

**2001-2002**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 28**

**THURSDAY, 22 AUGUST 2002**

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**1** The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) ordered the bells to be rung. A quorum having been formed the Speaker 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 COOPERATIVES BILL 2002**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to make provision in relation to cooperatives, and for other purposes.

*Paper:* Mr Stanhope presented an explanatory memorandum to the Bill.

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.

**3 LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 2002**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Law Reform (Miscellaneous Provisions) Act 1955*.

*Paper:* Mr Stanhope presented an explanatory memorandum to the Bill.

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 PUBLIC ACCESS TO GOVERNMENT CONTRACTS AMENDMENT BILL 2002**

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Public Access to Government Contracts Act 2000*.

*Paper:* Mr Quinlan presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Quinlan moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Humphries – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

#### **5 FINANCIAL MANAGEMENT AMENDMENT BILL 2002**

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996*.

*Paper:* Mr Quinlan presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Quinlan moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Humphries – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

#### **6 PLANNING AND ENVIRONMENT – STANDING COMMITTEE – REPORT NO. 4 – DRAFT VARIATION NO 174 TO THE TERRITORY PLAN – HUNGARIAN-AUSTRALIAN CLUB SITE AND COMMUNITY FACILITY LAND – MOTION THAT REPORT BE NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne (Chair) – That the report be noted (*presented 14 May 2002*) –

Planning and Environment – Standing Committee – Report No. 4 – *Draft Variation No 174 to the Territory Plan – Hungarian-Australian Club Site and Community Facility Land*, dated 10 May 2002 –

Debate adjourned (Mr Corbell – Minister for Planning) and the resumption of the debate made an order of the day for the next sitting.

#### **7 STANDING COMMITTEES – REPORTS RELATING TO THE 2002-2003 BUDGET – GOVERNMENT RESPONSE – PAPER NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Deputy Chief Minister) – That the Assembly takes note of the paper (*presented 25 June 2002*) –

Standing Committees – Reports relating to the service delivery and service prioritisation outcomes for the 2002-2003 Budget - Government response, dated June 2002 in relation to the following:

Standing Committee on Community Services and Social Equity – Report No 1 – *Priorities for Service Delivery in the 2002-2003 ACT Budget* which was presented to the Assembly on 9 April 2002;

Standing Committee on Education – Report No 1 – *Inquiry into 2002-2003 Budget* which was presented to the Assembly on 9 April 2002;

Standing Committee on Health – Report No 1 – *Budget Consultation 2002-2003* which was presented to the Assembly on 9 April 2002;

Standing Committee on Legal Affairs – Report No 1 – *Priority Issues for Service Delivery in Legal Affairs within the 2002-2003 Budget* which was presented to the Assembly on 9 April 2002;

Standing Committee on Planning and Environment – Report No 2 – *Service Delivery – 2002-03 Budget Consultation Process* which was presented to the Assembly on 9 April 2002; and

Standing Committee on Public Accounts – Report No 1 – *Service Delivery 2002-2003 Budget Consultation Process* which was presented to the Assembly on 9 April 2002 –

Debate resumed.

Question – put and passed.

**8 LEGAL AFFAIRS – STANDING COMMITTEE – REPORT NO. 3 – THE OPERATION OF THE DANGEROUS GOODS ACT 1975 WITH PARTICULAR REFERENCE TO FIREWORKS – MOTION THAT REPORT BE NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Stefaniak (Chair) – That the report be noted (*presented 27 June 2002*) –

Legal Affairs – Standing Committee – Report No. 3 – *The Operation of the Dangerous Goods Act 1975 with particular reference to fireworks*, dated 26 June 2002 –

Debate adjourned (Mr Corbell – Minister for Planning) and the resumption of the debate made an order of the day for the next sitting.

**9 PLANNING AND ENVIRONMENT – STANDING COMMITTEE – REFERENCE – PLANNING AND LAND BILL 2002**

The order of the day having been read for the resumption of the debate on the motion of Mr Smyth – That:

- (1) The Standing Committee on Public Accounts and the Standing Committee on Planning and Environment jointly inquire into and report on methodologies and outcomes proposed for resumption by the government of the process of land development and the restructuring of planning arrangements including but not limited to:
  - (a) the sustainability of the economic models;
  - (b) the impact on land and house affordability; and
  - (c) the likely impact on the current rights of leaseholders.
- (2) The Standing Committee on Public Accounts and the Standing Committee on Planning and Environment shall meet, deliberate and report jointly and not individually, and on matters in paragraph 1 of this resolution.
- (3) At the joint committees first meeting, before proceeding to other business, the members present shall elect a presiding member and a deputy presiding member.

- (4) A quorum for joint meetings of the committees for the purpose of this resolution shall be four members.
- (5) Joint minutes of proceedings on this inquiry shall be recorded for all joint meetings of the Committee.
- (6) Except where provided for in this resolution, the standing orders of the Legislative Assembly shall govern the conduct of business of joint meetings of the committees.
- (7) This motion shall cease to have effect on the presentation to the Assembly of the joint report.
- (8) The foregoing provisions of this resolution have effect, notwithstanding the provisions of the standing orders –

Mr Corbell (Minister for Planning), by leave, again addressed the Assembly.

Debate continued.

On the motion of Mrs Dunne, by leave, the following amendment was made, after debate:

Omit all words after “That”, substitute the following words: “the Standing Committee on Planning and Environment inquire into and report on the operation of the Planning and Land Bill 2002.”.

Question proposed – That the motion, as amended, be agreed to.

On the motion of Mr Corbell, by leave, the following amendment was made:

Insert the words “by November 12, 2002” after “report”.

Question – That the motion, as amended, viz:

That the Standing Committee on Planning and Environment inquire into and report by November 12, 2002, on the operation of the Planning and Land Bill 2002 –

be agreed to – put and passed.

**10 COMMUNITY SERVICES AND SOCIAL EQUITY – STANDING COMMITTEE – REPORT NO. 2 – ACCOMMODATION AND SUPPORT SERVICES FOR HOMELESS MEN AND THEIR CHILDREN – PUBLICATION OF REPORT – MOTION THAT REPORT BE NOTED**

Mr Hargreaves (Chair) presented the following report:

Community Services and Social Equity – Standing Committee - Report No. 2 – *Accommodation and support services for homeless men and their children*, dated 19 August 2002, together with a copy of the extracts of the minutes of proceedings –

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

Question – put and passed.

Mr Hargreaves moved – That the report be noted.

Debate ensued.

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

**11 PLANT DISEASES BILL 2002**

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

**12 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2002**

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.

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.

**13 QUESTIONS**

Questions without notice being asked –

*Papers:* Mr Stanhope (Chief Minister) presented the following papers:

Judgement awarded against ACT Government in matter related to Mrs Amanda Brown – Copies of:

“Stanhope Hypocrite” – Media Release from Gary Humphries MLA, dated 21 August 2002.

Letters from Jon Stanhope MLA to Mr Gary Humphries, MLA, Chief Minister, dated 12 and 15 October 2001.

Letter from Gary Humphries MLA, ACT Chief Minister to Mr Jon Stanhope MLA, Leader of the Opposition, dated 15 October 2001.

Questions continued.

*Paper:* Mrs Dunne, by leave, presented the following paper:

Gungahlin Drive extension – Chart detailing construction timeline (2 pages).

Questions continued.

*Papers:* Mr Pratt, by leave, presented the following papers:

Tuggeranong Community Council Incorporated – Access to Chief Minister – Facsimile copies of correspondence from the President of the Tuggeranong Community Council Incorporated to Mr Jon Stanhope MLA, Chief Minister, dated 4 January 2002, 22 March 2002, 3 April 2002 and 1 May 2002.

Questions continued.

**14 JUDGEMENT AWARDED AGAINST THE A.C.T. GOVERNMENT IN MATTER RELATED TO MRS AMANDA BROWN – STATEMENTS BY MEMBER AND MINISTER**

Mr Humphries (Leader of the Opposition), by leave, made a statement concerning the exchange of correspondence between Mr Humphries and Mr Stanhope (Chief Minister) in relation to the judgement awarded against the ACT Government on the matter relating to Mrs Amanda Brown.

Mr Stanhope, by leave, also made a statement in relation to the matter.

**15 PAPER**

Mr Quinlan (Treasurer), presented the following paper:

Voluntary park care groups – Insurance coverage – Copy of further answer to question without notice asked of Mr Wood (Minister for Urban Services) by Ms Tucker and taken on notice on 21 August 2002.

**16 PRESENTATION OF PAPER**

Mr Stanhope (Minister for Health) presented the following paper:

Hepatitis C – Lookback program and financial assistance scheme – Reports for the quarters ending 31 March 2002 and 30 June 2002.

**17 LAND (PLANNING AND ENVIRONMENT) ACT – LEASES – PAPER – 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 April 2002 to 30 June 2002 –

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

**18 PRESENTATION OF PAPERS**

Mr Corbell (Minister for Education, Youth and Family Services) on behalf of Mr Wood (Manager of Government Business) presented the following papers:

**Performance report**

Financial Management Act, pursuant to section 25A – Quarterly departmental performance report for the June quarter 2002 for the Department of Health and Community Care.

**Petitions – Out of order**

Gungahlin Drive extension – Aranda –

Mr Stanhope (54 citizens).

Mr Stanhope (592 citizens).

**19 MATTER OF PUBLIC IMPORTANCE – DISCUSSION – TRAINING EXCELLENCE AWARDS**

The Assembly was informed that Ms MacDonald had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, “The need for the Assembly to recognise the contribution that apprentices and trainees from all fields make to the Canberra community, especially those who have been nominated for tonight’s ACT Training Excellence awards, and to congratulate them for their achievement in being nominated.”.

Discussion ensued.

Discussion concluded.

**20 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2002**

The order of the day having been read for the resumption of the debate on the detail stage –

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*Detail stage*

Clause 1 agreed to.

Clause 2 –

On the motion of Mr Stanhope (Attorney-General) his amendment No. 1 (*see* [Schedule 1](#)) was agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 13, by leave, taken together and agreed to.

Clause 14 –

On the motion of Mr Stanhope, by leave, his amendments Nos 2 and 3 (*see* [Schedule 1](#)) were made together.

Clause 14, as amended, agreed to.

Clauses 15 to 34, by leave, taken together and agreed to.

*New Part* –

Mr Stanhope moved his amendment No. 4 (*see* [Schedule 1](#)) to insert new Part 9A in the Bill.

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*Adjournment negatived:* It being past 5 p.m. – The question was proposed – That the Assembly do now adjourn.

Mr Stanhope (Chief Minister) requiring the question to be put forthwith without debate –

Question – put and negatived.

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Debate continued.

Amendment agreed to.

Clauses 35 to 54, by leave, taken together and agreed to.

*New Part –*

On the motion of Mr Stanhope new Part 10A (his amendment No 5) (*see* [Schedule 1](#)) was inserted in the Bill, after debate.

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

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

## **21 ADJOURNMENT**

Mr Corbell (Minister for Education, Youth and Family Services) moved – That the Assembly do now adjourn.

Debate ensued.

Question – put and passed.

And then the Assembly, at 5.25 p.m., adjourned until Tuesday, 27 August 2002 at 10.30 a.m.

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

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**M J McRAE**  
Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2002

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#### Amendments circulated by the Attorney-General

**1**

#### **Clause 2**

#### **Proposed clause 2 (1)**

**Page 2, line 6—**

*omit clause 2 (1), substitute*

- (1) Parts 2, 4, 5, 7, 9A and 10A commence on the day after the Act's notification day.

**2**

#### **Clause 14**

#### **Proposed new section 53 (3)**

**Page 8, line 22—**

*insert*

- (3) Subsection (2) is subject to—
- (a) section 53A (Assignment of other magistrates to deal with Childrens Court matters);
  - and
  - (b) section 53B (Completion of part-heard matters).

*Note* A magistrate assigned to act as Childrens Court Magistrate under s 51 is the Childrens Court Magistrate for this Act (see s 51(2)).

**3**

#### **Clause 14**

#### **Proposed new section 53B**

**Page 10, line 2—**

*insert*

#### **53B Completion of part-heard matters**

- (1) This section applies if—
- (a) a magistrate begins to deal with a Childrens Court matter under this chapter; and
  - (b) the magistrate ceases to be the Childrens Court Magistrate or to hold an assignment under section 51 or 53A before the matter is finally decided.
- (2) The magistrate may continue to deal with the matter until it is finally decided.
- (3) The Magistrates Court is also known as the Childrens Court when it is constituted by a magistrate who is acting under subsection (2).

**4**  
**Proposed new part 9A**  
**Page 39, line 21—**

*insert*

## **Part 9A                      Periodic Detention Act 1995**

### **34A Act amended—pt 9A**

This part amends the *Periodic Detention Act 1995*.

### **34B New section 42A**

#### **42A If detention centre also remand centre**

- (1) This section applies if a place declared to be a detention centre under section 42 is also an area declared to be a remand centre, or a temporary remand centre, under the *Remand Centres Act 1976*, part 2.
- (2) This Act—
  - (a) applies in relation to the place only to the extent that it is used for this Act; and
  - (b) applies only in relation to a person who is a detainee under this Act.
- (3) The director must ensure that the place is used to hold detainees under this Act only when a place that is not also a remand centre is not reasonably available to hold the detainees.

**5**  
**Proposed new part 10A**  
**Page 45, line 5—**

*insert*

## **Part 10A                      Remand Centres Act 1976**

### **54A Act amended—pt 10A**

This part amends the *Remand Centres Act 1976*.

### **54B New section 5A**

#### **5A If remand centre also detention centre**

- (1) This section applies if an area declared to be a remand centre, or a temporary remand centre, under part 2 is also a place declared to be a detention centre under the *Periodic Detention Act 1995*, section 42.
- (2) This Act—
  - (a) applies in relation to the area only to the extent that it is used for this Act; and

- (b) does not apply in relation to a person who is a detainee under the *Periodic Detention Act 1995*.

**54C New section 15 (5A)**

*insert*

- (5A) To remove any doubt, if an area that is a remand centre is also a detention centre under the *Periodic Detention Act 1995*, this section does not prevent a person who is a detainee under that Act from being held in the detention centre.

**54D Section 15**

*renumber subsections when Act next republished under Legislation Act 2001*

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