



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2004–2005–2006**

**MINUTES OF PROCEEDINGS**

**No. 83**

**TUESDAY, 21 NOVEMBER 2006**

---

**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** **LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 35—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 35, dated 20 November 2006, together with the relevant minutes of proceedings—

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

**3** **POWERS OF ATTORNEY BILL 2006**

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 31, by leave, taken together and agreed to.

Clause 32—

On the motion of Mr Corbell (Attorney-General), his amendment No. 1 (*see [Schedule 1](#)*) was made, after debate.

*Paper:* Mr Corbell presented a supplementary explanatory statement to the Government amendment.

Clause 32, as amended, agreed to.

Clauses 33 to 86, by leave, taken together and agreed to.

*Proposed new clause—*

Mr Stefaniak (Leader of the Opposition) moved his amendment No. 1 (*see* [Schedule 2](#)), which inserts a new clause 86A in the Bill.

Debate continued.

Amendment negatived.

Remainder of Bill, by leave, taken as a whole and agreed to.

---

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

#### **4 MEDICAL TREATMENT (HEALTH DIRECTIONS) BILL 2006**

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—

Mr Stefaniak (Leader of the Opposition) moved his amendment No. 1 (*see* [Schedule 3](#)).

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.

#### **5 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2006**

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.

## 6 TRANSITIONAL HOUSING PROGRAM—MINISTERIAL STATEMENT—PAPER NOTED

Mr Hargreaves (Minister for Housing), by leave, made a ministerial statement concerning the transitional housing program and presented the following paper:

Transitional housing program—Ministerial statement, 21 November 2006.

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

Question—put and passed.

## 7 QUESTIONS

Questions without notice being asked—

*Paper:* Mr Stefaniak (Leader of the Opposition), by leave, presented the following paper:

Epicentre—Block 8 Section 48 Fyshwick—Territory Plan Interpretation—Part B3—Copy of email to the General Counsel, Business and Information Services Branch, Planning and Land Authority from the Principal Solicitor, ACT Government Solicitor, dated 30 November 2005.

Questions continued.

---

Mr Pratt sought leave to move a motion to suspend standing order 137 to rescind the resolution of the Assembly of 15 November 2006, which negated the Emergencies Amendment Bill 2006 at the agreement in principle stage.

Objection being raised, leave not granted.

*Suspension of standing order 137 moved:* Mr Smyth moved—That so much of the standing orders be suspended as would prevent Mr Pratt from moving a motion to suspend standing order 137 to rescind the resolution of the Assembly of 15 November 2006, which negated the Emergencies Amendment Bill 2006 at the agreement in principle stage.

Debate ensued.

The time allowed by standing order 69 for the debate on the motion having expired—

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 negated.

---

Questions continued.

**8 LAND (PLANNING AND ENVIRONMENT) ACT—LEASES—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 2006—

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

**9 CONSOLIDATION OF LIBRARY SERVICES—PROVISION OF CONSULTANCY SERVICES—GOING FORWARD TOGETHER PROJECT 7—CONTRACT NO. C06424—PAPER AND STATEMENT BY MINISTER**

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

Consolidation of library services—Provision of consultancy services—Going forward together project 7—Contract No. C06424, version dated 24 August 2006—

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

**10 PRESENTATION OF PAPERS**

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

**Petition—Out of order**

Petition which does not conform with the standing orders—Melba Shops—Upgrade to carparking—Mr Stefaniak (925 signatures).

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Agents Act—Agents Amendment Regulation 2006 (No. 3)—Subordinate Law SL2006-47 (LR, 2 November 2006).

Health Act—Health (Interest Charge) Determination 2006 (No. 1)—Disallowable Instrument DI2006-241 (LR, 9 November 2006).

Public Health Act—Public Health Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-48 (LR, 2 November 2006).

Public Place Names Act—

Public Place Names (District of Gungahlin) Determination 2006 (No. 1)—Disallowable Instrument DI2006-242 (LR, 9 November 2006).

Public Place Names (District of Gungahlin) Determination 2006 (No. 2)—Disallowable Instrument DI2006-243 (LR, 9 November 2006).

Public Place Names (District of Gungahlin) Determination 2006 (No. 3)—Disallowable Instrument DI2006-244 (LR, 9 November 2006).

Public Place Names (Gungahlin) Determination 2006 (No. 1)—Disallowable Instrument DI2006-245 (LR, 13 November 2006).

Public Place Names (Kingston) Determination 2006 (No. 1)—Disallowable Instrument DI2006-240 (LR, 2 November 2006).

Water Resources Act—Water Resources Amendment Regulation 2006 (No. 1)—  
Subordinate Law SL2006-46 (LR, 26 October 2006).

**11 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—AGED CITIZENS—  
MOBILITY ISSUES**

The Assembly was informed that Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter and Mr Smyth 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 Mulcahy be submitted to the Assembly, namely, “The current challenges related to mobility issues for aged citizens in Canberra”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

**12 ADJOURNMENT**

Ms Gallagher (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.07 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

### **POWERS OF ATTORNEY BILL 2006**

---

Amendment circulated by the Attorney-General

---

1

#### **Clause 32 (2)**

**Page 20, line 9—**

*omit clause 32 (2), substitute*

- (2) Also, a power under an enduring power of attorney can be exercised—
- (a) while the principal has impaired decision-making capacity; and
  - (b) whether or not a condition about when the power is to start to operate is satisfied.

#### **Example**

An enduring power of attorney appointing Jack is stated to take effect on 3 January 2007. However, the principal becomes a person with impaired decision-making capacity on 27 October 2006. Jack can exercise a power under the enduring power of attorney starting on 27 October 2006.

*Note 1* A medical certificate can be evidence that the principal had, or did not have, impaired decision-making capacity (see s 87).

*Note 2* 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).

---

## **Schedule 2**

### **POWERS OF ATTORNEY BILL 2006**

---

Amendment circulated by Mr Stefaniak

---

**1**

**Proposed new clause 86A**

**Page 52, line 13—**

*insert*

#### **86A Act does not authorise euthanasia etc**

To remove any doubt, this Act does not—

- (a) authorise, justify or excuse the killing of a person; or
- (b) affect in any way a prosecution for an offence against a provision of the *Crimes Act 1900*, part 2 (Offences against the person).

*Note* See the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 23 (1A).

---

**Schedule 3****MEDICAL TREATMENT (HEALTH DIRECTIONS) BILL  
2006**

---

Amendment circulated by Mr Stefaniak

---

**1**

**Proposed new clause 7 (4)**

**Page 4, line 12—**

*insert*

- (4) To remove any doubt, this section does not authorise the making of a health direction for euthanasia.

*Note* See the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 23 (1A).

---