agreed to.

Proposed new clauses –

Ms Tucker moved that new clauses 8A to 8M (amendment No. 12) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Amendment negatived.

Clause 9 agreed to.

New clause –

On the motion of Ms Tucker new clause 9A (amendment No. 14) (*see* Schedule 8) was inserted into the Bill, after debate.

Proposed new clause –

Ms Tucker moved that new clause 9C (amendment No. 16) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Amendment negatived.

Clause 10 agreed to.

Clause 11 –

Ms Tucker moved her amendment No. 18 (*see* Schedule 8).

Debated continued.

Amendment negatived.

Clause 11 agreed to.

Clauses 12 to 15, by leave, taken together and agreed to.

Clause 16 –

On the motion of Mr Smyth (Minister for Urban Services) his amendment No. 1 (*see* Schedule 9) was made.

Clause 16, as amended, agreed to.

Proposed new clause –

Ms Tucker moved that new clause 16A (amendment No. 19) (*see* Schedule 8) be inserted in the Bill.

Debated continued.

Question – That Ms Tucker's amendment No. 19 be agreed to – put.

The Assembly voted –

Ayes, 7

Noes, 10

| | |
|---------------|-----------|
| Mr Berry | Ms Tucker |
| Mr Corbell | Mr Wood |
| Mr Hargreaves | |
| Mr Quinlan | |
| Mr Stanhope | |

| | |
|--------------|--------------|
| Mrs Burke | Mr Moore |
| Mr Cornwell | Mr Osborne |
| Mr Hird | Mr Rugendyke |
| Mr Humphries | Mr Smyth |
| Mr Kaine | Mr Stefaniak |

And so it was negatived.

Clause 17 agreed to.

Clause 18 –

Ms Tucker, by leave, moved her amendments Nos 21 and 22 (*see* Schedule 8) together.

Debate continued.

Amendment negatived.

Clause 18 agreed to.

Clause 19 agreed to.

New clause –

On the motion of Ms Tucker new clause 19A (amendment No. 23) (*see* Schedule 8) was inserted into the Bill, after debate.

Clause 20 –

On the motion of Ms Tucker her amendment No. 24 (*see* Schedule 8) was made.

Clause 20, as amended, agreed to.

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

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

38 PROTECTION ORDERS BILL 2001

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

Detail stage

Bill, as a whole –

Consideration resumed on Ms Tucker's amendment, as amended (*see* Schedule 6).

Ms Tucker, by leave, withdrew her amendment, as amended.

New clause -

On the motion of Mr Stefaniak (Attorney-General) new clause 106A (*see* Schedule 7) was inserted in the Bill.

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

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

39 PROTECTION ORDERS (CONSEQUENTIAL AMENDMENTS) BILL 2001

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.

Detail stage

Bill, by leave, taken as a whole –

On the motion of Mr Stefaniak (Attorney-General), by leave, his amendments Nos 1 to 6 (*see* Schedule 10) were made together.

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

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

40 LONG SERVICE LEAVE (CLEANING, BUILDING AND PROPERTY SERVICES) AMENDMENT BILL 2001

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.

Standing Order 156 – Conflict of interest – Statement by Member: Mrs Burke, by leave, made a statement relating to standing order 156.

Detail stage

Bill, by leave, taken as a whole –

Mr Berry moved his amendment No. 1 (*see* Schedule 11).

Debate continued.

Question – That Mr Berry’s amendment No. 1 be agreed to – put.

The Assembly voted –

| Ayes, 8 | | Noes, 9 | |
|---------------|-------------|--------------|--------------|
| Mr Berry | Mr Stanhope | Mrs Burke | Mr Moore |
| Mr Corbell | Ms Tucker | Mr Cornwell | Mr Rugendyke |
| Mr Hargreaves | Mr Wood | Mr Hird | Mr Smyth |
| Mr Osborne | | Mr Humphries | Mr Stefaniak |
| Mr Quinlan | | Mr Kaine | |

And so it was negatived.

On the motion of Mr Smyth (Minister for Urban Services), by leave, his amendments Nos 1 and 2 (*see* Schedule 12) were made together, after debate.

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

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

41 SUSPENSION OF STANDING ORDER 76

Mr Moore (Manager of Government Business) moved – That standing order 76 be suspended for the remainder of this sitting.

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

42 BUILDING AND CONSTRUCTION INDUSTRY TRAINING LEVY AMENDMENT BILL 2001

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.

43 ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) AMENDMENT BILL 2001

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 Smyth (Minister for Urban Services), by leave, his amendments Nos 1 to 8 (*see* Schedule 13) were made together.

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

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

44 FINANCIAL MANAGEMENT AMENDMENT BILL 2001 (NO 3)

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.

45 SECONDMENT OF MR DAVID PEGRAM – STATEMENT BY SPEAKER

The Speaker advised the Assembly that the Clerk Assistant, Mr David Pegram, has finished his six month secondment and would be returning to the South Australian Parliament. The Speaker thanked Mr Pegram for his efforts and wished him well for his parliamentary career.

46 PRESENTATION OF PAPERS

Mr Smyth (Minister for Urban Services), by leave, presented the following papers:

Gungahlin Drive Extension – Copies of correspondence relating to Draft Variation No 138 to the Territory Plan – Gungahlin Drive Extension – from the National Capital Authority to the Executive Director, Planning and Land Management, dated 8 May 2001, 9 May 2001, 19 June 2001, and 27 July 2001.

47 ADJOURNMENT

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

Debate ensued.

The Assembly continuing to sit until after 12 midnight –

FRIDAY, 31 AUGUST 2001

Paper: Mr Osborne, by leave, presented the following paper:

Justice and Community Safety – Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Report No. 17 – Freedom of Information (Amendment) Bill 1998 – Copy of the extracts of minutes of proceedings.

Debate continued.

Question – put and passed.

And then the Assembly, at 12.07 a.m., adjourned until a day and hour to be fixed by the Speaker in accordance with the resolution agreed to on 29 August 2001.

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

T DUNCAN

Acting Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

PAYROLL TAX AMENDMENT BILL 2001

Amendments circulated by Treasurer

1

Clause 2

Page 2, line 3—

Omit the clause, substitute the following clause:

2 Commencement

This Act commences, or is taken to have commenced, on 1 September 2001.

Note The naming and commencement provisions automatically commence on the notification day (see *Interpretation Act 1967*, s 10B).

2

Clause 9

Proposed new subsections 9A (7), (8) and (9)

Page 4, line 8—

After proposed subsection 9A (6), insert the following subsections:

- (7) An approval under subsection (2) (a) that is made within 1 week after the *Payroll Tax Amendment Act 2001* is notified in the Gazette may be expressed to be taken to have effect from 1 September 2001.
- (8) Subsection (7) is a provision to which the *Interpretation Act 1967*, section 42 (Repeal does not end transitional or validating effect) applies.

Note This will ensure that despite the expiry of s (7) (by the operation of s (9)), an approval mentioned in subsection (7), expressed to be taken to have effect from 1 September 2001, continues to be valid.

- (9) Subsections (7) and (8), and this subsection, expire 1 month after the *Payroll Tax Amendment Act 2001* is notified in the Gazette.
-

Schedule 2

DEFAMATION BILL 1999

Amendments circulated by Attorney General

1

Clause 4

Proposed new subclause (3)

Page 2, line 21—

At the end of the clause, add the following new subclause:

Subsection (2), the notes mentioned in subsection (2), and this subsection expire 3 years after this section commences.

2

Clause 6

Subclause (3) (g) and (h)

Page 3, line 27—

Omit paragraphs (3) (g) and (h), substitute the following new paragraphs:

- (g) must include an offer to pay the expenses incurred by the aggrieved person; and
- (h) may include particulars of any correction or apology made, or action taken, before the date of offer; and
- (i) may include an offer to pay compensation for any economic loss of the aggrieved person; and
- (j) may include an offer to pay compensation for the harm to the aggrieved person's reputation only if the matter in question imputes criminal behaviour by the aggrieved person.

3

Clause 6

Proposed new subclause (3A)

Page 3, line 30—

After subclause (3), insert the following subclause:

- (3A) For subsection (3) (i) or (j), an offer to pay compensation may be in any of the following forms:
- (a) an offer to pay a stated amount;
 - (b) an offer to pay an amount to be agreed between the publisher and the aggrieved person or, if an agreement is not made, the amount decided by a court;
 - (c) an offer to pay the amount decided by a court;
 - (d) an offer to—

- (i) enter into an arbitration agreement within the meaning of the *Commercial Arbitration Act 1986*; and
- (ii) pay the amount decided by the arbitrator or, if an arbitration agreement is not made, the amount decided by a court.

4**Clause 6****Proposed new subclause (4)****Page 3, line 31—**

Omit subclause (4), substitute the following subclause:

- (4) The publisher may not make an offer to make amends after the earlier of—
 - (a) the end of 14 days after the day the aggrieved person tells the publisher that the matter in question is or may be defamatory of the person; or
 - (b) the service by the publisher of a defence in an action brought against the publisher by the aggrieved person in relation to the matter in question.

5**Clause 7****Page 4, line 4—**

Omit “regard is to be had”, substitute “a court must have regard”.

6**Clause 7****Proposed new subclause (2)****Page 4, line 13—**

At the end of the clause, add the following new subclause:

- (2) However, subsection (1) does not limit the matters that the court may take into account in deciding whether an offer to make amends is reasonable.

7**Proposed new clause 8****Page 4, line 14—**

Omit the clause, substitute the following clause:

8 Acceptance of offer to make amends

- (1) If an offer to make amends is accepted, a court may—
 - (a) order the publisher to pay the aggrieved person the expenses incurred by the aggrieved person in accepting and performing the agreement made by acceptance of the offer (the *amends agreement*); and
 - (b) on the application of a party to the amends agreement, decide the amount of compensation mentioned in section 6 (3A) (b), (c) or (d).

- (2) If a question arises about what must be done to perform the amends agreement, the court may decide the question on the application of either party.
- (3) If the publisher performs the amends agreement (including paying any compensation under the agreement) the aggrieved person must not begin or continue an action against the publisher in relation to the matter in question.

8

Clause 10

Subclause (2)

Page 5, line 4—

Omit “the Supreme Court”, substitute “a court”.

9

Clause 11

Subclause (2)

Page 5, line 12—

Omit “the court”, substitute “the Supreme Court”.

10

Proposed new clause 16

Page 6, line 14—

Omit the clause, substitute the following clause:

16 Defence of truth and public benefit (1901 s 6)

It is a defence if the defendant establishes—

- (a) the truth of the published matter in accordance with the common law; and
- (b) that it was for the public benefit that the matter should be published.

11

Proposed new clause 22

Page 11, line 4—

Omit the clause, substitute the following clause:

22 Defence of apology and payment into court (1901 s 8)

- (1) The defendant may plead that the published matter that is or may be a libel was published without actual malice and without gross negligence, and that before the action was begun or as soon as practicable afterwards, the defendant published a full apology for the libel or, if this was not possible, had offered to publish an apology in a way to be selected by the plaintiff.
- (2) The defendant, after filing a defence under subsection (1), may pay into court an amount by way of amends for the libel.

12**Clause 23****Proposed new subclause (2)****Page 11, line 14—**

Omit the subclause, substitute the following subclause:

- (2) For subsection (1), it is sufficient if—
- (a) the defendant establishes that the defendant took reasonable steps to ensure the accuracy of the published matter; and
 - (b) the defendant gave the plaintiff a reasonable opportunity to comment on the published matter before it was published.

13**Clause 26****Subclause (3)****Page 12, line 8—**

Omit “a judge”, substitute “a court”.

14**Division 4.3****Page 16, line 18—**

Omit the division.

15**Clause 44****Page 18, line 7—**

Omit “the Supreme Court”, substitute “a court”.

16**Clause 45****Proposed new subclause (2)****Page 18, line 12—**

Omit the subclause, substitute the following subclause:

- (2) The *Legislation Act 2001*, schedule 1, part 1.1 is amended by omitting the items about the *Defamation Act 1901* and *Defamation (Amendment) Act 1909*.

17**Dictionary****Proposed new definition of *court*****Page 19, line 8—**

After the definition of *country*, insert the following new definition:

court, in relation to an action for defamation, means a court of competent jurisdiction.

Schedule 3

DEFAMATION BILL 1999

Amendments circulated by Attorney General

1

Clause 2

Page 1, line 6—

Omit the clause, substitute the following clause:

2 Commencement

This Act commences on 1 July 2002.

Note The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2001*, s 75).

2

Clause 10

Subclause (2)

Page 5, line 1—

Omit the subclause.

3

Proposed new clause 44A

Page 18, line 8—

After clause 44, insert the following new clause:

44A Review of certain provisions of Act

- (1) The Minister must review the operation of part 2 (Resolution of disputes without litigation) and section 23 (Defence—defendant not negligent) after these provisions have been operating for 2 years.
 - (2) The Minister must present to the Legislative Assembly a report of the review within 6 months after the review begins.
 - (3) This section expires on 1 January 2005.
-

Schedule 4

PROTECTION ORDERS BILL 2001

Amendments circulated by Attorney General

1

Clause 5

Page 4, line 5—

Omit the clause, substitute the following clause:

5 Objects

The objects of this Act include—

- (a) to prevent violence between family members and others who are in a domestic relationship, recognising that domestic violence is a particular form of interpersonal violence that needs a greater level of protective response; and
- (b) to provide a mechanism to facilitate the safety and protection of people who experience domestic or personal violence.

2

Clause 12

Subclause (1)

Proposed new notes

Page 8, line 29—

Insert the following new notes:

Note 1 The *Macquarie Dictionary*, 3rd ed, defines **next friend** as a person bringing action in a court of law on behalf of a minor or person of unsound mind.

Note 2 The regulations may prescribe how a next friend may be appointed (see s 106 (3) (b) (i)).

3

Clause 37

Subclause (3)

Page 23, line 7—

Omit the subclause, substitute the following subclauses:

- (3) If the original order is a domestic violence order, the Magistrates Court must, on application, amend the original order by extending it for not longer than 1 year unless satisfied that a protection order is no longer necessary to protect the aggrieved person from domestic violence by the respondent.
- (3A) If the original order is a personal protection order, the Magistrates Court may amend the original order by extending it only if satisfied that a protection order is still necessary to protect the aggrieved person from personal violence by the respondent.

- (3B) Subsections (3) and (3A) do not apply if the order amending the original order by extending it is a consent order.

4**Clause 48****Subclause (1)****Note****Page 31, line 7—**

Omit the note, substitute the following notes:

Note 1 A final order includes an order amending a final order (see dict, def of *final order*).

Note 2 Section 13 sets out who may apply to amend or revoke an interim order.

5**Clause 51****Subclause (2)****Proposed new example****Page 32, line 5—**

Insert the following new example:

Example of when Magistrates Court may be satisfied adequate arrangements made for child

If a government agency responsible for the care and protection of children has found alternative accommodation for the child.

6**Clause 59****Subclause (2)****Page 35, line 21—**

Omit the subclause, substitute the following subclause:

- (2) A further interim order may be made in relation to the final order only if the Magistrates Court is satisfied that there are special or exceptional circumstances (having regard to the principles for making protection orders) that justify the making of a further interim order.

Note The principles for making protection orders are in s 6.

7**Clause 69****Subclause (3)****Proposed new example****Page 41, line 2—**

Insert the following new example:

Example of when judicial officer may be satisfied adequate arrangements made for child

If a government agency responsible for the care and protection of children has found alternative accommodation for the child.

8

Title

Page 1—

Omit the title, substitute the following title:

An Act about orders to protect people from domestic violence and personal violence

Schedule 5

PROTECTION ORDERS BILL 2001

Amendments circulated by Ms Tucker

Insert new section 106A:

Review

- (1) The Minister will ask the Domestic Violence Prevention Council to review the relevant sections of this Act and its regulations for consistency with Model Domestic Violence Laws as soon as is practicable, and no later than six months after the commencement of the Act;
 - (a) The report on the review must be presented by the Minister to the Legislative Assembly within 3 sitting days of receipt of the report;
 - (2) The Minister must review the operations of the provisions of this Act relating to domestic violence as soon as is practicable after 6 months but no later than 12 months after the commencement of this Act;
 - (a) The review must engage in relevant community consultation;
 - (b) The Minister's report must describe the processes of community consultation used in the review
 - (c) A report on the outcomes of the review must be presented by the Minister to the Legislative Assembly within six months after the end of the 12 months.
 - (3) This section ceases to have effect 12 months after this Act commences.
-

Schedule 6

PROTECTION ORDERS BILL 2001

Amendments circulated by Ms Tucker

Insert new section 106A:

Review

- (1) The Minister will ask the Domestic Violence Prevention Council to review the relevant sections of this Act and its regulations for consistency with Model Domestic Violence Laws as soon as is practicable, and no later than six months after the commencement of the Act;
 - (a) The report on the review must be presented by the Minister to the Legislative Assembly within 3 sitting days of receipt of the report;
 - (2) The Minister must review the operations of the provisions of this Act relating to domestic violence as soon as is practicable after 18 months but no later than 2 years after the commencement of this Act;
 - (a) The review must engage in relevant community consultation;
 - (b) The Minister's report must describe the processes of community consultation used in the review
 - (c) A report on the outcomes of the review must be presented by the Minister to the Legislative Assembly within six months after the end of the 12 months.
 - (3) This section ceases to have effect 24 months after this Act commences.
-

Schedule 7

PROTECTION ORDERS BILL 2001

Amendments circulated by Attorney General

Insert new section 106A:

Review

- (1) The Minister must to review the relevant sections of this Act and its regulations for consistency with Model Domestic Violence Laws as soon as is practicable, and no later than 12 months after the commencement of the Act;
 - (a) The report on the review must be presented by the Minister to the Legislative Assembly within 3 sitting days of receipt of the report;
 - (2) The Minister must review the operations of the provisions of this Act relating to domestic violence as soon as it is practicable after 18 months but not later than 24 months after the commencement of this Act;
 - (a) The report on the review must be presented by the Minister to the Legislative Assembly within 3 sitting days of receipt of the report;
 - (3) This section ceases to have effect 24 months after this Act commences.
-

Schedule 8

ENVIRONMENT PROTECTION AMENDMENT BILL 2001

Amendments circulated by Ms Tucker

1

Clause 2

Page 2, line 4—

Omit the clause, substitute the following clause:

2 Commencement

This Act commences on the day it is notified in the Gazette or immediately after the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register), whichever is later.

2

Proposed new clause 5A

Page 2, line 21—

After clause 5, insert the following new clause:

5A Section 4 (1), definition of *environment improvement initiative*, paragraph (a)

omit

section 31

substitute

section 31C

3

Proposed new clause 7A

Page 3, line 6—

After clause 7, insert the following new clause:

7A Section 23

substitute

23 Duty to notify actual or threatened environmental harm

- (1) This section applies if a person becomes aware that an activity has caused, is causing or is likely to cause serious or material environmental harm that is not authorised under this Act or another Territory law (the *environmental situation*).
- (2) As soon as reasonably practicable after becoming aware of the environmental situation, the person must tell the authority about—
 - (a) the environmental situation and its nature; and
 - (b) if the person is the person who has conducted or is conducting the activity—the action taken, or being taken, to deal with the situation and any environmental harm caused, being caused or likely to be caused.
- (3) A person must not, without reasonable excuse, contravene subsection (2).

Maximum penalty: 50 penalty units.

- (4) A person is not required to comply with subsection (2) if the person believes on reasonable grounds that an authorised officer is already aware of the environmental situation.

4**Proposed new clause 7B**

Page 3, line 6—

After clause 7, insert the following new clause:

7B Contents
Section 24

omit

this part,

substitute

this part and relevant best practice,

5**Proposed new clauses 7C to 7F**

Page 3, line 6—

After clause 7, insert the following new clauses:

7C Consultation on draft environment protection policy
Section 25 (1) (b)

omit

obtained;

substitute

inspected and obtained;

7D Section 25 (1) (c)*substitute*

- (c) inviting anyone to make written suggestions or comments about the draft policy to the authority, at the place stated in the notice, within 40 working days after the day the notice is published in a daily newspaper (the *consultation period*).

7E Section 25 (4)*omit*

for inspection

**7F Making of environment protection policy
Section 27 (1)***omit*

with section 26

substitute

with sections 25 and 26

6**Proposed new clause 7G****Page 3, line 6—**

After clause 7, insert the following new clause:

7G Section 31*substitute***31 Definitions for pt 5**

In this part:

code of practice means a code that sets out ways of achieving compliance, having regard to relevant best practice, with the general environmental duty by a person who—

- (a) conducts a harmful activity; or
- (b) conducts a group of related harmful activities; or
- (c) is engaged in an industry in which some or all activities are harmful activities.

consultation period—see section 31A (1).

harmful activity means an activity that causes or is likely to cause environmental harm.

31A Consultation before accrediting codes of practice

- (1) If the Minister proposes to approve a code of practice, the Minister must prepare a written notice—
 - (a) containing a brief description of the proposed code; and
 - (b) stating where copies of the proposed code may be inspected and obtained; and

- (c) inviting anyone to make written suggestions or comments about the proposed code to the Minister, at the place stated in the notice, within 40 working days after the day the notice is published in a daily newspaper (the *consultation period*).

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The Minister must also publish the notice in a daily newspaper.
- (4) During the consultation period, the Minister must make copies of the proposed code of practice available in accordance with the notice.
- (5) The Minister must send a copy of a proposed code of practice, without charge, to—
 - (a) the Conservation Council of the South-East Region and Canberra (Inc.); and
 - (b) the Canberra Business Council Inc.

31B Consideration of suggestions etc and revision of proposed code of practice

- (1) The Minister must consider the suggestions and comments made to the Minister during the consultation period about the proposed code of practice.
- (2) The Minister may, in writing and in accordance with any of the suggestions or comments—
 - (a) revise the proposed code of practice; or
 - (b) if the proposed code of practice had not been prepared by the Minister—ask the person who had prepared it to revise it.

31C Accreditation of codes of practice

- (1) After complying with sections 31A and 31B in relation to a proposed code of practice, the Minister may, in writing, accredit the code of practice.
- (2) An accredited code of practice is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

7

Proposed new clause 7H

Page 3, line 6—

After clause 7, insert the following new clause:

7H Deemed compliance with general environmental duty Section 33

omit

section 31 (1)

substitute

section 31C (1)

8

Proposed new clause 7I**Page 3, line 6—**

After clause 7, insert the following new clause:

7I Section 38*substitute***37A Consultation on proposed environmental protection agreement**

- (1) If the authority proposes to enter into an environmental protection agreement, the authority must prepare a written notice—
 - (a) containing a brief description of the proposed agreement; and
 - (b) stating where copies of the proposed agreement may be inspected and obtained; and
 - (c) inviting anyone to make written suggestions or comments about the proposed agreement to the authority, at the place stated in the notice, within 40 working days after the day the notice is published in a daily newspaper (the *consultation period*).
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The authority must also publish the notice in a daily newspaper.
- (4) During the consultation period, the authority must make copies of the proposed environmental protection agreement available in accordance with the notice.

37B Consideration of suggestions and comments

- (1) The authority must consider the suggestions and comments made to it during the consultation period about the proposed environmental protection agreement.
- (2) In this section:
consultation period—see section 37A (1).

38 Entering into environmental protection agreements

- (1) After complying with sections 37A and 37B in relation to a proposed environmental protection agreement, the authority may, for relevant purposes, enter into the environmental protection agreement in relation to an activity with the person who is conducting or proposing to conduct the activity.
- (2) In this section:
relevant purposes means—
 - (a) the purposes of section 42 (2) (a); or
 - (b) otherwise for the purposes of giving effect to the objects of this Act.

9

Proposed new clause 7J**Page 3, line 6—**

After clause 7, insert the following new clause:

7J Form and terms of agreements
Section 39 (c)*omit*

this Act

substitute

this Act and relevant best practice, including

10

Proposed new clause 7K**Page 3, line 6—**

After clause 7, insert the following new clause:

7K Notification of environmental protection agreements
Section 41 (1)*omit*

(Entering agreements)

substitute

(Entering into environmental protection agreements)

11

Clause 8**Page 3, line 7—**

Omit the clause, substitute the following clause:

8 New section 41 (5) to (7)*insert*

- (5) However, if a declaration under subsection (6) is made in relation to an environmental protection agreement, the following do not apply in relation to the agreement:
- (a) subsection (3);
 - (b) the requirement under subsection (4) to publish the notice in a daily newspaper.
- (6) The Minister may, in writing, declare that subsection (3) does not apply in relation to an environmental protection agreement if satisfied that the activity to which the agreement relates is not likely to cause environmental harm if it is carried out in accordance with the agreement.
- (7) A declaration under subsection (6) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

12

Proposed new clauses 8A to 8M

Page 3, line 18—

After clause 8, insert the following new clauses:

8A Section 48

omit

8B Section 49, heading

substitute

49 Consideration of applications for environmental authorisations

8C Section 49 (1)

omit everything before paragraph (a), substitute

(1) Within 20 working days of receiving an application under section 47 the authority must—

8D Section 49 (1) (a)

omit

grant an

substitute

prepare a proposed

8E Section 49 (1), new note

insert

Note In making a decision under this subsection the authority must take into account certain matters mentioned in s 61 (Matters required to be taken into account for certain decisions under div 8.2).

8F Section 49 (2) (a)

omit

grant the

substitute

prepare the proposed

8G Section 49 (3) (a)

omit

grant the

substitute

prepare the proposed

8H Section 49 (4) (a)

omit

grant the

substitute

prepare the proposed

8I Section 49 (5) (a)

omit

granting or refusing

substitute

to prepare a proposed environmental authorisation or to refuse

8J Section 49 (5) (b)

omit

granting or refusing

substitute

to prepare a proposed environmental authorisation or to refuse

8K Section 49 (5) (c)

substitute

- (c) if the authority is satisfied that it is appropriate to grant an environmental authorisation for the activity, grant the authorisation for the period and subject to the conditions (if any) specified in the authorisation; or

Note In making a decision about whether it is appropriate to grant an environmental authorisation under section 49 (5) (c), the authority must take into account certain matters mentioned in s 61 (Matters required to be taken into account for certain decisions under div 8.2).

8L New sections 49A to 49C

insert

49A Consultation on proposed environmental authorisations

- (1) If the authority has prepared a proposed environmental authorisation, the authority must prepare a written notice—
 - (a) containing a brief description of the prescribed activity and its location; and
 - (b) stating where copies of the proposed environmental authorisation and the relevant application under section 47 (the *relevant application*) may be inspected and obtained; and

- (c) inviting anyone to make written suggestions or comments about the proposed environmental authorisation or the relevant application (or both) to the authority, at the place stated in the notice, within 40 working days after the day the notice is published in a daily newspaper (the *consultation period*).

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The authority must also publish the notice in a daily newspaper.
- (4) During the consultation period, the authority must make copies of the proposed environmental authorisation and the relevant application available in accordance with the notice.
- (5) The Minister may, in writing, declare that this section does not apply to a prescribed activity.
- (6) A declaration under subsection (5) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (7) The authority is not required to comply with subsections (1) to (4) in relation to a proposed environmental authorisation that relates to a prescribed activity stated in a declaration under subsection (5).

49B Consideration of suggestions and comments

- (1) The authority must consider the suggestions and comments made to it during the consultation period about the proposed environmental authorisation and the relevant application.
- (2) In this section:
consultation period—see section 49A (1).
relevant application—see section 49A (1).

49C Grant of environmental authorisations

- (1) If the authority—
 - (a) is not required to comply with section 49A in relation to a proposed environmental authorisation for an activity; and
 - (b) is satisfied that it is appropriate to grant an environmental authorisation for the activity;
 the authority must grant the authorisation for the period and subject to the conditions (if any) specified in the authorisation.
- (2) If the authority—
 - (a) is required to comply with section 49A in relation to a proposed environmental authorisation for an activity; and
 - (b) has complied with sections 49A and 49B in relation to the proposed authorisation; and

(c) is satisfied that it is appropriate to grant an environmental authorisation for the activity;

the authority must grant the authorisation for the period and subject to the conditions (if any) specified in the authorisation.

- (3) The authority may only grant an environmental authorisation in relation to a development if an application to conduct that development has been approved under the Land Act, part 4.

Note In making a decision about whether it is appropriate to grant an environmental authorisation under this section, the authority must take into account certain matters mentioned in s 61 (Matters required to be taken into account for certain decisions under div 8.2).

- (4) To remove any doubt, this section does not apply to the granting of an environmental authorisation under section 49 (5).

8M Notification of grant Section 50 (1)

substitute

- (1) The authority must tell the applicant in writing of its decision to grant an environmental authorisation under section 49C.

13

Clause 9

Page 3, line 19—

Omit the clause, substitute the following clause:

9 New section 50 (7) to (9)

insert

- (7) However, if a declaration under subsection (8) is made in relation to an environmental authorisation, the following do not apply in relation to the authorisation:
- (a) subsection (5);
 - (b) the requirement under subsection (6) to publish the notice in a daily newspaper.
- (8) The Minister may, in writing, declare that subsection (5) does not apply in relation to an environmental authorisation if satisfied that the activity authorised by the authorisation is not likely to cause environmental harm if it is carried out in accordance with any conditions stated in the authorisation.
- (9) A declaration under subsection (8) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

14

Proposed new clause 9A

Page 4, line 3—

After clause 9, insert the following new clause:

9A Kinds of conditions
Section 51 (a)

omit

this Act

substitute

this Act and relevant best practice, including

15

Proposed new clause 9B

Page 4, line 3—

After clause 9, insert the following new clause:

9B Review of accredited environmental authorisations
Section 58 (4)

omit

section 49

substitute

section 49C

16

Proposed new clause 9C

Page 4, line 3—

After clause 9, insert the following new clause:

9C New section 58A

insert

58A Notification of proposed review of environmental authorisation

- (1) If the authority proposes to review an environmental authorisation under section 57 (1) or 58 (1), the authority must prepare a written notice—
 - (a) containing a brief description of the authorisation; and
 - (b) stating where copies of the authorisation may be inspected and obtained; and
 - (c) inviting anyone to make written suggestions or comments about the authorisation to the authority, at the place stated in the notice, within 20 working days after the day the notice is published in a daily newspaper (the *consultation period*).
 - (2) The notice is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The authority must also publish the notice in a daily newspaper.
 - (4) During the consultation period, the authority must make copies of the authorisation available in accordance with the notice.

- (5) In reviewing the environmental authorisation, the authority must consider the suggestions and comments received about the authorisation during the consultation period.

17

Proposed new clause 9D

Page 4, line 3—

After clause 9, insert the following new clause:

**9D Matters required to be taken into account for certain decisions under div 8.2
Section 61**

omit

section 49 (1)

substitute

section 49 (1), 49 (5), 49C

18

Clause 11

Page 4, line 15—

Omit “60”, substitute “40”.

19

Proposed new clause 16A

Page 5, line 15—

After clause 16, insert the following new clause:

**16A Application for order
Section 127 (2)**

substitute

- (2) The court must give leave under subsection (1) (b) unless satisfied that—
- (a) the person has not asked the authority to take action under this Act; or
 - (b) the person has asked the authority to take action under this Act, but a reasonable period for the authority to take action has not yet elapsed; or
 - (c) the application is frivolous or vexatious.

20

Proposed new clause 16B

Page 5, line 15—

After clause 16, insert the following new clause:

16B Review of decisions
Section 135 (1) (d) (e) and (f)

omit

section 49 (1) (a), (2) (a), (3) (a) or (4) (a)

substitute

section 49C

21

Clause 18

Proposed new subsection 167 (1)

Page 5, line 22—

Omit “1 June 2003”, substitute “1 June 2005”.

22

Clause 18

Proposed new subsection 167 (2)

Page 5, line 24—

Omit “1 June 2004”, substitute “1 June 2006”.

23

Proposed new clause 19A

Page 6, line 4—

After clause 19, insert the following new clause:

19A Schedule 1, clause 2 (c)

omit

commercial

24

Clause 20

Proposed new paragraph 2 (ca)

Page 6, line 7—

Omit “commercial”.

Schedule 9

ENVIRONMENT PROTECTION AMENDMENT BILL 2001

Amendments circulated by Minister for Urban Services

1

Clause 16

Proposed new subsection 101 (1)

Page 5, line 8—

Omit the subsection, substitute the following subsection:

- (1) An authorised officer who enters premises under section 96 (Entry of premises—routine inspections) may, if satisfied on reasonable grounds that it is necessary to do so because of urgent and serious circumstances, require the occupier or a person on the premises to do any of the following:
 - (a) answer questions;
 - (b) furnish information;
 - (c) make available to the authorised officer any record or document kept on the premises;
 - (d) provide reasonable assistance to the authorised officer in relation to the exercise of the authorised officer's functions.
-

Schedule 10

PROTECTION ORDERS (CONSEQUENTIAL AMENDMENTS) BILL 2001

Amendments circulated by Attorney General

1

Schedule 1

Part 2

Proposed new amendment 1.12A

Page 11, line 5—

Before amendment 1.13, insert the following new amendment:

[1.12A] Part 6.2, division 1 to Part 7.1, division 1

renumber as division 6.2.1 to division 7.1.1

2

Schedule 1

Part 2

Amendments 1.14 to 1.15

Page 11, line 13—

Omit the amendment, substitute the following amendments:

[1.13A] Part 7.2, division 1 to part 7.3, division 1

renumber as divisions 7.2.1 to 7.3.1

[1.14] Section 194, definition of *final care and protection order*

substitute

final care and protection order means an order under division 7.3.7 (Final care and protection orders) (other than a protection order or interim order), or a contact order, residence order or therapeutic protection order made as a final care and protection order.

[1.14A] Section 194, new definitions of final protection order and interim protection order

insert

final protection order—see the *Protection Orders Act 2001*, dictionary, definition of *final order*.

interim protection order—see the *Protection Orders Act 2001*, dictionary, definition of *interim order*.

[1.15] Section 205*substitute***205 When may the court make an interim protection order?**

- (1) The court may make an interim protection order in relation to a child or young person at any time on an application (the ***care and protection application***) for a care and protection order in relation to the child or young person—
 - (a) on its own initiative, on further application by a party to the care and protection application or on application by the community advocate; and
 - (b) if the court is satisfied that it is necessary to make the interim protection order to ensure the safety of the child or young person until the care and protection application is decided.

Note The grounds for making an interim protection order are intended to mirror the grounds mentioned in the *Protection Orders Act 2001*, s 49.

- (2) To remove doubt, the court may not make an interim protection order that the Magistrates Court could not make on an application for a final protection order made in accordance with the *Protection Orders Act 2001*.

Example

The court could not make an interim protection order for a period longer than that allowed for interim protection orders under the *Protection Orders Act 2001*.

205A When may the court make a final protection order?

- (1) The court may make a final protection order in relation to a child or young person on an application (the ***care and protection application***) for a care and protection order in relation to the child or young person—
 - (a) on its own initiative, on further application by a party to the care and protection application or on application by the community advocate; and
 - (b) if the person against whom the final protection order is proposed to be made—
 - (i) has engaged in domestic violence in relation to the child or young person; or
 - (ii) has engaged in personal violence towards the child or young person and may engage in personal violence towards the child or young person during the time the order is proposed to be made if the order is not made.

Note The grounds for making a final protection order are intended to mirror the grounds mentioned in the *Protection Orders Act 2001*, s 40.

- (2) To remove doubt, the court may not make a final protection order that the Magistrates Court could not make on an application for a final protection order made in accordance with the *Protection Orders Act 2001*.
- (3) In this section:

domestic violence—see the *Protection Orders Act 2001*, dictionary.

personal violence—see the *Protection Orders Act 2001*, dictionary.

205B Can someone apply for a protection order if no care and protection proceedings?

- (1) This section applies if—
 - (a) someone wants to apply for a protection order in relation to a child or young person; and
 - (b) no application for a final care and protection order has been made in relation to the child or young person.

Note A *final care and protection order* does not include a protection order (see s 194, def of *final care and protection order*).

- (2) The person may not apply for a protection order under this Act.
- (3) To remove doubt, this section does not stop the person from applying for a protection order under the *Protection Orders Act 2001*.

205C What is the affect of making a protection order under this Act?

- (1) A protection order made under this Act is taken to have been made under the *Protection Orders Act 2001*.

Examples of consequences of protection order being taken to have been made under Protection Orders Act

- 1 The protection order can be amended (including by extension) or revoked under that Act
- 2 The provisions about consent orders under that Act apply to the amendment (including by extension) or revocation of the protection order
- 3 The provisions dealing with the end of protection orders under that Act apply to the order.

Note 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 2001*, s 126 (3), s 132).

- (2) The making of the protection order on an application for a care and protection order does not affect the validity of the protection order.
- (3) In applying the *Protection Orders Act 2001*, section 13 (Who may apply to amend or revoke a protection order?) to the protection order, the community advocate is taken to have been a party to the application for the protection order.
- (4) In applying the *Protection Orders Act 2001* to an interim protection order made under this Act—
 - (a) a reference in that Act to a ***final order*** is taken to be a reference to a final care and protection order; and
 - (b) a reference in that Act to the ***application*** or ***proceeding*** is taken to be a reference to the application or proceeding under this Act in relation to which the interim protection order was made.

Example for par (a)

The *Protection Orders Act 2001*, s 53 (c) provides that an interim order ends in certain circumstances when the final order is made. Applying par (a), the interim protection order ends when the final care and protection order is made in those circumstances.

[1.15A] Part 7.3, divisions 2 to 7

renumber as divisions 7.3.2 to 7.3.7

3

Schedule 1

Part 2

Proposed new amendment 1.16A

Page 12, line 12—

After amendment 1.16, insert the following new amendment:

[1.16A] Part 7.3, division 8 to part 9.2, division 4

renumber as divisions 7.3.8 to 9.2.4

4

Schedule 1

Part 2

Amendment [1.19]

Page 12, line 21—

Omit the amendment, substitute the following amendments:

[1.18A] Dictionary, new definition of *final protection order*

insert

final protection order, for chapter 7 (Children and young people in need of care and protection)—see section 194 (Definitions for ch 7).

[1.19] Dictionary, definition of *interim order* for chapter 8

substitute

interim order—

- (a) for part 7.3 (Care and protection orders and emergency action), means an order under section 251 (1) (e); and
- (b) for chapter 8 (Transfer of child care and protection orders and proceedings)—see section 299.

5

Schedule 1

Part 2

Proposed new amendment 1.20A

Page 13, line 4—

After amendment 1.20, insert the following new amendment:

[1.20A] Dictionary, new definition of *interim protection order*

insert

interim protection order, for chapter 7 (Children and young people in need of care and protection)—see section 194 (Definitions for ch 7).

6

Schedule 1

Part 3

Proposed new amendment 1.26A

Page 14, line 23—

After amendment 1.26, insert the following new amendment:

[1.26A] Part 17

substitute

Part 17 Transitional

579 Expiry—Motor Traffic Act

The definition of *domestic violence offence* in the dictionary, paragraph (e) and this section expire on 1 January 2002.

Schedule 11

LONG SERVICE LEAVE (CLEANING, BUILDING AND PROPERTY SERVICES) AMENDMENT BILL 2001

Amendment circulated by Mr Berry

1

Page 4, line 17

Insert new section

3BA The 80% rule

(1) This section applies to the engagement of an individual to carry out cleaning work by a person (*the employer*) if –

- a) the individual has been engaged by the employer under a contract for services to work for the employer; and
- b) 80% or more of the individual's income while working under the contract is earned under the contract; and
- c) the individual personally does part or all of the work.

(2) For this Act, the individual is taken to be an *employee* employed by the employer.

Schedule 12

LONG SERVICE LEAVE (CLEANING, BUILDING AND PROPERTY SERVICES) AMENDMENT BILL 2001

Amendments circulated by Minister for Urban Services

1

Schedule 1

Page 32, line 19—

Insert the following new amendment:

[1.10A] Section 42 (1) (d)

omit

period of 2 months

substitute

quarter

2

Schedule 2

Proposed new schedule 1

Page 38—

Omit the schedule, substitute the following schedule:

Schedule 1 Examples of calculation of leave payments

(see s 57)

Example 1

Full-time employee receiving above award

| Year | Actual pay | Relevant annual award pay | Actual pay ÷ relevant annual award pay |
|---------|------------|------------------------------|--|
| Year 1 | 20800 | 19000 | 1.094736842 |
| Year 2 | 21800 | 19000 | 1.147368421 |
| Year 3 | 22000 | 19000 | 1.157894737 |
| Year 4 | 22800 | 20000 | 1.14 |
| Year 5 | 23000 | 21000 | 1.095238095 |
| Year 6 | 23100 | 21000 | 1.1 |
| Year 7 | 24100 | 21000 | 1.147619048 |
| Year 8 | 24150 | 22000 | 1.097727273 |
| Year 9 | 25000 | 22000 | 1.136363636 |
| Year 10 | 25200 | 23000 | 1.095652174 |
| Total | 231950 | 207000 | 11.21260023 |

The total amount formula is—

$$\sum_{\text{relevant years}} \left(\frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left(\frac{\text{current annual award pay}}{60} \right)$$

Applying the formula to this example gives:

$$11.2126 \times \left(\frac{23000}{60} \right) = 4298.16342$$

Which is \$4298.16.

The weekly amount formula is:

$$\sum_{\text{relevant years}} \left(\frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left(\frac{\text{current annual award pay}}{60} \right) \div \left(\frac{13}{15} \times 10 \right)$$

As a weekly payment the amount would be:

$$4298.16 \div \left(\frac{13}{15} \times 10 \right) = \$495.94.$$

Example 2**Part-time employee—5 days a week at various hours**

| Year | Actual pay | Relevant annual award pay | Actual pay÷ relevant annual award pay |
|---------|------------|---------------------------|---------------------------------------|
| Year 1 | 10400 | 19000 | 0.547368421 |
| Year 2 | 11400 | 19000 | 0.6 |
| Year 3 | 11400 | 19000 | 0.6 |
| Year 4 | 15000 | 20000 | 0.75 |
| Year 5 | 14000 | 21000 | 0.666666667 |
| Year 6 | 11000 | 21000 | 0.523809524 |
| Year 7 | 19000 | 21000 | 0.904761905 |
| Year 8 | 5000 | 22000 | 0.227272727 |
| Year 9 | 14000 | 22000 | 0.636363636 |
| Year 10 | 8000 | 23000 | 0.347826087 |
| Total | 119200 | 207000 | 5.804068967 |

The formula:

$$\sum_{\text{relevant years}} \left(\frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left(\frac{\text{current annual award pay}}{60} \right)$$

Applying the formula to this example gives:

$$5.804069 \times \left(\frac{23000}{60} \right) = 2224.893104$$

Which is \$2224.89.

The weekly amount formula is:

$$\sum_{\text{relevant years}} \left(\frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left(\frac{\text{current annual award pay}}{60} \right) \div \left(\frac{13}{15} \times 10 \right)$$

As a weekly payment, the amount would be:

$$2224.89 \div \left(\frac{13}{15} \times 10 \right) = \$256.72.$$

Schedule 13

ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) AMENDMENT BILL 2001

Amendments circulated by Minister for Urban Services

1

Clause 8

Proposed new division 3.1

Page 5, line 15—

Omit the division, substitute the following division:

Division 3.1 Basic concepts

29 Meaning of *taxi network* (ACT Taxi reg, dict, def of *taxi network*, NSW s 29A, def of *taxi-cab network*)

A *taxi network* is an entity that provides taxi related services to affiliated accredited taxi service operators, including providing (directly or through another entity) a taxi booking service for the network.

29A Meaning of *taxi booking service* (ACT Taxi reg, dict, def of *booking service*, NSW s 29A, def of *taxi-cab booking service*)

A *taxi booking service* is a service provided by or for an accredited taxi network provider that—

- (a) accepts bookings for taxis from people; and
- (b) sends messages about bookings to taxi drivers by electromagnetic energy to equipment in taxis that can receive such messages.

2

Clause 8

Proposed new section 29G

Page 8, line 22—

Omit the section.

3

Clause 8

Proposed new paragraph 29H (c)

Page 9, line 15—

Omit the paragraph, substitute the following paragraphs:

- (c) the specifications for equipment operated by or for networks for sending messages (including messages sent through a taxi booking service) to taxi drivers; and
- (ca) the specifications for taximeters; and

4

Clause 8

Proposed new paragraph 29H (e)

Page 9, line 20—

Omit the paragraph, substitute the following paragraph:

- (e) the operation of, and service standards for, taxi booking services operated by or for networks (including, for example, service standards about when a booking must be transferred to another taxi or a taxi booking service for another taxi network); and

5

Clause 8

Proposed new paragraph 29I (d)

Page 10, line 29—

Omit the paragraph, substitute the following paragraph:

- (d) the operation of equipment for sending messages between a network (including messages sent through a taxi booking service) and taxi drivers; and

6

Clause 8

Proposed new section 31A

Page 14, line 13—

Omit “this Act”, substitute “the regulations”.

7

Clause 8

Proposed new section 31C, example 3

Page 14, line 25—

Omit the example.

8

Clause 11

Proposed new subsection 51C (1)

Page 25, line 2—

Omit the subsection, substitute the following subsection:

- (1) This section applies to a person who, immediately before the commencement—
 - (a) operated a taxi service (other than a restricted taxi service) within the meaning of this Act; or
 - (b) was the holder of a restricted taxi operator’s licence.
-