



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 117

THURSDAY, 18 OCTOBER 2007

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 DUTIES AMENDMENT BILL 2007

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 October 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.

3 GAMING MACHINE AMENDMENT BILL 2007 (NO. 2)

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*, and for other purposes.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 October 2007.

Title read by Clerk.

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

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

4 ROADS AND PUBLIC PLACES ACT—ROADS AND PUBLIC PLACES (FEES) DETERMINATION 2007 (NO. 1)—DISALLOWABLE INSTRUMENT DI2007-159—MOTION TO DISALLOW

Mr Smyth, pursuant to notice, moved—That Disallowable Instrument DI2007-159, Roads and Public Places (Fees) Determination 2007 (No. 1), made pursuant to the Roads and Public Places Act, be disallowed.

Debate ensued.

Mr Smyth addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mrs Dunne	Mr Seselja	Mr Barr	Mr Hargreaves
Dr Foskey	Mr Smyth	Mr Berry	Ms MacDonald
Mr Mulcahy	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Pratt		Mr Gentleman	Mr Stanhope

And so it was negatived.

5 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 29—ACTION BUSES AND THE SUSTAINABLE TRANSPORT PLAN—MOTION THAT REPORT BE NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman—That the report be noted (*presented 28 August 2007*):

Planning and Environment—Standing Committee—Report 29—*ACTION Buses and The Sustainable Transport Plan*, including additional and dissenting comments (*Mr Seselja*)—

Debate resumed.

Mr Corbell (Attorney-General) addressing the Assembly—

The extended time allotted to Assembly business having expired—Debate interrupted in accordance with standing order 77 and the resumption of the debate made an order of the day for the next sitting.

6 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 30—THE PROPOSED NOMINATION OF THE A.C.T. AS A UNESCO BIOSPHERE RESERVE—PUBLICATION OF REPORT—MOTION THAT REPORT BE NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 30—*The Proposed Nomination of the ACT as a UNESCO Biosphere Reserve*, dated 15 October 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.

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

7 OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL 2007

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

Detail Stage

Clause 18 debated and agreed to.

Clause 19 debated—

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

8 QUESTIONS

Questions without notice were asked.

9 ENVIRONMENTAL, SOCIAL AND GOVERNANCE PRINCIPLES—REVIEW OF THE APPLICATION TO TERRITORY INVESTMENT PRACTICES—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Review of the application of environmental, social and governance principles to Territory investment practices, dated 29 June 2007, prepared by the Independent, Non-Executive Members of the Finance and Investment Advisory Board—

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

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

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

10 ANNUAL REPORT (GOVERNMENT AGENCIES) ACT—ANNUAL REPORTS 2006-2007—A.C.T. PUBLIC CEMETERIES AUTHORITY—CORRIGENDUM—PAPER AND STATEMENT BY MINISTER

Mr Hargreaves (Minister for Territory and Municipal Services) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—ACT Public Cemeteries Authority—Corrigendum—

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

11 ANNUAL REPORT (GOVERNMENT AGENCIES) ACT—ANNUAL REPORTS 2006-2007—DEPARTMENT OF DISABILITY, HOUSING AND COMMUNITY SERVICES—CORRIGENDUM—PAPER AND STATEMENT BY MINISTER

Mr Hargreaves (Minister for Housing) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2006-2007—Department of Disability, Housing and Community Services—Corrigendum—

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

12 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 4—APPROPRIATE HOUSING FOR PEOPLE LIVING WITH A MENTAL ILLNESS—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Mr Hargreaves (Minister for Housing) presented the following paper:

Health and Disability—Standing Committee—Report 4— *Appropriate Housing for People Living with a Mental Illness* —Government response—

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

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

13 GARDEN CITY PROVISIONS OF THE TERRITORY PLAN—EVALUATION—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPER

Mr Barr (Minister for Planning), by leave, made a ministerial statement concerning the evaluation of the Garden City Provisions of the Territory Plan and presented the following paper:

Evaluation of the Garden City Provisions of the Territory Plan—Ministerial statement, 18 October 2007—

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

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

14 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—EDUCATION AND FEDERAL FUNDING

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Seselja 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 Mr Gentleman be submitted to the Assembly, namely, “The importance of a collaborative approach to education and the rejection of the Federal Government’s negative approach to education funding negotiations.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

15 OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL 2007

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

Detail Stage

Clause 19—

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 5	
Mr Barr	Mr Gentleman	Mr Mulcahy	Mr Stefaniak
Mr Berry	Mr Hargreaves	Mr Pratt	
Mr Corbell	Ms MacDonald	Mr Seselja	
Dr Foskey	Mr Stanhope	Mr Smyth	

And so it was resolved in the affirmative—Clause 19 agreed to.

Clauses 20 and 21, by leave, taken together and agreed to.

Schedule 1—

Part 1.1 (including amendments 1.1 to 1.4) debated and agreed to.

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

Debate continued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 4	
Mr Barr	Mr Gentleman	Mr Mulcahy	
Mr Berry	Mr Hargreaves	Mr Pratt	
Mr Corbell	Ms MacDonald	Mr Seselja	
Dr Foskey		Mr Stefaniak	

And so it was resolved in the affirmative—Remainder of Bill agreed to.

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

16 CANBERRA INSTITUTE OF TECHNOLOGY AMENDMENT BILL 2007

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

Debate resumed.

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.

17 SURVEYORS 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 Barr (Minister for Planning), by leave, his amendments Nos. 1 to 3 (*see* [Schedule 1](#)) were taken together and agreed to.

Paper: Mr Barr 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.

18 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.04 p.m., adjourned until Tuesday, 13 November 2007 at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Gallagher*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

SURVEYORS BILL 2007

Amendments circulated by the Minister for Planning

1

Clause 8 (1) and (2)

Page 6, line 2—

omit clause 8 (1) and (2), substitute

- (1) On application by a person for registration as a surveyor, the chief surveyor must—
- (a) if the person is eligible for registration—register the person; or
 - (b) if the person is not eligible for registration—refuse to register the person.
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2

Clause 10, proposed new note

Page 7, line 15—

insert

Note If a person's registration is suspended or cancelled in another State, the person's registration in the ACT may be affected in the same way (see *Mutual Recognition Act 1992* (Cwlth), s 33).

3

Clause 56 (1)

Page 33, line 14—

omit clause 56 (1), substitute

- (1) The chief surveyor may, in writing, exempt a surveyor from a stated requirement of a practice direction if satisfied on reasonable grounds that it is not practicable for the surveyor to comply with the direction.
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