

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 40

THURSDAY, 20 OCTOBER 2005

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

2 **ADMINISTRATION (INTERSTATE AGREEMENTS) REPEAL BILL 2005**

Mr Stanhope (Chief Minister), pursuant to notice, presented a Bill for an Act to amend and repeal the *Administration (Interstate Agreements) Act 1997*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 18 October 2005.

Title read by Clerk.

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

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

3 **JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2005 (NO. 3)**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend laws relating to justice and community safety.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 18 October 2005.

Title read by Clerk.

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

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

4 STATUTE LAW AMENDMENT BILL 2005 (NO. 2)

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain legislation for the purpose of statute law revision.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 18 October 2005.

Title read by Clerk.

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

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

5 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

The order of the day having been read for the resumption of the debate on the motion of Mr Smyth (Leader of the Opposition)—That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and that Mr Seselja be appointed in Mrs Dunne's place (*18 October 2005*)—

Debate resumed.

Mr Smyth, by leave, moved the following amendment: Omit “Mr Seselja”, substitute “Mrs Burke”.

Debate continued.

Question—That Mr Smyth's amendment be agreed to—put and passed.

Question—That the motion, as amended, be agreed to—put and passed.

6 PUBLIC ACCOUNTS—STANDING COMMITTEE—REVIEW OF AUDITOR-GENERAL'S REPORTS NOS 4 AND 6 2004—STATEMENT BY CHAIR

Mr Mulcahy (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved not to conduct inquiries into the following Auditor-General's reports:

Report No. 4 2004—Data Reliability for Reporting on the ACT ‘No Waste by 2010’ Strategy; and

Report No. 6 2004—Workers' Compensation Supplementation Fund.

7 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

8 GLEBE PARK—DEVELOPMENT OF ADJACENT LAND—PAPER

Dr Foskey, by leave, presented the following paper:

Glebe Park—Petition regarding the development of adjacent land.

9 SITTING PATTERN—2005—AMENDMENT TO RESOLUTION OF THE ASSEMBLY

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That the resolution of the Assembly of 9 December 2004, as amended 17 March 2005, relating to the sitting pattern for 2005 be amended by omitting Friday, 21 October 2005.

Question—put and passed.

10 CRIMINAL CODE (ADMINISTRATION OF JUSTICE OFFENCES) AMENDMENT BILL 2005

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 having been closed by the reply of Mr Stanhope (Attorney-General), Dr Foskey, by leave, addressed the Assembly.

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.

11 CRIMINAL CODE HARMONISATION BILL 2005

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.

Legal Affairs—Standing Committee—Proposed reference—Criminal Code Harmonisation Bill 2005: Dr Foskey, pursuant to standing order 174, moved—That the Criminal Code Harmonisation Bill 2005 be referred to the Standing Committee on Legal Affairs for inquiry and report.

Debate ensued.

Question—put and negatived.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Stanhope (Attorney-General), his amendments Nos. 1 to 4 were made together (*see* [Schedule 1](#)).

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.

12 QUESTIONS

Questions without notice were asked.

13 PROPERTY VALUATIONS—STATEMENT BY MEMBER—PAPER

Mr Quinlan (Treasurer) having added to an answer to a question without notice—

Mr Mulcahy, by leave, made a statement concerning property valuations and, by leave, tabled the following paper:

International Valuation Standards Committee—Extract from website.

14 SENTENCE AND RELEASE OPTIONS FOR HIGH RISK SEXUAL OFFENDERS—REPORT PREPARED FOR THE A.C.T. GOVERNMENT—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

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

Sentence and release options for high-risk sexual offenders—Report prepared for the ACT Government by Professor David Biles OAM, Consultant Criminologist and Professorial Associate, Charles Sturt University, dated September 2005—

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

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

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

15 CIVIL LAW (WRONGS) ACT—GENERAL REPORTING REQUIREMENTS OF INSURERS—PAPER—PUBLICATION OF PAPER—STATEMENT BY MINISTER

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

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers—

and, by leave, moved—That the Assembly authorises publication of the paper.

Question—put and passed.

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

16 DAVID HAROLD EASTMAN—INQUIRY INTO MATTER OF FITNESS TO PLEAD—VOLUME 1—PAPER—PUBLICATION OF PAPER—STATEMENT BY MINISTER

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

David Harold Eastman—Inquiry conducted under section 475 (repealed) of the *Crimes Act 1900* into the matter of the fitness to plead—Volume 1, dated 6 October 2005—

and, by leave, moved—That the Assembly authorises publication of the paper.

Question—put and passed.

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

17 PRESENTATION OF PAPERS

Mr Quinlan (Treasurer) presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds within the Department of Economic Development, including a statement of reasons, dated 19 October 2005.

Pursuant to section 25—Consolidated annual financial statements, including audit opinion—2004-2005 financial year.

Consolidated financial statements—Management discussion and analysis—Financial year ending 30 June 2005.

Capital works program 2004-05—Progress report—June 2005 quarter.

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

Mr Corbell (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 2005—

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

19 LAND (PLANNING AND ENVIRONMENT) ACT—STATEMENT REGARDING EXERCISE OF CALL-IN POWERS—DEVELOPMENT APPLICATION NO. DA200309819—BLOCK 18 SECTION 4, BRUCE—PAPER AND STATEMENT BY MINISTER

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

Land (Planning and Environment) Act, pursuant to subsection 229B(7)—Statement regarding exercise of call-in powers—Development application No. DA200309819—Block 18 Section 4, Bruce, dated 12 October 2005—

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—

Court Procedures Act—Supreme Court Amendment Rules 2005 (No. 1)—Subordinate Law SL2005-26 (LR, 29 September 2005).

Education Act—Education (Government Schools Education Council) Appointment 2005 (No. 3)—Disallowable Instrument DI2005-226 (LR, 10 October 2005).

Fair Trading Act—Fair Trading Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-27 (LR, 6 October 2005).

National Exhibition Centre Trust Act—National Exhibition Centre Trust Appointment 2005 (No. 2)—Disallowable Instrument DI2005-230 (LR, 13 October 2005).

Public Place Names Act—Public Place Names (Kingston) Determination 2005 (No. 1)—Disallowable Instrument DI2005-228 (LR, 13 October 2005).

Road Transport (General) Act—Road Transport (General) Nominal Defendant Appointment 2005 (No. 1)—Disallowable Instrument DI2005-229 (LR, 13 October 2005).

Stock Act—Stock (Fees) Determination 2005 (No. 2)—Disallowable Instrument DI2005-227 (LR, 10 October 2005).

Water and Sewerage Act—Water and Sewerage Amendment Regulation 2005 (No. 2)—Subordinate Law SL2005-25 (LR, 27 September 2005).

21 A.C.T. CHILDREN’S PLAN AND YOUNG PEOPLE’S PLAN—PROGRESS REPORT—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Ms Gallagher (Minister for Children, Youth and Family Support), by leave, made a ministerial statement concerning implementation of the ACT children’s plan and young people’s plan and presented the following paper:

ACT children’s plan and young people’s plan—Progress report—Ministerial statement, 20 October 2005—

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

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

22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—FEDERAL GOVERNMENT’S PROPOSED INDUSTRIAL RELATIONS CHANGES

The Assembly was informed that Mrs Burke, Dr Foskey, Mr Gentleman, Ms MacDonald, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth (Leader of the Opposition) and Mr Stefaniak had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Porter be submitted to the Assembly, namely, “The impact on young people, women and the disadvantaged in the ACT of the Federal Government’s proposed industrial relations changes.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

23 DANGEROUS SUBSTANCES (ASBESTOS) AMENDMENT BILL 2005 (NO. 2)

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

Debate resumed.

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

Leave granted to dispense with the detail stage.

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

24 AFFORDABLE HOUSING IN THE A.C.T.—PROGRESS REPORT—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Hargreaves (Minister for Disability, Housing and Community Services)—That the Assembly takes note of the paper (*presented 30 June 2005*)—

Affordable housing—Progress report, pursuant to the resolution of the Assembly of 4 May 2005, dated 30 June 2005—

Debate resumed.

Question—put and passed.

25 ADJOURNMENT

Mr Hargreaves (Minister for Urban Services) 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 6.23 p.m. adjourned until Tuesday, 15 November 2005 at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

CRIMINAL CODE HARMONISATION BILL 2005

Amendments circulated by the Attorney-General

1

Schedule 1

Amendment 1.3

Proposed new section 2A

Page 4, line 5

omit

this Act

substitute

this regulation

2

Schedule 1

Amendment 1.115

Proposed new section 14 (6A)

Page 84, line 19

omit

3

Schedule 1

Amendment 1.116

Page 84, line 20

omit

4

Schedule 1

Amendment 1.214

Proposed new section 7 (1), proposed new penalty

Page 144, line 23

insert

Maximum penalty: 50 penalty units, imprisonment for 6 months
or both.
