



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 118

TUESDAY, 13 NOVEMBER 2007

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional owners. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 **WEBSTREAMING OF ASSEMBLY PROCEEDINGS—STATEMENT BY SPEAKER**

The Speaker made a statement concerning real-time webstreaming of Assembly proceedings and guidelines for the operation of cameras in the Chamber.

3 **LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 47—STATEMENT BY CHAIR**

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 47, dated 12 November 2007, together with the relevant minutes of proceedings—

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

4 **PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 31—VARIATION TO THE TERRITORY PLAN NO. 287—BLOCKS 1 AND 2 SECTION 23 NGUNNAWAL GOLD CREEK HOMESTEAD—PUBLICATION OF REPORT—REPORT NOTED**

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 31—*Variation to the Territory Plan No. 287—Blocks 1 and 2 Section 23 Ngunawal Gold Creek Homestead*, dated 9 November 2007, 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.

Mr Gentleman moved—That the report be noted.

Question—put and passed.

5 LEAVE OF ABSENCE TO MEMBER

Mr Corbell (Manager of Government Business) moved—That leave of absence be given to Ms Porter from 13 November to 31 December 2007 inclusive.

Question—put and passed.

6 LEAVE OF ABSENCE TO MEMBER

Mrs Burke moved—That leave of absence be given to Mr Smyth from 13 to 15 November 2007 inclusive.

Question—put and passed.

7 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mrs Burke, pursuant to standing order 223, moved—That Mr Smyth be discharged from the Standing Committee on Administration and Procedure for the period 13 to 18 November 2007 and that Mrs Burke be appointed in his place for that period.

Question—put and passed.

8 APPROPRIATION BILL 2007-2008 (NO. 2)

Mr Stanhope (Treasurer), by leave, presented a Bill for an Act to appropriate additional money for the purposes of the Territory for the financial year that began on 1 July 2007.

Papers: Mr Stanhope presented the following papers:

Financial Management Act, pursuant to section 13—Supplementary Budget Papers 2007-2008—Appropriation Bill No. 2.

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 13 November 2007.

Title read by Clerk.

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

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

9 PUBLIC ACCOUNTS—STANDING COMMITTEE—REFERENCE—APPROPRIATION BILL 2007-2008 (NO. 2)

Mr Mulcahy, by leave, moved—That, notwithstanding the provisions of standing order 174:

- (1) the Appropriation Bill 2007-2008 (No. 2) be referred to the Standing Committee on Public Accounts for inquiry and report on the expenditure proposals contained and revenue estimates proposed therein, by 4 December 2007;
- (2) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;
- (3) on the Committee presenting its report to the Assembly, resumption of debate on the question “That this Bill be agreed to in principle” be set down as an order of the day for the next sitting; and
- (4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Question—put and passed.

10 OUTDOOR CAFE LICENCE FEES—STATEMENT BY MINISTER

Mr Hargreaves (Minister for Territory and Municipal Services), by leave, made a statement regarding outdoor cafe licence fees.

11 ELECTRICITY (GREENHOUSE GAS EMISSIONS) 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.

Detail Stage

Bill, by leave, taken as a whole—

Dr Foskey moved her amendment No. 1 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 1
Dr Foskey

NOES, 14
Mr Barr
Mr Berry
Mrs Burke
Mr Corbell
Mrs Dunne
Ms Gallagher
Mr Gentleman
Mr Hargreaves
Ms MacDonald
Mr Mulcahy
Mr Pratt
Mr Seselja
Mr Stanhope
Mr Stefaniak

And so it was negatived.

Bill, as a whole, agreed to.

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

12 QUESTIONS

Questions without notice were asked.

13 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Contract variations:

Brenda Ainsworth, dated 9 October 2007.

Gary Byles, dated 4 October 2007.

Helen Strauch, dated 29 June 2007.

Lisa Gai Holmes, dated 5 October 2007.

Neil Brian Bulless, dated 5 October 2007.

Long-term contract—Roger Broughton, dated 15 October 2007.

Short-term contracts:

Beverley Gow-Wilson, dated 9 and 12 October 2007.

David Collett, dated 20 September 2007.

David Dutton, dated 4 September 2007.

Fiona Macgregor.

Frank Duggan, dated 4 October 2007.

Heather Austin, dated 17 October 2007.

Maree Mannion, dated 27 September 2007.

Pauline Brown, dated 17 October 2007.

Susan Mickleburgh, dated 4 October 2007—

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

14 TERRITORY-OWNED CORPORATIONS ACT—STATEMENTS OF CORPORATE INTENT—ACTTAB LIMITED AND RHODIUM ASSET SOLUTIONS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following papers:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statements of Corporate Intent—

ACTTAB Limited—1 July 2007 to 30 June 2008.

Rhodium Asset Solutions—2007-2008, dated October 2007—

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

15 FINANCIAL MANAGEMENT ACT—INSTRUMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act—Pursuant to section 16B—Instruments, including statements of reasons, authorising the rollover of undispersed appropriation—

ACT Health, dated 9 November 2007.

ACT Planning and Land Authority, dated 9 November 2007.

Canberra Institute of Technology, dated 9 November 2007.

Chief Minister's Department, dated 9 November 2007.

Department of Disability, Housing and Community Services, dated 9 November 2007.

Department of Education and Training, dated 9 November 2007.

Department of Justice and Community Safety, dated 9 November 2007.

Department of Territory and Municipal Services, dated 9 November 2007.

Department of Treasury, dated 9 November 2007.

Housing ACT, dated 9 November 2007.

Legislative Assembly Secretariat, dated 9 November 2007.

Shared Services Centre, dated 9 November 2007.

Superannuation Provision Account, dated 9 November 2007—

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

16 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act—Pursuant to section 18A— Authorisation of Expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 26 October 2007—

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

17 GAMING MACHINE ACT—COMMUNITY CONTRIBUTIONS MADE BY GAMING MACHINE LICENSEES—TENTH REPORT BY THE A.C.T. GAMBLING AND RACING COMMISSION—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Tenth report by the ACT Gambling and Racing Commission—1 July 2006 to 30 June 2007, dated 15 October 2007—

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

18 PRESENTATION OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Totalcare Industries Limited—Annual Report 2006-2007.

19 LAND (PLANNING AND ENVIRONMENT) ACT—SCHEDULES—LEASES GRANTED—PAPER AND STATEMENT BY MINISTER

Mr Barr (Minister for Planning) presented the following paper:

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 July to 30 September 2007—

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

20 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—

Children and Young People Act—Children and Young People Official Visitor Appointment 2007 (No. 1)—Disallowable Instrument DI2007-244 (LR, 22 October 2007).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2007 (No. 3)—Disallowable Instrument DI2007-231 (LR, 8 October 2007).

Duties Act—

Duties (Affordable House and Land Packages) Declaration 2007 (No. 1)—Disallowable Instrument DI2007-249 (LR, 25 October 2007).

Duties (Amount Deferred) Determination 2007 (No. 1)—Disallowable Instrument DI2007-248 (LR, 25 October 2007).

Duties (Community Housing) Declaration 2007 (No. 1)—Disallowable Instrument DI2007-250 (LR, 25 October 2007).

Exhibition Park Corporation Act—

Exhibition Park Corporation Board Appointment 2007 (No. 2)—Disallowable Instrument DI2007-233 (LR, 25 October 2007).

Exhibition Park Corporation Board Appointment 2007 (No. 3)—Disallowable Instrument DI2007-234 (LR, 25 October 2007).

Exhibition Park Corporation Board Appointment 2007 (No. 4)—Disallowable Instrument DI2007-235 (LR, 25 October 2007).

Government Procurement Act—Government Procurement Regulation 2007—Subordinate Law SL2007-29 (LR, 28 September 2007).

Health Professionals Act—Health Professionals Amendment Regulation 2007 (No. 3)—Subordinate Law SL2007-28 (LR, 27 September 2007).

Health Professionals Regulation—Health Professionals Psychologists Board Appointment 2007 (No. 1)—Disallowable Instrument DI2007-242 (LR, 18 October 2007).

Legal Profession Act—

Legal Profession Regulation 2007—Subordinate Law SL2007-27 (LR, 28 September 2007).

Legal Profession (Solicitors) Rules 2007—Subordinate Law SL2007-31 (without explanatory statement) (LR, 28 September 2007).

Magistrates Court Act—Magistrates Court (Water Resources Infringement Notices) Regulation 2007—Subordinate Law SL2007-30 (LR, 2 October 2007).

Poisons Act—Poisons Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-33 (LR, 3 October 2007).

Public Place Names Act—

Public Place Names (Forde) Determination 2007 (No. 4)—Disallowable Instrument DI2007-239 (LR, 22 October 2007).

Public Place Names (Franklin) Determination 2007 (No. 2)—Disallowable Instrument DI2007-240 (LR, 18 October 2007).

Public Place Names (Franklin) Determination 2007 (No. 3)—Disallowable Instrument DI2007-243 (LR, 25 October 2007).

Public Sector Management Act—Public Sector Management Amendment Standards 2007 (No. 8)—Disallowable Instrument DI2007-246 (LR, 25 October 2007).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2007 (No. 4)—Disallowable Instrument DI2007-241 (LR, 18 October 2007).

Racing Act—Racing Appeals Tribunal Appointment 2007 (No. 2)—Disallowable Instrument DI2007-232 (LR, 11 October 2007).

Residential Tenancies Act—

Residential Tenancies Tribunal Appointment 2007 (No. 1)—Disallowable Instrument DI2007-229 (without explanatory statement) (LR, 8 October 2007).

Residential Tenancies Tribunal Appointment 2007 (No. 2)—Disallowable Instrument DI2007-230 (without explanatory statement) (LR, 8 October 2007).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-32 (LR, 4 October 2007).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No. 4)—Disallowable Instrument DI2007-238 (without explanatory statement) (LR, 11 October 2007).

Road Transport (Offences) Regulation—Road Transport (Offences) Application to Holiday Period Declaration 2007 (No. 1)—Disallowable Instrument DI2007-245 (LR, 24 October 2007).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2007 (No. 2)—Disallowable Instrument DI2007-237 (LR, 15 October 2007).

Road Transport (Public Passenger Services) (Minimum Service Standards for Taxi Services) Approval 2007 (No. 1)—Disallowable Instrument DI2007-236 (LR, 15 October 2007).

Taxation Administration Act—Taxation Administration (Amounts Payable—Interest) Determination 2007 (No. 1)—Disallowable Instrument DI2007-247 (LR, 25 October 2007).

21 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—PUBLIC HOSPITALS—MANAGEMENT

The Assembly was informed that Mrs Burke, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy and Mr Stefaniak (Leader of the Opposition) 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 Mrs Burke be submitted to the Assembly, namely, “Management of public hospitals in the ACT.”.

Discussion ensued.

Discussion concluded.

22 DOMESTIC ANIMALS 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.

Detail Stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9—

On the motion of Mr Hargreaves (Minister for Territory and Municipal Services), his amendment No. 1 (*see* [Schedule 2](#)) was made, after debate.

Clause 9, as amended, agreed to.

Proposed new clause—

Mr Pratt moved his amendment No. 1 (*see* [Schedule 3](#)), which inserts a new clause 9A in the Bill.

Debate continued.

Mr Pratt addressing the Assembly—

Debate interrupted in accordance with standing order 34 and the resumption of the debate made an order of the day for the next sitting.

23 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.25 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Porter* and Mr Smyth*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

ELECTRICITY (GREENHOUSE GAS EMISSIONS) AMENDMENT BILL 2007

Amendment circulated by Dr Foskey

1

Clause 4

Page 2, line 11—

omit clause 4, substitute

4 Territory greenhouse gas benchmarks Section 7 (1) (c)

substitute

- (c) for the year 2007—7.27 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;
 - (d) for the year 2008—6.91 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;
 - (e) for the year 2009—6.56 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;
 - (f) for the year 2010—6.23 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;
 - (g) for the year 2011—5.92 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;
 - (h) for the year 2012—5.63 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population.
-

Schedule 2

DOMESTIC ANIMALS AMENDMENT BILL 2007

Amendments circulated by the Minister for Territory and Municipal Services

1

Clause 9

Proposed new section 15 (7)

Page 5, line 14—

omit proposed new section 15 (7), substitute

- (7) Subsections (1), (2) and (3) do not apply if the dog is not wearing its registration tag, or another tag that shows its registration number—
- (a) on the advice of a veterinary surgeon given for the dog's health or welfare; or
 - (b) in circumstances approved, in writing, by the registrar.
-

2

Proposed new clause 13A

Page 6, line 22—

insert

**13A Greyhounds
New section 48 (2A)**

insert

- (2A) The requirement in subsection (1) and subsection (2) that a greyhound wear a muzzle does not apply if the greyhound and its keeper have completed a course in behaviour or socialisation training approved by the registrar.
-

Schedule 3

DOMESTIC ANIMALS AMENDMENT BILL 2007

Amendments circulated by Mr Pratt

1

Proposed new clause 9A
Page 5, line 17—

insert

9A New section 22A

insert

22A Declarations—dangerous dog breeds

- (1) The Minister may declare a stated breed of dog to be a dangerous dog breed.
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified under the Legislation Act.

2

Proposed new clause 12A
Page 6, line 10—

insert

12A New section 26 (3)

insert

- (3) A licence issued for a dog of a dangerous breed must include conditions relating to the security of the premises to ensure that the dog cannot escape and that unsupervised children cannot gain access.

Example

a condition requiring the yard where the dog is to be kept to have a gate with a child-proof lock, and perimeter fencing at least 1.8m high

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, s 126 and s 132).

3

Proposed new clause 36A

Page 20, line 10—

insert

36A Dictionary, definition of *dangerous dog*

substitute

dangerous dog—each of the following is a dangerous dog:

- (a) a dog declared by the registrar under section 22 to be a dangerous dog;
 - (b) a dog declared by a court under section 50 to be a dangerous dog;
 - (c) a dog of any of the following breeds (a ***dangerous breed***):
 - (i) American pit bull terrier or pit bull terrier;
 - (ii) Japanese tosa;
 - (iii) fila Brasileiro;
 - (iv) a breed prohibited from importation into Australia under the *Customs (Prohibited Imports) Regulations 1956* (Cwlth);
 - (v) a breed declared by the Minister under section 22A to be a dangerous dog breed.
-