



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 74

THURSDAY, 26 AUGUST 2010

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) 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 MINISTER FOR DISABILITY, HOUSING AND COMMUNITY SERVICES—
PROPOSED CENSURE**

Mr Coe, by leave, moved—That this Assembly censure Ms Burch for misleading the Assembly on 19 August 2010 in relation to housing for older persons.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 10	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
Mr Seselja		Ms Gallagher	Mr Stanhope

And so it was negatived.

3 UNPARLIAMENTARY LANGUAGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning unparliamentary language and called upon Mr Stanhope (Chief Minister) to withdraw an unparliamentary comment made yesterday.

Mr Stanhope withdrew the comment.

4 PLANNING, PUBLIC WORKS AND TERRITORY AND MUNICIPAL SERVICES—STANDING COMMITTEE—REPORT 7—INQUIRY INTO LIVE COMMUNITY EVENTS—FINAL REPORT—REPORT NOTED

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

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 7—*Inquiry into Live Community Events*—Final report, dated 20 August 2010, 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.

5 ROAD TRANSPORT (GENERAL) AMENDMENT BILL 2010

Mr Stanhope (Minister for Transport), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (General) Act 1999*, 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 25 August 2010.

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 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2010 (NO. 3)

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend legislation about justice and community safety.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 25 August 2010.

Title read by Clerk.

Mr Corbell 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.

7 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION BILL 2010

Mr Corbell (Minister for the Environment, Climate Change and Water), pursuant to notice, presented a Bill for an Act to promote the development of policies and practices to address climate change, to set targets to reduce greenhouse gas emissions and to provide for monitoring and reporting in relation to the targets.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 25 August 2010.

Title read by Clerk.

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

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

8 PLANNING AND DEVELOPMENT (PUBLIC NOTIFICATION) AMENDMENT BILL 2010

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Planning and Development Act 2007*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 25 August 2010.

Title read by Clerk.

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

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

9 WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING) BILL 2010

Ms Burch (Minister for Disability, Housing and Community Services), pursuant to notice, presented a Bill for an Act to provide for background checking and registration of people who work with vulnerable people, and for other purposes.

Papers: Ms Burch presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 25 August 2010.

Title read by Clerk.

Ms Burch 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.

10 STANDING ORDERS—AMENDMENTS—STANDING ORDERS 152A AND 212A

Mr Rattenbury (Speaker), pursuant to notice, moved—That the following standing orders be amended to take effect from the September 2010 sittings:

- (1) Omit standing order 152A, substitute:

“152A After notifying the Member in charge, the Clerk shall remove from the *Notice Paper* any:

- (a) private Members’ business order of the day, excluding bills; and
- (b) Assembly business order of the day to take note of a paper or report:

which has not been called on for eight sitting weeks.”.

(2) Omit standing order 212A, substitute:

“212A Unless otherwise ordered, the following papers are authorised for publication when presented to the Assembly:

- (a) papers presented by the Speaker;
- (b) reports and discussion papers of standing and select committees of the Assembly;
- (c) papers presented pursuant to standing orders or resolutions of the Assembly;
- (d) papers presented pursuant to statute; and
- (e) papers presented by Ministers during the period in the daily routine of business for presentation of papers.”.

Debate ensued.

Question—put and passed.

11 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 9—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 4 OF 2009: DELIVERY OF AMBULANCE SERVICES TO THE A.C.T. COMMUNITY—MOTION THAT REPORT BE NOTED

Ms Le Couteur (Chair) presented the following report:

Public Accounts—Standing Committee—Report 9—*Review of Auditor-General’s Report No. 4 of 2009: Delivery of Ambulance Services to the ACT Community*, dated 5 August 2010, including additional comments (*Mr Smyth*), together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

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.

12 UNPARLIAMENTARY LANGUAGE—STATEMENT BY MEMBER

Mr Hanson, by leave, made a statement concerning an unparliamentary comment he made in the Chamber yesterday.

Mr Hanson apologised.

13 QUESTIONS

Questions without notice were asked.

14 UNPARLIAMENTARY LANGUAGE—STATEMENT BY MEMBER

Mrs Dunne, by leave, made a statement concerning comments made by Ms Gallagher (Minister for Health) in the Chamber yesterday and asked her to withdraw the comments.

Ms Gallagher responded.

15 PRESENTATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 5/2010—Delivery of ACTION Bus Services, dated 26 August 2010.

16 PRESENTATION OF PAPER

Mr Stanhope (Minister for Business and Economic Development) presented the following paper:

ACT Government—Overseas visit report—ACT Trade Mission to China, 5 to 9 July 2010 and ACT Cultural Visit to Japan, 10-14 July 2010.

17 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRY—AUDITOR-GENERAL'S REPORT NO. 6/2009—GOVERNMENT OFFICE ACCOMMODATION—GOVERNMENT SUBMISSION

Mr Stanhope (Minister for Land and Property Services) presented the following paper:

Public Accounts—Standing Committee—Inquiry—Auditor-General's Report No. 6/2009—Government Office Accommodation—Government submission.

18 PRESENTATION OF PAPER

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

ACT Criminal Justice—Statistical Profile 2010—June quarter.

19 ALEXANDER MACONOCHIE CENTRE—REVIEW OF THE OPERATIONS—PROGRESS REPORT—PAPER AND STATEMENT BY MINISTER

Mr Corbell (Attorney-General), pursuant to the resolution of the Assembly of 10 February 2010, presented the following paper:

Alexander Maconochie Centre—Review of the operations—Progress report, dated August 2010—

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

20 PRESENTATION OF PAPER

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

Change of use charge—Internal audit—Final report prepared by Oakton for the ACT Planning and Land Authority, dated August 2010.

21 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CHILD CARE

The Assembly was informed that Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja (Leader of the Opposition) 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 Mrs Dunne be submitted to the Assembly, namely, “Affordable and accessible child care in the ACT”.

Discussion ensued.

Discussion concluded.

22 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 9—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 4 OF 2009: DELIVERY OF AMBULANCE SERVICES TO THE A.C.T. COMMUNITY—REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Ms Le Couteur (Chair)—That the report be noted (viz):

Public Accounts—Standing Committee—Report 9—*Review of Auditor-General’s Report No. 4 of 2009: Delivery of Ambulance Services to the ACT Community*, dated 5 August 2010, including additional comments (*Mr Smyth*)—

Debate resumed.

Question—put and passed.

23 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 10—REVIEW OF AUDITOR-GENERAL’S REPORT NO. 3 OF 2008: RECORDS MANAGEMENT IN A.C.T. GOVERNMENT AGENCIES—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Public Accounts—Standing Committee—Report 10—*Review of Auditor-General’s Report No. 3 of 2008: Records Management in ACT Government Agencies*, dated 18 August 2010, 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.

24 LIQUOR BILL 2010

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.

Mrs Dunne, by leave, was granted an extension of time.

Debate continued.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

And so it was resolved in the affirmative—Bill agreed to in principle.

Detail Stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9—

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

Clause 9, as amended, agreed to.

Clauses 10 to 24, by leave, taken together and agreed to.

Clause 25—

Mrs Dunne moved her amendment No. 2 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 6	NOES, 11
Mr Coe	Mr Barr
Mr Doszpot	Ms Hunter
Mrs Dunne	Ms Bresnan
Mr Hanson	Ms Le Couteur
Mr Seselja	Ms Burch
Mr Smyth	Ms Porter
	Mr Corbell
	Mr Rattenbury
	Ms Gallagher
	Mr Stanhope
	Mr Hargreaves

And so it was negated.

Adjournment negated: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

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

Question—put and negated.

Clause 25 agreed to.

Clauses 26 to 77, by leave, taken together and agreed to.

Clause 78—

Mrs Dunne, by leave, moved her amendments Nos. 6 and 7 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

Clause 78 agreed to.

Clauses 79 to 89, by leave, taken together and agreed to.

Clause 90—

Mrs Dunne moved her amendment No. 9 (*see* [Schedule 1](#)).

Debate continued.

Mrs Dunne, who had already spoken, by leave, again addressed the Assembly.

Amendment agreed to.

Clause 90, as amended, agreed to.

Clauses 91 to 120, by leave, taken together and agreed to.

Clause 121—

On the motion of Mr Corbell (Attorney-General), pursuant to standing order 182A(c), by leave, his amendment No. 1 (*see* [Schedule 2](#)) was made, after debate.

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

Clause 121, as amended, agreed to.

Clauses 122 to 127, by leave, taken together and agreed to.

Clause 128—

On the motion of Mrs Dunne, her amendment No. 11 (*see* [Schedule 1](#)) was made.

Clause 128, as amended, agreed to.

New clause—

On the motion of Mrs Dunne, new clause 128A (her amendment No. 12—*see* [Schedule 1](#)), was inserted in the Bill.

Clause 129 agreed to.

Clause 130—

On the motion of Mrs Dunne, her amendment No. 13 (*see* [Schedule 1](#)) was made, after debate.

Clause 130, as amended, agreed to.

Proposed new clause—

Mrs Dunne moved her amendment No. 14 (*see* [Schedule 1](#)), which would insert a new clause 130A in the Bill.

Debate continued.

Amendment negatived.

Clause 131—

Mrs Dunne, by leave, moved her amendments Nos. 16, 18 and 19 together (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 6	NOES, 11	
Mr Coe	Mr Barr	Ms Hunter
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Ms Porter
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Seselja	Ms Gallagher	Mr Stanhope
Mr Smyth	Mr Hargreaves	

And so it was negatived.

Clause 131 agreed to.

Clauses 132 to 150, by leave, taken together and agreed to.

Clause 151—

Mrs Dunne moved her amendment No. 20 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Clause 151 agreed to.

Clauses 152 to 188, by leave, taken together and agreed to.

Clause 189—

On the motion of Mrs Dunne, her amendment No. 27 (*see* [Schedule 1](#)) was made, after debate.

Clause 189, as amended, agreed to.

Clauses 190 to 213, by leave, taken together and agreed to.

New part—

Mrs Dunne moved her amendment No. 28 (*see* [Schedule 1](#)), which would insert a new Part 14A, incorporating new clauses 213A to 213C, in the Bill.

Mr Corbell, by leave, moved his amendments Nos. 1 and 2 (*see* [Schedule 4](#)) to Mrs Dunne's proposed amendment.

Debate continued.

Ordered—That the question be divided.

Mr Corbell's amendment No. 1 agreed to.

Mr Corbell's amendment No. 2—

New Section 213C—

Question—put.

The Assembly voted—

AYES, 9		NOES, 4
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher		

And so it was resolved in the affirmative.

New Sections 213D and 213E agreed to.

Mrs Dunne's amendment, as amended, agreed to.

Clauses 214 to 222, by leave, taken together and agreed to.

Clause 223—

On the motion of Mr Rattenbury, his amendment No. 1 (*see* [Schedule 3](#)) was made, after debate.

Clause 223, as amended, agreed to.

Clause 224 agreed to.

Schedule 1 agreed to.

Dictionary—

On the motion of Mrs Dunne, her amendment No. 31 (*see* [Schedule 1](#)) was made.

Dictionary, as amended, agreed to.

Title agreed to.

Question—That this Bill, as amended, be agreed to—

Mr Corbell, by leave, addressed the Assembly.

Mrs Dunne, by leave, addressed the Assembly.

Question—put.

The Assembly voted—

AYES, 9		NOES, 4
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher		

And so it was resolved in the affirmative—Bill, as amended, agreed to.

25 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 7.34 p.m., adjourned until Tuesday, 21 September 2010 at 10 a.m.

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

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

LIQUOR BILL 2010

Amendments circulated by Mrs Dunne

1

Proposed new clause 9 (c)

Page 6, line 9—

insert

- (c) in a way that encourages and supports liquor consumers to take responsibility for—
 - (i) their consumption of liquor; and
 - (ii) their behaviour if it is affected by the consumption of liquor.
-

2

Clause 25 (2) (f)

Page 18, line 1—

omit clause 25 (2) (f), substitute

- (f) if the application is for a general licence, an on licence, a club licence or a special licence, include either—
 - (i) a risk-assessment management plan for the premises; or
 - (ii) an application for a risk-assessment management plan exemption under section 92A (Risk-assessment management plan exemption).
-

3

Clause 39 (2) (b) (iii)

Page 31, line 1—

omit clause 39 (2) (b) (iii), substitute

- (iii) if the licence is a general licence, an on licence, a club licence or a special licence and an approved risk-assessment management plan is in force for the licensed premises, either—
 - (A) a risk-assessment management plan for the altered licensed premises; or
 - (B) an application for a risk-assessment management plan exemption under section 92A (Risk-assessment management plan exemption).

4**Clause 50 (2) (d)**
Page 41, line 5—

omit clause 50 (2) (d), substitute

- (d) if the application is for a commercial permit, include either—
- (i) a risk-assessment management plan for the premises;
or
 - (ii) an application for a risk-assessment management plan exemption under section 92A (Risk-assessment management plan exemption).

5**Clause 77 (1) (c) and note**
Page 63, line 4—

omit clause 77 (1) (c) and note, substitute

- (c) if a risk-assessment management plan is included in an application under section 25 (Licence—application) or section 50 (Permit—application), or is required under section 79 (Commissioner may require certificate, plan, etc for premises)—the commissioner does not approve the risk-assessment management plan.

Note An applicant may apply for a risk-assessment management plan exemption under s 92A.

6**Clause 78, definition of *suitability information*, paragraph (a), except note**
Page 63, line 19—

omit paragraph (a), except note, substitute

- (a) any conviction of, or finding of guilt against, 1 or more of the following people for an offence against this Act involving the premises:
- (i) the responsible person for the premises;
 - (ii) a close associate of the responsible person for the premises;
 - (iii) if the responsible person for the premises is a corporation—an influential person for the corporation;
-

7**Clause 78 (b), except example****Page 63, line 24—**

omit clause 78 (b), except example, substitute

- (b) any proven noncompliance of the premises with a legal obligation in relation to the supply of liquor while 1 or more of the following people was involved in a business operated at the premises:
 - (i) the responsible person for the premises;
 - (ii) a close associate of the responsible person for the premises;
 - (iii) if the responsible person for the premises is a corporation—an influential person for the corporation;

8**Clause 79 (2) (d) and note****Page 65, line 15—**

omit clause 79 (2) (d) and note, substitute

- (d) if there is not a risk-assessment management plan exemption in force for the premises—a risk-assessment management plan for the premises;

Note An applicant may apply for a risk-assessment management plan exemption under s 92A.

9**Clause 90 (2)****Page 72, line 6—**

omit clause 90 (2), substitute

- (2) If the commissioner approves a risk-assessment management plan for licensed premises or permitted premises, the commissioner must—
 - (a) give the licensee or permit-holder written notice that the plan has been approved; and
 - (b) identify any provisions (the *confidential provisions*) of the plan that the commissioner believes on reasonable grounds would be likely to disclose information that may endanger public safety.
-

10**Proposed new clause 92A****Page 74, line 8—***in part 6, insert***92A Risk-assessment management plan exemption**

- (1) A licensee, proposed licensee, permit-holder or proposed permit-holder may apply to the commissioner for an exemption (a *risk-assessment management plan exemption*) from the requirement to have an approved risk-assessment management plan for the licensed premises, proposed licensed premises, permitted premises or proposed permitted premises.
- (2) The commissioner may issue a risk-assessment management plan exemption to an applicant only if satisfied that the exemption is not inconsistent with the harm minimisation and community safety principles.
- (3) The commissioner may, in writing, require the applicant to—
 - (a) give the commissioner additional information or documents that the commissioner reasonably needs to decide the application; or
 - (b) allow the commissioner to inspect the premises within a stated reasonable time.
- (4) If the applicant does not comply with a requirement under subsection (3), the commissioner may refuse to consider the application.
- (5) The commissioner must, not later than the required time—
 - (a) decide the application; and
 - (b) tell the licensee about the decision on the application.
- (6) In this section:
required time means the latest of the following:
 - (a) if the commissioner requires the applicant to give the commissioner additional information or documents under subsection (3) (a)—90 days after the day the commissioner receives the information or documents;
 - (b) if the commissioner requires the applicant to allow the commissioner to inspect the premises under subsection (3) (b)—90 days after the day the commissioner inspects the premises;
 - (c) 90 days after the day the commissioner receives the application.

Note Failure to issue the exemption within the required time is taken to be a decision not to issue the exemption (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

11**Proposed new clause 128 (4)****Page 109, line 13—***insert*

- (4) This section does not apply to a confidential provision of a risk-assessment management plan.

Note **Confidential provision**, of a risk-assessment management plan—see s 90 (2) (b).

12**Proposed new clause 128A****Page 109, line 13—***insert***128A Offence—disclose confidential provision of risk-assessment management plan**

- (1) A person commits an offence if the person discloses to another person a confidential provision of a risk-assessment management plan for licensed premises or permitted premises.

Maximum penalty: 10 penalty units.

- (2) This section does not apply to the disclosure of a confidential provision if the disclosure is necessary for the exercise of a function under this Act or another law in force in the Territory.

13**Proposed new clause 130 (3)****Page 110, line 24—***insert*

- (3) However, if a police officer deals with the incident, the incident register—
- (a) must include—
 - (i) the contact details for the police officer; and
 - (ii) the time the police officer started dealing with the incident; and
 - (b) need not include any further details about the incident that happened after that time.
-

14

Proposed new clause 130A

Page 110, line 24—

insert

130A Incident register exemption

- (1) A licensee or permit-holder may apply to the commissioner for an exemption (an *incident register exemption*) from the requirement to keep an incident register for the licensed premises or permitted premises.
- (2) The commissioner may issue an incident register exemption to an applicant only if satisfied that the exemption is not inconsistent with the harm minimisation and community safety principles.
- (3) The commissioner may, in writing, require the applicant to—
 - (a) give the commissioner additional information or documents that the commissioner reasonably needs to decide the application; or
 - (b) allow the commissioner to inspect the premises within a stated reasonable time.
- (4) If the applicant does not comply with a requirement under subsection (3), the commissioner may refuse to consider the application.
- (5) The commissioner must, not later than the required time—
 - (a) decide the application; and
 - (b) tell the licensee about the decision on the application.
- (6) In this section:

required time means the latest of the following:

- (a) if the commissioner requires the applicant to give the commissioner additional information or documents under subsection (3) (a)—90 days after the day the commissioner receives the information or documents;
- (b) if the commissioner requires the applicant to allow the commissioner to inspect the premises under subsection (3) (b)—90 days after the day the commissioner inspects the premises;
- (c) 90 days after the day the commissioner receives the application.

Note Failure to issue the exemption within the required time is taken to be a decision not to issue the exemption (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

15**Proposed new clause 131 (1) (ab)****Page 111, line 3—***insert*

- (ab) does not hold an incident register exemption for the licensed premises; and

16**Clause 131 (1) (b)****Page 111, line 4—***omit clause 131 (1) (b), substitute*

- (b) does not take reasonable steps to keep an incident register for the licensed premises in accordance with section 130.

17**Proposed new clause 131 (2) (ab)****Page 111, line 8—***insert*

- (ab) does not hold an incident register exemption for the permitted premises; and

18**Clause 131 (2) (b)****Page 111, line 9—***omit clause 131 (2) (b), substitute*

- (b) does not take reasonable steps to keep an incident register for the permitted premises in accordance with section 130.

19**Clause 131 (3)****Page 111, line 12—***omit*

20**Proposed new clause 151 (3) and (4)****Page 127, line 20—***insert*

- (3) If the chief police officer tells the CYP chief executive that the caution is revoked, the CYP chief executive must destroy each copy of the caution held by the CYP chief executive.
- (4) If the chief police officer tells the commissioner that the caution is revoked, the commissioner must destroy each copy of the caution held by the commissioner.
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21**Proposed new clause 184 (d) (ia)****Page 151, line 26—***insert*

- (ia) section 92A (3) (a) (Risk-assessment management plan exemption); or

22**Proposed new clause 184 (d) (iii)****Page 152, line 2—***insert*

- (iii) section 130A (3) (a) (Incident register exemption).

23**Proposed new clause 185 (d) (ia)****Page 152, line 22—***insert*

- (ia) section 92A (3) (a) (Risk-assessment management plan exemption); or

24**Proposed new clause 185 (d) (iii)****Page 152, line 24—***insert*

- (iii) section 130A (3) (a) (Incident register exemption);

25**Proposed new clause 185 (e) (ia)****Page 152, line 28—***insert*

- (ia) section 92A (3) (b) (Risk-assessment management plan exemption); or

26**Proposed new clause 185 (e) (iv)****Page 153, line 4—***insert*

- (iv) section 130A (3) (b) (Incident register exemption).
-

27**Clause 189 (3) (b)**
Page 155, line 16—*omit*

licensee

substitute

applicant

28**Proposed new part 14A**
Page 169, line 23—*insert*

Part 14A Liquor advisory board

213A Establishment of liquor advisory board

The liquor advisory board is established.

213B Membership of liquor advisory board

- (1) The liquor advisory board is made up of—
- (a) the chief executive; and
 - (b) the following members appointed by the Minister:
 - (i) 1 member appointed to represent the Australian Federal Police;
 - (ii) 1 member appointed to represent liquor consumers;
 - (iii) 1 member appointed to represent Aboriginal people and Torres Strait Islanders;
 - (iv) 1 member appointed to represent small businesses;
 - (v) 1 member appointed to represent Clubs ACT;
 - (vi) 1 member appointed to represent the Australian Hotels Association (ACT branch).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The chair of the board is the chief executive.

213C Liquor advisory board functions

The liquor advisory board has the following functions:

- (a) to advise the Minister, on request, about matters associated with the operation of this Act;
- (b) to scrutinise the functions of the commissioner under this Act;
- (c) to review the operation of this Act after it has been in force for 2 years and make recommendations to the Minister in accordance with any terms of reference provided by the Minister.

29**Schedule 1, proposed new item 11A**

Page 175—

insert

11A	92A (2)	refuse to issue a risk-assessment management plan exemption	licensee or permit-holder
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30**Schedule 1, proposed new item 12A**

Page 175—

insert

12A	130A (2)	refuse to issue an incident register exemption	licensee or permit-holder
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31**Dictionary, proposed new definition of *confidential provision***

Page 178, line 16—

insert

confidential provision, for a risk-assessment management plan—see section 90 (2) (b).

32**Dictionary, proposed new definition of *incident register exemption***

Page 180, line 7—

insert

incident register exemption—see section 130A.

33**Dictionary, proposed new definition of *risk-assessment management plan exemption***

Page 183, line 20—

insert

risk-assessment management plan exemption—see section 92A.

Schedule 2**LIQUOR BILL 2010**

Amendment circulated by the Attorney-General

1

Clause 121 (2)

Page 102, line 8—

omit

Schedule 3

LIQUOR BILL 2010

Amendments circulated by Mr Rattenbury

1

Proposed new clause 223 (2) (b) (va)

Page 174, line 6—

insert

- (va) the history of compliance of licensees and permitted premises with this Act;
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Schedule 4

LIQUOR BILL 2010

Amendments circulated by the Attorney-General to Mrs Dunne's proposed amendments

1

Amendment 28

Proposed new section 213B (1) (a) and (2)

omit

chief executive

substitute

commissioner

2

Amendment 28

Proposed new section 213C

substitute

213C Liquor advisory board function

The liquor advisory board has the function of advising the Minister about matters associated with the operation of this Act.

213D Liquor advisory board procedure

- (1) Meetings of the liquor advisory board are to be held when and where it decides.
- (2) However—
 - (a) the liquor advisory board must meet at least twice each year; and
 - (b) the commissioner may, by reasonable written notice given to the other liquor advisory board members, call a meeting.
- (3) The liquor advisory board may conduct its proceedings (including its meetings) as it considers appropriate.

213E Reimbursement of expenses for liquor advisory board members

- (1) A member of the liquor advisory board appointed under section 213B (1) (b) is not entitled to be paid for the exercise of the member's functions.

- (2) However, the member may apply to the commissioner for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting of the liquor advisory board.
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