

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 21

TUESDAY, 21 JUNE 2005

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 **BROADCASTING OF ASSEMBLY PROCEEDINGS—STATEMENT BY SPEAKER**

The Speaker made a statement concerning trials of delayed broadcasting of question time proceedings on Community Radio 2XX FM, audio replay of question time on the internet and live internet webstreaming of Assembly proceedings and committee public hearings.

3 **LEAVE OF ABSENCE**

Mr Hargreaves (Minister for Disability, Housing and Community Services) moved—That leave of absence be given to Mr Stanhope (Chief Minister) from 21 to 24 June 2005 and Mr Corbell (Minister for Planning) for today's sitting.

Question—put and passed.

4 **ESTIMATES 2005-2006—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2005-2006—PUBLICATION OF REPORT—MOTION THAT REPORT BE NOTED**

Ms MacDonald (Chair), pursuant to order, presented the following report:

Estimates 2005-2006—Select Committee—Report—*Appropriation Bill 2005-2006*, dated 20 June 2005, including additional comments (*Dr Foskey, Ms MacDonald and Ms Porter*) and a dissenting report (*Mr Mulcahy and Mr Seselja*), together with a copy of the extracts of the relevant minutes of proceedings and supplementary papers—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Ms MacDonald moved—That the report be noted.

Debate ensued.

Mr Quinlan (Treasurer) moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 8		NOES, 5	
Mr Berry	Mr Hargreaves	Mr Mulcahy	Mr Stefaniak
Dr Foskey	Ms MacDonald	Mr Pratt	
Ms Gallagher	Ms Porter	Mr Seselja	
Mr Gentleman	Mr Quinlan	Mr Smyth	

And so it was resolved in the affirmative.

Question—That the resumption of the debate be made an order of the day for the next sitting—put and passed.

5 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 1—REPORT ON 2003-2004 ANNUAL AND FINANCIAL REPORTS—PUBLICATION OF REPORT—REPORT NOTED

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 1—*Report on 2003-2004 Annual and Financial Reports*, dated 17 June 2005, 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.

Debate ensued.

Question—put and passed.

6 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 11—STATEMENT BY CHAIR

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 11, dated 20 June 2005, 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 9—DRAFT VARIATION TO THE TERRITORY PLAN NO. 151—COREE BLOCK 5 URIARRA RURAL VILLAGE—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 9—*Draft Variation to the Territory Plan No. 151—Coree Block 5 Uriarra Rural Village*, dated 19 May 2005, 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 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 10—DRAFT VARIATION TO THE TERRITORY PLAN NO. 236—CITY WEST COMMERCIAL A CIVIC CENTRE LAND USE POLICIES, EXEMPTION OF PRELIMINARY ASSESSMENTS AND PART D—DEFINITIONS—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 10—*Draft Variation to the Territory Plan No. 236—City West Commercial A Civic Centre Land Use Policies, Exemption of Preliminary Assessments and Part D—Definitions*, dated 15 June 2005, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

9 UNIVERSITY OF CANBERRA AMENDMENT BILL 2005

Ms Gallagher (Minister for Education and Training), by leave, presented a Bill for an Act to amend the *University of Canberra Act 1989*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 20 June 2005.

Title read by Clerk.

Ms Gallagher 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.

10 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2005

Ms Gallagher (Minister for Children, Youth and Family Support), by leave, presented a Bill for an Act to amend the *Children and Young People Act 1999*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 21 June 2005.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

11 OCCUPATIONAL HEALTH AND SAFETY LEGISLATION AMENDMENT BILL 2005

Ms Gallagher (Minister for Industrial Relations), by leave, presented a Bill for an Act to amend the *Dangerous Substances Act 2004*, the *Long Service Leave Act 1976* and the *Occupational Health and Safety Act 1989*.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 20 June 2005.

Title read by Clerk.

Ms Gallagher 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.

12 PASSAGE OF LEGISLATION—STATEMENT BY MEMBER

Dr Foskey, by leave, made a statement concerning the brief timeframe allotted for consideration of legislation introduced this day.

13 MINISTERIAL ARRANGEMENTS

Mr Quinlan (Acting Chief Minister) informed the Assembly of the following absences:

Mr Stanhope (Chief Minister and Attorney-General).

Mr Corbell (Minister for Planning and Minister for Health).

Mr Quinlan advised the Assembly that questions without notice normally directed to the Chief Minister and Minister for Planning could be directed to Mr Quinlan, those normally directed to the Attorney-General to Ms Gallagher (Acting Attorney-General) and those normally directed to the Minister for Health to Mr Hargreaves (Minister for Urban Services).

14 QUESTIONS

Questions without notice being asked—

Paper: Mrs Burke, by leave, presented the following paper:

Griffin Centre—Schedule of fitout items.

Questions continued.

15 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Study trips—Reports—

Mr Steve Pratt MLA—Sydney, December 2004.

Ms Mary Porter MLA—Western Australia and South Australia, February/March 2005.

Mr Brendan Smyth MLA—Sydney, 28 and 29 April 2005.

Mr Richard Mulcahy MLA—Sydney, 28 and 29 April 2005.

Mr Zed Seselja MLA—Sydney, 28 and 29 April 2005.

Report by Mr Wayne Berry MLA—Visit to Queensland and Northern Territory Parliaments by the Speaker and Clerk of the Legislative Assembly for the Australian Capital Territory, 19 to 22 April 2005.

16 PRESENTATION OF PAPERS

Mr Quinlan (Acting Chief Minister) presented the following papers:

Executive Contracts

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Michele Bruniges, dated 29 May 2005.

Mike Lyons, dated 21 February 2005.

Paul Grimes, dated 2 June 2005.

Short-term contracts:

Andrew Taylor, dated 11 May 2005.

Fiona MacGregor, dated 23 May 2005.

Hilton Taylor, dated 23 May 2005.

Ian Primrose, dated 11 March 2005.

Kate Nesor, dated 23 May 2005.

Kirsten Thompson, dated 3 March 2005.

Loretta Zamprogno, dated 18 May 2005.

Phillip Tardif, dated 27 April 2005.

Sandra Lambert, dated 10 and 13 May 2005.

Susan Jane Marriage, dated 11 May 2005.

Schedule D variations:

Geoff Keogh, dated 10 and 16 May 2005.

Gordon Davidson, dated 2 June 2005.

Kirsten Thompson, dated 3 March 2005.

Maureen Sheehan, dated 12 and 16 May 2005.

Philip Mitchell, dated 1 April 2005.

Philip Mitchell.

Phillip Tardif, dated 27 May 2005.

Phillip Tardif, dated 8 and 31 March 2005.

Remuneration Tribunal Determinations

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Chief Executives and Executives—Determination No. 172, dated 29 April 2005.

Commissioner for Public Administration—Determination No. 174, dated 29 April 2005.

Full-time Holders of Public Office—Determination No. 173, dated 29 April 2005.

Members of the ACT Legislative Assembly—Determination No. 171, dated 29 April 2005.

Part-time Holders of Public Office—

Canberra Partnership Board—Determination No. 170, dated 24 February 2005.

Commissioner for Surveys—Determination No. 175, dated 29 April 2005.

Commissioner for the Environment—Determination No. 177, dated 29 April 2005.

Salary Packaging—Determination No. 176, dated 29 April 2005.

Travel Allowances for Full-time and Part-time Holders of Public Office—Determination No. 178, dated 29 April 2005.

17 PRESENTATION OF PAPERS

Ms Gallagher (Acting Attorney-General) presented the following papers:

National Classification Code, dated 23 June 2005.

Classification of Films and Computer Games—Guidelines, dated 23 June 2005.

Classification of Publications—Guidelines, dated 23 June 2005.

18 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 15 June 2005.

Pursuant to section 17—

Instrument varying appropriations relating to Commonwealth funding to the Department of Education and Training, including a statement of reasons, dated 10 June 2005.

Instrument varying appropriations relating to Commonwealth funding to the Department of Justice and Community Safety, including a statement of reasons, dated 15 June 2005.

Pursuant to section 18A—

Authorisation of Expenditure from the Treasurer's Advance to ACT Emergency Services Authority, including a statement of reasons, dated 31 May 2005.

Authorisation of Expenditure from the Treasurer's Advance to ACT Emergency Services Authority, including a statement of reasons, dated 14 June 2005.

Pursuant to section 26—

Consolidated Financial Management Report for the financial quarter and year-to-date ending 31 March 2005.

19 PRESENTATION OF PAPERS

Mr Quinlan (Minister for Economic Development and Business) presented the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approvals, together with background papers, copies of the summaries and reports, and copies of any direction or report required—

Variation No. 244 to the Territory Plan—Duffy part Block 2 Section 56—Stromlo Settlement, dated 5 May 2005 .

Variation No. 151 to the Territory Plan—Coree Block 5—Uriarra Rural Village, dated 31 May 2005.

20 PRESENTATION OF PAPERS

Mr Hargreaves (Minister for Disability, Housing and Community Services) presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2005—Disallowable Instrument DI2005-70 (LR, 19 May 2005).

Agents Act—Agents Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-10 (LR, 27 May 2005).

Health Act—Health (Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-72 (LR, 26 May 2005).

Heritage Act—

Heritage (Council Chairperson and Deputy Chairperson) Appointment 2005 (No. 1)—Disallowable Instrument DI2005-63 (LR, 28 April 2005).

Heritage (Council Members) Appointment 2005 (No. 1)—Disallowable Instrument DI2005-62 (LR, 28 April 2005).

Hotel School Act—Hotel School Acting Appointment 2005—Disallowable Instrument DI2005-76 (LR, 2 June 2005).

Land (Planning and Environment) Act—

Land (Planning and Environment) (Further Rural Lease Grant Conditions) Determination 2005 (No. 1)—Disallowable Instrument DI2005-74 (LR, 30 May 2005).

Land (Planning and Environment) Criteria for Direct Grant of Leases (Small Parcels of Contiguous Land) Determination 2005—Disallowable Instrument DI2005-67 (LR, 9 May 2005).

Magistrates Court Act—Magistrates Court (Litter Infringement Notices) Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-9 (LR, 5 May 2005).

Mental Health (Treatment and Care) Act—

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No. 1)—Disallowable Instrument DI2005-77 (LR, 6 June 2005).

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No. 2)—Disallowable Instrument DI2005-78 (LR, 6 June 2005).

Nature Conservation Act—Nature Conservation (Special Protection Status) Declaration 2005 (No. 1)—Disallowable Instrument DI2005-64 (LR, 5 May 2005).

Occupational Health and Safety Act—Occupational Health and Safety (Sexual Services Industry) Code of Practice 2005 (No. 1)—Disallowable Instrument DI2005-68 (LR, 10 May 2005).

Public Sector Management Act—Public Sector Management Amendment Standard 2005 (No. 5)—Disallowable Instrument DI2005-71 (LR, 19 May 2005).

Radiation Act—Radiation (Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-61 (without explanatory statement) (LR, 5 May 2005).

Rehabilitation of Offenders (Interim) Act—Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2005 (No. 2)—Disallowable Instrument DI2005-75 (LR, 30 May 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 7)—Disallowable Instrument DI2005-69 (LR, 12 May 2005).

Road Transport (General) (Driver Licence and Related Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-82 (LR, 10 June 2005).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-80 (LR, 10 June 2005).

Taxation Administration Act—Taxation Administration (Rates) Determination 2005 (No. 1)—Disallowable Instrument DI2005-81 (LR, 9 June 2005).

Utilities Act—Utilities (Variation of Industry Code) Determination 2005 (No. 1)—Disallowable Instrument DI2005-65 (LR, 5 May 2005).

Utilities Act and Utilities (Gas Restrictions) Regulation—Utilities (Gas Restriction Scheme) Approval 2005 (No. 1)—Disallowable Instrument DI2005-73 (LR, 30 May 2005).

Vocational Education and Training Act—Vocational Education and Training Authority Appointment 2005 (No. 1)—Disallowable Instrument DI2005-66 (LR, 5 May 2005).

Water Resources Act—Water Resources (Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-58 (without explanatory statement) (LR, 22 April 2005).

21 WORLD REFUGEE DAY 2005—MINISTERIAL STATEMENT

Mr Hargreaves (Minister for Disability, Housing and Community Services), by leave, made a ministerial statement concerning World Refugee Day 2005.

22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—IMPACT OF FEDERAL GOVERNMENT POLICIES—A.C.T. EDUCATION INSTITUTIONS, STAFF AND STUDENTS

The Assembly was informed that Mrs Burke, Dr Foskey and Ms Porter 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 of federal government policies on ACT education institutions, staff and students, particularly at the University of Canberra.”

Discussion ensued.

Discussion concluded.

23 GAMING MACHINE 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.

Detail Stage

Clauses 1 to 3, by leave, taken together and agreed to.

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

On the motion of Mr Quinlan (Minister for Racing and Gaming), by leave, his amendments Nos. 1 and 2 were made together (*see* Schedule 1).

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

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

24 CEMETERIES AND CREMATORIA 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.

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.

25 ADJOURNMENT

Mr Quinlan (Acting Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.11 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Stanhope* and Mr Corbell*.

*On leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GAMING MACHINE AMENDMENT BILL 2005 (NO. 2)

Amendments circulated by the Minister for Racing and Gaming

1

Proposed new clauses 3A and 3B

Page 2, line 9—

insert

3A New section 39A

in division 3.2, insert

39A Compliance with requirements for issue of licence

It is a condition of a licence that the licensee—

- (a) continually meets each requirement for the issue of a gaming machine licence; and

Note For the requirements for the issue of a gaming machine licence—see s 12 and s 13.

- (b) continues not to do anything that would, if the licensee were applying for a gaming machine licence, cause the licensee to be refused the licence.

Note For the grounds for refusing to issue a gaming machine licence to an applicant that is a club—see s 14.

3B Other conditions of club licences Section 55 (h), (i) and (j)

substitute

- (h) only members and signed-in guests can play gaming machines in the club.

2

Proposed new clause 9

Page 3, line 26—

insert

9 Dictionary, definition of *net revenue*, paragraph (b)

omit

15%

substitute

24%