

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 13

THURSDAY, 17 MARCH 2005

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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 **TREE PROTECTION BILL 2005**

Mr Stanhope (Minister for the Environment), pursuant to notice, presented a Bill for an Act for the protection of trees, 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 15 March 2005.

Title read by Clerk.

Mr Stanhope 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.

3 **STATUTE LAW AMENDMENT BILL 2005**

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 15 March 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 ANIMAL DISEASES BILL 2005**

Mr Stanhope (Minister for the Environment), pursuant to notice, presented a Bill for an Act to provide for the control of endemic and exotic diseases of animals, 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 15 March 2005.

Title read by Clerk.

Mr Stanhope 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.

**5 STOCK BILL 2005**

Mr Stanhope (Minister for the Environment), pursuant to notice, presented a Bill for an Act about stock, 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 15 March 2005.

Title read by Clerk.

Mr Stanhope 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.

**6 PEST PLANTS AND ANIMALS BILL 2005**

Mr Stanhope (Minister for the Environment), pursuant to notice, presented a Bill for an Act about pest plants and animals, 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 15 March 2005.

Title read by Clerk.

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

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

**7 INSURANCE AUTHORITY BILL 2005**

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to make provision about the Australian Capital Territory Insurance Authority, and for other purposes.

*Papers:* Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 March 2005.

Title read by Clerk.

Mr Quinlan 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.

**8 HEALTH—STANDING COMMITTEE—REPORT 9—THE ALLIED HEALTH CARE NEEDS OF PEOPLE IN RESIDENTIAL AGED CARE—GOVERNMENT RESPONSE—PAPER NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Hargreaves—That the Assembly takes note of the paper (*presented 15 February 2005*)—

Health—Standing Committee—Report 9—The allied health care needs of people in residential aged care—Government response—

Debate resumed.

Question—put and passed.

**9 HEALTH AND DISABILITY—STANDING COMMITTEE—INQUIRY—CURRENT LEVELS OF ACCESS TO SAFE, SECURE AND AFFORDABLE HOUSING FOR PEOPLE WITH MENTAL ILLNESS—STATEMENT BY CHAIR**

Ms MacDonald (Chair), by leave, informed the Assembly that the Standing Committee on Health and Disability had resolved to conduct an inquiry into and report on the current levels of access to safe, secure and affordable housing for people with mental illness, with particular reference to:

- (1) the flexibility of criteria for gaining access to public housing;
- (2) support mechanisms for people who currently live in public housing;
- (3) opportunities to involve non-Government stakeholders in the provision of appropriate housing;
- (4) the feasibility of alternate support-based housing models; and
- (5) any other related matter.

**10 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS**

Mrs Dunne moved—That so much of the standing orders be suspended as would prevent notices Nos. 7 and 8, Private Members' business, being called on forthwith.

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

**11 DECLARATION OF PRIVATE INTERESTS OF MEMBERS—AMENDMENT TO RESOLUTION OF THE ASSEMBLY**

Mrs Dunne, pursuant to notice, moved—That the resolution of the Assembly of 7 April 1992, as amended 27 August 1998, relating to the Declaration of Private Interests of Members, be amended by omitting the words in paragraph (1) “in the form as presented to the Assembly this day” and substituting “in the form as presented to the Assembly on 17 March 2005”.

Question—put and passed.

**12 BROADCASTING THE PUBLIC PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY AND ITS COMMITTEES—GUIDELINES—AMENDMENT TO RESOLUTION OF THE ASSEMBLY**

Mrs Dunne, pursuant to notice, moved—That the resolution of the Assembly of 7 March 2002 relating to Broadcasting guidelines be amended by omitting section (A) paragraphs (1) to (3) and substituting the following:

“(A) Pursuant to section 5 (2) of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly agrees to the following guidelines for the broadcasting of Assembly and committee proceedings:

**Guidelines for Broadcasting the Public Proceedings of the Legislative Assembly and its Committees**

These guidelines apply to the broadcasting of Legislative Assembly and committee proceedings to the public by radio, television, landline, the internet or any other electronic means.

The broadcasting of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast proceedings shall be on the basis of an undertaking to observe these conditions: (*See also Legislative Assembly (Broadcasting) Act 2001*)

- (1) Persons or organisations intending to record for broadcast proceedings in the Legislative Assembly chamber must seek the approval of the Speaker in writing giving reasonable notice.
- (2) Persons or organisations intending to record for broadcast committee proceedings will be able to do so, unless a member of the committee or a witness objects.
- (3) A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded for broadcast. A witness shall be given reasonable opportunity to object and to state the ground of the objection.
- (4) A person who has been granted access to record for broadcast the proceedings shall observe the following conditions:
  - (a) as a general principle, cameras should focus on the Member or witness with the call;
  - (b) reaction shots of a Member are only permitted:
    - (i) if the Member is referred to in debate;
    - (ii) if the Member has sought information which is being supplied by a Member having the call;

- (c) coverage of the Galleries is not permitted;
  - (d) recording of protests or demonstrations is not permitted;
  - (e) panning along the Benches is not permitted;
  - (f) close-up shots of Members' or witnesses' papers are not permitted;
  - (g) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly;
  - (h) the use of flash, other sources of additional light and motor driven cameras is not permitted;
  - (i) any instruction from the Speaker/Presiding Member or their delegate is to be observed.
- (5) Recording of public proceedings should be a fair and accurate record of events and must not be used for:
- (a) the purpose of satire or ridicule;
  - (b) advertising for or by political parties or electioneering; or
  - (c) commercial advertising or sponsorship.”.

Question—put and passed.

### **13 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

### **14 DOMESTIC VIOLENCE AND PROTECTION ORDERS 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.

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*Detail Stage*

Bill, by leave, taken as a whole—

Mr Stefaniak, by leave, moved his amendments Nos. 1 and 2 (*see* [Schedule 1](#)) together.

Debate continued.

Amendments negatived.

Bill, as a whole, agreed to.

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

### **15 QUESTIONS**

Questions without notice were asked.

**16 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Legislative Assembly for the Australian Capital Territory—Register of Members' Interests—Statement of Registrable Interests—Revised form, dated 17 March 2005, pursuant to the resolution of the Assembly agreed to this day.

**17 TRANS-TASMAN MUTUAL RECOGNITION ACT—TRANS-TASMAN MUTUAL RECOGNITION (COMMONWEALTH REGULATIONS) ENDORSEMENT 2005 (NO. 1)—NOTIFIABLE INSTRUMENT NI2005-117—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister) presented the following paper:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2005 (No. 1)—Notifiable Instrument NI2005-117, dated 16 March 2005—

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

**18 PRESENTATION OF PAPER**

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

ACT Criminal Justice—Statistical Profile—

December quarter 2004.

**19 LAND (PLANNING AND ENVIRONMENT) ACT—APPROVAL—VARIATION NO. 246 TO THE TERRITORY PLAN—CHANGES TO RESIDENTIAL AREA SPECIFIC POLICY OVERLAYS—SUBURB OF DOWNER—PAPER AND STATEMENT BY MINISTER**

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

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approval of Variation No. 246 to the Territory Plan—Changes to Residential Area Specific Policy Overlays—Suburb of Downer, dated 15 March 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Mr Corbell sought leave to make a statement.

Objection being raised, leave not granted.

*Suspension of standing orders—Statement by Minister:* Mr Corbell moved—That so much of the standing orders be suspended as would prevent Mr Corbell making a statement.

Debate ensued.

Debate having been closed by the reply of Mr Corbell—

Mrs Dunne, by leave, addressed the Assembly.

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

Mr Corbell 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—

Drugs of Dependence Act—Drugs of Dependence Regulation 2005—Subordinate Law SL2005-3 (LR, 4 March 2005).

Emergencies Act—Emergencies (Bushfire Council Members) Appointment 2005—Disallowable Instrument DI2005-24 (LR, 7 March 2005).

Health Professions Boards (Procedures) Act—Health Professions Boards (Procedures) Psychologists Board Appointment 2005 (No. 1)—Disallowable Instrument DI2005-14 (LR, 3 March 2005).

Heritage Act—Heritage Regulation 2005—Subordinate Law SL2005-5 (LR, 8 March 2005).

Public Place Names Act—

Public Place Names (Bruce) Determination 2005 (No. 1)—Disallowable Instrument DI2005-23 (LR, 3 March 2005).

Public Place Names (Dunlop) Determination 2005 (No. 1)—Disallowable Instrument DI2005-20 (LR, 3 March 2005).

Public Place Names (Watson) Determination 2005 (No. 1)—Disallowable Instrument DI2005-22 (LR, 3 March 2005).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Safety and Traffic Management) Act and Road Transport (Vehicle Registration) Act—Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-4 (LR, 7 March 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 3)—Disallowable Instrument DI2005-30 (LR, 7 March 2005).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 4)—Disallowable Instrument DI2005-29 (LR, 4 March 2005).

Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-27 (LR, 8 March 2005).

Road Transport (General) (Refund and Dishonoured Cheque Fees) Determination 2005—Disallowable Instrument DI2005-25 (LR, 7 March 2005).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Exemption 2005 (No. 1)—Disallowable Instrument DI2005-28 (LR, 8 March 2005).

Small Business Commissioner Act—Small Business Commissioner Appointment 2005 (No. 1)—Disallowable Instrument DI2005-16 (LR, 2 March 2005).

**21 A.C.T. ASBESTOS TASKFORCE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Ms Gallagher (Minister for Industrial Relations), by leave, made a ministerial statement concerning the progress of the ACT Asbestos Taskforce and presented the following paper:

Progress of the ACT Asbestos Taskforce—Ministerial statement, 17 March 2005.

Ms Gallagher moved—That the Assembly takes note of the paper.

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

**22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. ECONOMY**

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Ms MacDonald, Mr Mulcahy, Mr Pratt, Mr Seselja, Mr Smyth 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 Mr Mulcahy be submitted to the Assembly, namely, “The state of the ACT economy.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

**23 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 relating to the sitting pattern for 2005 be amended by omitting Friday, 18 March 2005.

Debate ensued.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

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

Debate ensued.

The time allotted for the debate having expired—The Speaker, at 5.55 p.m., adjourned the Assembly until Tuesday, 5 April 2005 at 10.30 a.m., in accordance with the resolution of the Assembly agreed to this day.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULE OF AMENDMENTS

## Schedule 1

### **DOMESTIC VIOLENCE AND PROTECTION ORDERS AMENDMENT BILL 2005**

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Amendments circulated by Mr Stefaniak

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**1**

**Clause 8**

**Proposed new section 9 (1) (a)**

**Page 4, line 8—**

*omit*

or personal

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**2**

**Clause 8**

**Proposed new section 9 (3), definition of *personal injury***

**Page 6, line 3—**

*omit*

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