



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 90

WEDNESDAY, 28 FEBRUARY 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 SUB JUDICE CONVENTION AND STANDING ORDER 54—STATEMENT BY SPEAKER

The Speaker made a statement concerning the application of the sub judice convention and the requirements of standing order 54 and the *Judicial Commissions Act 1994*.

3 CHIEF MINISTER—PROPOSED MOTION OF WANT OF CONFIDENCE

Mr Stefaniak (Leader of the Opposition), pursuant to notice, moved—That this Assembly no longer has confidence in the Chief Minister, Mr Jon Stanhope, MLA, particularly in view of his and his Government's handling of the 2003 bushfires.

Mr Stefaniak, by leave, spoke without limitation of time.

Debate ensued.

Mr Stanhope (Chief Minister), by leave, spoke without limitation of time.

Application of standing order 43—Statement by Speaker: The Speaker made a statement concerning the continuing ill health of Mrs Burke and the application of standing order 43. The Speaker proposed that, until Mrs Burke advises otherwise, she be granted indulgence to remain seated whilst addressing the Assembly.

Dr Foskey, by leave, spoke without limitation of time.

Dr Foskey moved the following amendment: Omit all words after “That this Assembly”, substitute “expresses grave concern:

- (1) that the lessons of the failure to properly protect the people of Canberra from the January 2003 bushfires have not fully permeated government policy and procedures; and
- (2) that the ACT Government has not ensured appropriate and adequate systems and resources are in place.”.

Debate continued.

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

Question—That Dr Foskey’s amendment be agreed to—put and negatived.

Question—That the motion be agreed to—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.

4 PETITION

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

Mr Berry, from 24 residents, requesting that the Assembly oppose any further residential expansion at the Belconnen Golf Course.

5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 38—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 38, dated 26 February 2007, together with the relevant minutes of proceedings—

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

6 AUDITOR-GENERAL ACT—AUDITOR-GENERAL’S REPORT—NO. 1/2007—CREDIT CARD USE, HOSPITALITY AND SPONSORSHIP

The Speaker presented the following paper:

Auditor-General Act—Auditor-General’s Report No. 1/2007—*Credit Card Use, Hospitality and Sponsorship*, dated 21 February 2007.

7 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—

Agents Act—Agents Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-3 (LR, 14 February 2007).

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2007 (No. 1)—Disallowable Instrument DI2007-42 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 2)—Disallowable Instrument DI2007-43 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 3)—Disallowable Instrument DI2007-44 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 4)—Disallowable Instrument DI2007-45 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 5)—Disallowable Instrument DI2007-46 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 6)—Disallowable Instrument DI2007-47 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 7)—Disallowable Instrument DI2007-48 (LR, 12 February 2007).

Board of Senior Secondary Studies Appointment 2007 (No. 8)—Disallowable Instrument DI2007-49 (LR, 12 February 2007).

Court Procedures Act—Attorney General (Fees) Amendment Determination 2007—Disallowable Instrument DI2007-51 (LR, 19 February 2007).

Exhibition Park Corporation Act—Exhibition Park Corporation Board Appointment 2007 (No. 1)—Disallowable Instrument DI2007-40 (LR, 8 February 2007).

Health Professionals Act—

Health Professionals (Fees) Determination 2007 (No. 10)—Disallowable Instrument DI2007-41 (LR, 8 February 2007).

Health Professionals Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-1 (LR, 4 January 2007).

Road Transport (General) Act—Road Transport (General) (Vehicle Registration) Exemption 2007 (No. 1)—Disallowable Instrument DI2007-50 (LR, 9 February 2007).

Road Transport (Vehicle Registration) Act—Road Transport (Vehicle Registration) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-2 (LR, 24 January 2007).

8 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF EXECUTIVE BUSINESS

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent Order of the day No. 1, Executive business, relating to the Land (Planning and Environment) Legislation Amendment Bill 2007, being called on forthwith.

Debate ensued.

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

9 LAND (PLANNING AND ENVIRONMENT) 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.

Mr Seselja addressing the Assembly—

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

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negatived.

Debate continued.

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 Corbell (Minister for Planning), his amendment No. 1 ([see Schedule 1](#)) was made, after debate.

Mr Seselja, by leave, moved his amendments Nos. 1 to 4 together ([see Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

And so it was negatived.

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

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

10 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 6.52 p.m., adjourned until Tuesday, 6 March 2007 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

LAND (PLANNING AND ENVIRONMENT) LEGISLATION AMENDMENT BILL 2007

Amendment circulated by the Minister for Planning

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

This Act is taken to have commenced on 1 March 2007.

Schedule 2

LAND (PLANNING AND ENVIRONMENT) LEGISLATION AMENDMENT BILL 2007

Amendments circulated by Mr Seselja

1
Clause 5
Page 4, line 1—

[oppose the clause]

2
Clause 7
Page 5, line 8—

[oppose the clause]

3
Clause 8
Proposed new section 288A (1) and (2)
Page 5, line 25—

omit proposed new section 288A (1) and (2), substitute

- (1) This section applies in relation to the *Land (Planning and Environment) Amendment Regulation 2006 (No 2) SL2006-13*.
 - (2) The regulation is taken, for all purposes, to be validly made under this Act.
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4
Clause 8
Proposed new section 288B
Page 6, line 10—

omit
