

2001–2002

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 19

THURSDAY, 16 MAY 2002

- 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 **PETITION**
The Clerk announced that the following Member had lodged a petition for presentation:
Mr Stanhope from 24 residents, requesting that the Assembly amend the Dangerous Goods Act to ensure the safe and continued retail trade of fireworks in the A.C.T.
- 3 **DUTIES (INSURANCE EXEMPTIONS) AMENDMENT BILL 2002**
Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.
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.
- 4 **CEMETERIES AND CREMATORIA BILL 2002**
Mr Wood (Minister for Urban Services), pursuant to notice, presented a Bill for an Act about cemeteries and crematoria.
Paper: Mr Wood presented an explanatory memorandum to the Bill.
Title read by Clerk.

Mr Wood moved – That this Bill be agreed to in principle.

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

5 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2002

Mr Wood (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Driver Licensing) Act 1999* and the *Road Transport (General) Act 1999*, and for other purposes.

Paper: Mr Wood presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Wood moved – That this Bill be agreed to in principle.

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

6 VARIATION NO. 158 TO THE TERRITORY PLAN RELATING TO COMMERCIAL LAND POLICIES CONCERNING GROUP CENTRES

Assembly business Notice No. 1 having been called on –

Mrs Dunne, pursuant to standing order 128, fixed the next day of sitting for the moving of the motion.

7 EXECUTIVE BUSINESS PRECEDENCE

Mr Wood (Manager of Government Business) moved – That Executive business be called on.

Question – put and passed.

8 POSTPONEMENT OF NOTICE

Mr Wood (Manager of Government Business) moved – That consideration of Notice No. 4, Executive business be postponed until after consideration of Executive business Notice No. 5.

Question – put and passed.

9 2002-2003 FEDERAL BUDGET

Mr Quinlan (Treasurer), pursuant to notice, moved – That the Assembly expresses its deep disappointment with the 2002-03 Federal Budget.

Debate ensued.

Question – put and passed.

10 EAST TIMOR – INDEPENDENCE

Mr Stanhope (Chief Minister), pursuant to notice, moved – That we, the Members of the Legislative Assembly of the Australian Capital Territory, offer our warm congratulations to the national parliament and people of East Timor on the achievement of independence at midnight on 19 May 2002 and extend our best wishes to East Timor's future progress.

Debate interrupted in accordance with standing order 74 and resumption of the debate made an order of the day for a later hour this day.

11 QUESTIONS

Questions without notice being asked –

Paper: Mr Stanhope (Chief Minister), adding to an answer, presented the following paper:

Public Interest Disclosure Act 1994 – University of Canberra Union – Copy of letter to Acting Director Public Sector Management Group, Chief Minister’s Department, from A.C.T. Government Solicitor, dated 6 May 2002.

Questions continued.

12 STANDING ORDER 46 – PERSONAL EXPLANATION – SPEAKER’S RULING

Mr Humphries (Leader of the Opposition), pursuant to standing order 46, making a personal explanation –

Speaker’s ruling – Standing order 46: Mr Speaker made a ruling in relation to the operation of standing order 46.

13 PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Ministerial Travel Report for the period 1 January 2002 to 31 March 2002.

14 PAPERS – STATEMENT BY MINISTER

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

A.C.T. Public Hospitals – Report on Purchased Services – Second Quarter 2001–02.

Chief Health Officer – Report for the period 1998-2000, dated May 2002 –

and, by leave, made a statement in relation to the Chief Health Officer Report.

15 FINANCIAL MANAGEMENT ACT – PAPERS AND STATEMENT BY MINISTER

Mr Quinlan (Treasurer) presented the following papers:

Financial Management Act –

Pursuant to section 15 – Instrument directing a reallocation of funds, including a statement of reasons, dated 14 May 2002.

Pursuant to section 16 – Instruments (7) directing a transfer of appropriations between departments, including statements of reasons, dated 14 May 2002.

Pursuant to section 17 – Instrument varying appropriation related to Commonwealth funding, including a statement of reasons, dated 14 May 2002 –

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

16 PROVISION OF ADEQUATE EMERGENCY HOUSING FOR YOUNG PEOPLE – GOVERNMENT REPORT – PAPER AND STATEMENT BY MINISTER

Mr Corbell (Minister for Education, Youth and Family Services) presented the following paper:

Provision of Adequate Emergency Housing for Young People – Government Report –

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

17 LAND (PLANNING AND ENVIRONMENT) ACT – DIRECTION

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

Land (Planning and Environment) Act, pursuant to subsection 37(1) – Direction to review the specific issues needs with the Animals-A-Float proposal in the context of permitting the area proposed to be used for agricultural activities and associated residential accommodation, dated 7 May 2002.

18 LEGAL AFFAIRS – STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 12 – PUBLICATION OF REPORT – 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 No. 12, dated 16 May 2002, together with a copy of the relevant extracts of the minutes of proceedings and the original minutes of meetings Nos 11, 12 and 13 –

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

Question – put and passed.

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

19 HOUSING – LABOR GOVERNMENT’S PRIORITIES AND DIRECTIONS – MINISTERIAL STATEMENT – PAPER NOTED

Mr Wood (Minister for Urban Services), by leave, made a ministerial statement concerning the Labor Government’s priorities and directions in the area of housing and presented the following paper:

Labor Government’s commitment to housing – Ministerial statement.

Mr Wood moved – That the Assembly take note of the paper.

Debate ensued.

Question – put and passed.

20 MATTER OF PUBLIC IMPORTANCE – DISCUSSION – ECOLOGICAL SUSTAINABILITY AND SOCIAL RESPONSIBILITY IN ACTEWAGL’S OPERATIONS

The Assembly was informed that Ms Tucker had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, “The need for the Government, as the half owner of ActewAGL, to promote ecological sustainability and social responsibility in ActewAGL’s operations.”.

Discussion ensued.

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

Mr Wood (Manager of Government Business) requiring the question to be put forthwith without debate –

Question – put and negatived.

Discussion continued.

Discussion concluded.

21 EAST TIMOR – INDEPENDENCE

The order of the day having been read for the resumption of the debate on the motion of Mr Stanhope (Chief Minister) – That we, the Members of the Legislative Assembly of the Australian Capital Territory, offer our warm congratulations to the national parliament and people of East Timor on the achievement of independence at midnight on 19 May 2002 and extend our best wishes to East Timor's future progress.

Debate resumed.

Question – put and passed.

22 DUTIES (PERSONAL RELATIONSHIP AGREEMENTS) 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.

Leave granted to dispense with the detail stage.

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

23 POSTPONEMENT OF EXECUTIVE BUSINESS

Mr Wood (Manager of Government Business) moved – That order of the day No. 2, Executive business, be postponed to the next day of sitting.

Question – put and passed.

24 BUILDING 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.

Mr Humphries (Leader of the Opposition), by leave, was granted an extension of time

Debate continued.

Question – That this Bill be agreed to in principle – put and passed.

Detail stage

Clauses 1 to 11, by leave, taken together and agreed to.

Clause 12 –

Ms Dundas moved her amendment No. 1 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

On the motion of Ms Dundas her amendment No. 2 (*see* [Schedule 1](#)) was made, after debate.

Ms Tucker, by leave, moved her amendments Nos 1 and 2 together (*see* [Schedule 2](#)).

Debate continued.

Amendments negatived.

Clause 12, as amended, agreed to.

Clauses 13 and 14, by leave, taken together and agreed to.

Title agreed to

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

25 ADJOURNMENT

Mr Wood (Manager of Government Business) moved – That the Assembly do now adjourn.

Question – put and passed.

And then the Assembly, at 6.58 p.m., adjourned until Tuesday, 4 June 2002 at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Hargreaves (on leave).

M J McRAE
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

BUILDING AMENDMENT BILL 2002

Amendments circulated by Ms Dundas

1

Clause 12

Proposed new section 58H (4) and note

Page 5, line 15—

omit proposed new subsection 58H (4) and note, substitute

- (4) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

2

Clause 12

Proposed new section 58N (4)

Page 8, line 12—

insert

- (4) An approval or refusal to approve is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Schedule 2**BUILDING AMENDMENT BILL 2002**

Amendments circulated by Ms Tucker

1

Clause 12**Proposed new section 58O (1A) and (1B)**

Page 8, line 19—

insert

- (1A) In determining standards under subsection (1), the Minister must, as far as practicable, ensure that the obligations imposed on approved schemes under the prudential standards made under this Act are comparable with the obligations imposed on authorised insurers under the prudential standards made under the *Insurance Act 1973* (Cwlth), section 32.
- (1B) The prudential standards made under the *Insurance Act 1973* (Cwlth), section 32 apply for subsection (1A) even if they are not in force.

2

Clause 12**Proposed new section 58O (6)**

Page 9, line 32—

insert

- (6) Subsection (1B) and this subsection expire on 2 July 2002.
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