



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 100

TUESDAY, 29 MAY 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 DEATH OF MR ASPI BARIA

Mr Stanhope (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr Aspi Baria, technical expert with ACTEW, who specialised in water management and was recognised for his wholehearted dedication to his job and family, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Stefaniak (Leader of the Opposition), Mr Mulcahy, Dr Foskey and Mr Corbell (Attorney-General) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Dr Foskey, from 48 residents, requesting that the Assembly ensure that the Government conduct an inquiry into information services within the ACT specifically addressing a library for the inner south, the maintenance and expansion of existing libraries and better building standards for public buildings.

4 LEGAL AFFAIRS—STANDING COMMITTEE—REPORT 4—COURT PROCEDURES (PROTECTION OF PUBLIC PARTICIPATION) AMENDMENT BILL 2005—PUBLICATION OF REPORT—REPORT NOTED

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee—Report 4—*Court Procedures (Protection of Public Participation) Amendment Bill 2005*, dated 8 May 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 Seselja moved—That the report be noted.

Debate ensued.

Question—put and passed.

5 LEGAL AFFAIRS—STANDING COMMITTEE—REPORT 5—REPORT ON ANNUAL AND FINANCIAL REPORTS 2005-2006—PUBLICATION OF REPORT—REPORT NOTED

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee—Report 5—*Report on Annual and Financial Reports 2005-2006*, dated 15 May 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 Seselja moved—That the report be noted.

Question—put and passed.

6 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 41—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 41, dated 28 May 2007, together with the relevant minutes of proceedings—

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

7 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 27—DRAFT VARIATION TO THE TERRITORY PLAN NO. 263: BLOCK 23 SECTION 117 KALEEN AND MINOR AMENDMENTS TO COMMUNITY FACILITY LAND USE POLICIES—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 27—*Draft Variation to the Territory Plan No. 263: Block 23 Section 117 Kaleen and Minor Amendments to Community Facility Land Use Policies*, dated 21 May 2007, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

**8 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 3—
REPORT ON ANNUAL AND FINANCIAL REPORTS 2005-2006—
PUBLICATION OF REPORT—REPORT NOTED**

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 3—*Report on Annual and Financial Reports 2005-2006*, dated 9 May 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.

Ms MacDonald moved—That the report be noted.

Question—put and passed.

9 REVENUE LEGISLATION AMENDMENT BILL 2007

Mr Stanhope (Treasurer), by leave, presented a Bill for an Act to amend the *Duties Act 1999*, the *Land Tax Act 2004*, the *Payroll Tax Act 1987* and the *Rates Act 2004*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 May 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.

**10 LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION AND
CONTRACT CLEANING INDUSTRIES) LEGISLATION AMENDMENT
BILL 2007**

Mr Barr (Minister for Industrial Relations), by leave, presented a Bill for an Act to amend the *Long Service Leave (Building and Construction Industry) Act 1981* and the *Long Service Leave (Contract Cleaning Industry) Act 1999*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 29 May 2007.

Title read by Clerk.

Mr Barr 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.

11 RHODIUM ASSET SOLUTIONS LIMITED

Mr Stanhope (Chief Minister), by leave, moved—That, in accordance with subsection 11(3) of the *Territory-owned Corporations Act 1990*, this Assembly approves the voting shareholders of Rhodium Asset Solutions Limited resolving to amend the company's constitution to allow the shares in Rhodium to be sold and to give effect to the sale.

Debate adjourned (Mr Barr—Minister for Education and Training) and the resumption of the debate made an order of the day for a later hour this day.

12 GOVERNMENT PROCUREMENT AMENDMENT BILL 2007

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

Detail Stage

Bill as a whole—

Consideration resumed on the amendment moved by Mr Mulcahy (*see* [Schedule 1](#))—

Debate continued.

Question—put.

The Assembly voted—

| AYES, 7 | | NOES, 10 | |
|------------|--------------|--------------|---------------|
| Mrs Burke | Mr Smyth | Mr Barr | Mr Gentleman |
| Mrs Dunne | Mr Stefaniak | Mr Berry | Mr Hargreaves |
| Mr Mulcahy | | Mr Corbell | Ms MacDonald |
| Mr Pratt | | Dr Foskey | Ms Porter |
| Mr Seselja | | Ms Gallagher | Mr Stanhope |

And so it was negatived.

Bill, as a whole, agreed to.

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

13 RHODIUM ASSET SOLUTIONS LIMITED

The order of the day having been read for the resumption of the debate on the motion of Mr Stanhope (Chief Minister) (*see* [entry 11](#))—

Mr Stanhope, who had already spoken, by leave, again addressed the Assembly without closing debate.

Debate continued.

Question—put and passed.

14 TRAINING AND TERTIARY EDUCATION LEGISLATION AMENDMENT BILL 2007

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

15 UTILITIES (ENERGY INDUSTRY LEVY) AMENDMENT BILL 2007

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

16 QUESTIONS

Questions without notice were asked.

17 PAPER AND STATEMENT BY MEMBER

Mr Seselja, by leave, presented the following paper:

Estimates 2007-2008—Select Committee—Estimates Committee schedule—Question without notice asked of the Treasurer by Mr Seselja—

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

18 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Memorandum of Understanding between the Speaker of the Legislative Assembly for the Australian Capital Territory and the Chief Police Officer for the Australian Capital Territory, dated 9 November 2006, together with an ACT Policing Practical Guide entitled *Execution of search warrants where parliamentary privilege may be applied and execution of search warrants and interviews with Members of the Legislative Assembly*, dated June 2006.

Study trip—Report by Mr Stefaniak, MLA—Kuala Lumpur, 26-28 March 2007.

19 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:

Anthony Polinelli, dated 20 April 2007.

Brett Phillips, dated 29 March 2007.

David Dutton, dated 3 and 13 April 2007.

Derek Jory, dated 24 April 2007.

Pamela Davoren, dated 3 May 2007.

Rosemary Kennedy, dated 20 April 2007.

Thomas Elliott.

Long-term contracts:

- Gary Williamson, dated 4 April 2007.
- Maxine Cooper, dated 20 April 2007.
- Michael Chisnall, dated 6 March 2007.
- Penelope Farnsworth, dated 31 March 2007.
- Susan Hall, dated 26 April 2007.

Short-term contracts:

- Mark McCabe, dated 26 April 2007.
- Philip Dorling, dated 27 March 2007.
- Ross Burton, dated 10 and 16 April 2007—

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

20 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report for the financial quarter and year-to-date ending 31 March 2007—

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

21 CULTURAL FACILITIES CORPORATION ACT—CULTURAL FACILITIES CORPORATION—QUARTERLY REPORT—PAPER AND STATEMENT BY MINISTER

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

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2006-2007 (1 October to 31 December 2006)—

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

22 LAND (PLANNING AND ENVIRONMENT) ACT—APPROVAL—VARIATION NO. 259 TO THE TERRITORY PLAN AND PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 23—DRAFT VARIATION TO THE TERRITORY PLAN NO. 259—WODEN TOWN CENTRE, TOWN CENTRE PLANNING REFORMS AND DRAFT VARIATION TO THE TERRITORY PLAN NO. 262—CHANGES TO A10 RESIDENTIAL CORE AREA FOR NARRABUNDAH—GOVERNMENT RESPONSE—PAPERS AND STATEMENT BY MINISTER

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

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approval of Variation No. 259 to the Territory Plan—Woden Town Centre: Commercial B—Changes to Precincts, Entertainment Accommodation and Leisure and Restricted Access Recreation Land Use Policies and All Town Centres—Changes to Appendix II and Commercial B Precinct “c”, dated 16 April 2007, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning and Environment—Standing Committee—Report 23—*Draft Variation to the Territory Plan No. 259—Woden Town Centre, Town Centre Planning Reforms and Draft Variation to the Territory Plan No. 262—Changes to A10 Residential Core Area for Narrabundah*—Government response—

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

23 LAND (PLANNING AND ENVIRONMENT) ACT—APPROVAL—VARIATION NO. 260 TO THE TERRITORY PLAN—CHANGES TO A10 RESIDENTIAL CORE AREAS FOR GARRAN, GRIFFITH, HACKETT AND YARRALUMLA AND PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 25—DRAFT VARIATION TO THE TERRITORY PLAN NO. 260—CHANGES TO A10 RESIDENTIAL CORE AREAS FOR GARRAN, GRIFFITH, HACKETT AND YARRALUMLA—GOVERNMENT RESPONSE—PAPERS AND STATEMENT BY MINISTER

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

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approval of Variation No. 260 to the Territory Plan—Changes to A10 Residential Core Areas for Garran, Griffith, Hackett and Yarralumla, dated 1 May 2007, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning and Environment—Standing Committee—Report 25—*Draft Variation to the Territory Plan No. 260—Changes to A10 Residential Core Areas for Garran, Griffith, Hackett and Yarralumla*—Government response—

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

24 PRESENTATION OF PAPER

Mr Barr (Minister for Industrial Relations) presented the following paper:

Occupational Health and Safety Act, pursuant to section 228—Operation of the *Occupational Health and Safety Act 1989* and its associated law—Third quarterly report for the period 1 January to 31 March 2007.

25 PRESENTATION OF PAPERS

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

Annual report

Nominal Defendant (Australian Capital Territory)—Annual report 2006.

Petition—Out of order

Petition which does not conform with the standing orders—Campbell shops—Public toilets—Mr Mulcahy (254 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Code of Practice) Approval 2007—Disallowable Instrument DI2007-100 (LR, 23 April 2007).

Criminal Code 2002—Criminal Code Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-7 (LR, 3 May 2007).

Dangerous Substances Act—Dangerous Substances (Explosives) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-6 (LR, 23 April 2007).

Drugs of Dependence Act—Drugs of Dependence (Drugs Advisory Committee) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-101 (LR, 30 April 2007).

Health Professionals Regulation 2004—Health Professionals (Medical Board) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-103 (LR, 3 May 2007).

Legal Profession Act—Legal Profession (Bar Association Council Fees) Determination 2007 (No. 1)—Disallowable Instrument DI2007-102 (LR, 30 April 2007).

Liquor Act—Liquor Licensing Board Appointment 2007—Disallowable Instrument DI2007-99 (LR, 26 April 2007).

Powers of Attorney Act—Powers of Attorney Regulation 2007—Subordinate Law SL2007-8 (LR, 3 May 2007).

Public Place Names Act—Public Place Names (Harrison) Determination 2007 (No. 2)—Disallowable Instrument DI2007-104 (LR, 3 May 2007).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2007 (No. 1)—Disallowable Instrument DI2007-97 (LR, 24 April 2007).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2007 (No. 2)—Disallowable Instrument DI2007-98 (LR, 24 April 2007).

Taxation (Government Business Enterprises) Act—Taxation (Government Business Enterprises) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-9 (LR, 3 May 2007).

26 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—FEDERAL BUDGET 2007-2008—IMPACT ON A.C.T. ECONOMY

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth 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, “The impact of the 2007-2008 Federal budget on the ACT economy.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

27 UTILITIES (ENERGY INDUSTRY LEVY) 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—

On the motion of Mr Stanhope (Chief Minister), by leave, his amendments Nos. 1 and 2 (*see* [Schedule 2](#)) were made together.

Paper: Mr Stanhope presented a supplementary explanatory statement to the Government amendments.

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

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

28 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mr Stefaniak (Leader of the Opposition) moved—That so much of the standing orders be suspended as would prevent order of the day No. 13, Private Members' business, relating to the Gaming Machine Amendment Bill 2007, being called on forthwith.

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

29 GAMING MACHINE AMENDMENT BILL 2007

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

30 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

The time allotted for the debate having expired—

Question—put and passed.

And then the Assembly, at 5.57 p.m., adjourned until tomorrow at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GOVERNMENT PROCUREMENT AMENDMENT BILL 2007

Amendment circulated by Mr Mulcahy

1

Clause 19

Proposed new section 22A (3) (a)

Page 8, line 22—

omit

and ethical behaviour

Schedule 2**UTILITIES (ENERGY INDUSTRY LEVY) AMENDMENT
BILL 2007**

Amendments circulated by the Chief Minister

1**Clause 5****Proposed new section 54C (5), definition of NC****Page 6, line 15—***omit*

1 October

*substitute*15 September

2**Clause 5****Proposed new section 54J (1), proposed new note****Page 13, line 4—***insert**Note* The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.
