



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009

MINUTES OF PROCEEDINGS

No. 46

WEDNESDAY, 9 DECEMBER 2009

- 1 The Assembly met at 10 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Rattenbury) 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:

Mrs Dunne, from 592 residents, requesting that the Assembly ensure that any future development on Block 8, Section 34 Hawker is not at the expense of adequate public parking for the Hawker Group Centre (Pet 105).

- 3 **ROAD TRANSPORT (ALCOHOL AND DRUGS) (RANDOM DRUG TESTING) AMENDMENT BILL 2009**

Mr Hanson, pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Alcohol and Drugs) Act 1977*.

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

Title read by Clerk.

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

Debate adjourned (Mr Stanhope—Minister for Transport) and the resumption of the debate made an order of the day for the next sitting.

**4 PLANNING AND DEVELOPMENT (NOTIFICATIONS AND REVIEW)
AMENDMENT BILL 2009**

Ms Le Couteur, pursuant to notice, presented a Bill for an Act to amend the *Planning and Development Act 2007*.

Title read by Clerk.

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

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

**5 INFRASTRUCTURE CANBERRA BILL 2009—EXPOSURE DRAFT—PAPER
AND STATEMENT BY MEMBER**

Mr Seselja (Leader of the Opposition), by leave, presented the following paper:

Infrastructure Canberra Bill 2009—Exposure draft—

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

6 TUGGERANONG AND ERINDALE—PLANNING

Ms Bresnan, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) the ACT Government's positive commitment to undertake a planning study and master plan for the Tuggeranong Town Centre;
- (b) the benefits of integrating transport and urban development planning more broadly;
- (c) proposed changes to transport services in the Tuggeranong Valley, including the development of:
 - (i) park and ride facilities at Erindale; and
 - (ii) a bus interchange at Erindale, as detailed in the ACT Public Transport Strategic Network Plan; and
- (d) that road plans in the Tuggeranong Valley are yet to reflect future development; and

(2) calls on the ACT Government to:

- (a) take a more thoughtful approach to planning for the whole Tuggeranong Valley;
- (b) commission an additional master plan for the Erindale area, focussing in particular on:
 - (i) transport planning in the Tuggeranong Valley; and
 - (ii) the views and perspectives of local experts, businesses and residents; and
- (c) report to the Legislative Assembly with a completed Erindale Master Plan by the first sitting week in June 2010.

Mr Barr (Minister for Planning), by leave, moved the following amendments together:

(1) omit paragraph (2)(a), substitute:

“(a) ensure planning for the Tuggeranong Valley achieves progressive social, economic and environmental objectives;”; and

(2) omit paragraph (2)(c), substitute:

“(c) report to the Legislative Assembly with a completed Erindale Master Plan by the first sitting week in June 2011.”.

Debate continued.

Amendments agreed to.

Mr Smyth, by leave, moved the following amendment: Omit paragraph (2)(b), substitute:

“(b) commission an additional master plan for the Erindale area, focussing in particular on the views and perspectives of local experts, businesses and residents;

(ba) take into account in developing this master plan:

(i) opportunities for business development;

(ii) an appropriate policy governing infill proposals;

(iii) the existing road structure around Erindale Centre;

(iv) transport links to and from Erindale Centre; and

(v) the need to redevelop the area around Gartside Street to enhance this as a restaurant precinct; and”.

Debate continued.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

(1) notes:

(a) the ACT Government’s positive commitment to undertake a planning study and master plan for the Tuggeranong Town Centre;

(b) the benefits of integrating transport and urban development planning more broadly;

(c) proposed changes to transport services in the Tuggeranong Valley, including the development of:

(i) park and ride facilities at Erindale; and

(ii) a bus interchange at Erindale, as detailed in the ACT Public Transport Strategic Network Plan; and

(d) that road plans in the Tuggeranong Valley are yet to reflect future development; and

- (2) calls on the ACT Government to:
- (a) ensure planning for the Tuggeranong Valley achieves progressive social, economic and environmental objectives;
 - (b) commission an additional master plan for the Erindale area, focussing in particular on the views and perspectives of local experts, businesses and residents;
 - (c) take into account in developing this master plan:
 - (i) opportunities for business development;
 - (ii) an appropriate policy governing infill proposals;
 - (iii) the existing road structure around Erindale Centre;
 - (iv) transport links to and from Erindale Centre; and
 - (v) the need to redevelop the area around Gartside Street to enhance this as a restaurant precinct; and
 - (d) report to the Legislative Assembly with a completed Erindale Master Plan by the first sitting week in June 2011.”—

be agreed to—put and passed.

7 GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING) BILL 2008

The Assembly, according to order, resumed consideration at the detail stage.

Detail Stage

Clause 1 agreed to.

Clause 2—

Mr Stanhope moved his amendment No. 1 (*see* [Schedule 1](#)).

Paper: Mr Stanhope (Chief Minister) presented the following paper:

Campaign Advertising—Select Committee—Report—*Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*—Government response.

Debate continued.

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.

8 QUESTIONS

Questions without notice being asked—

Paper: Ms Burch (Minister for Disability, Housing and Community Services) presented the following paper:

An economic analysis of the proposed ECEC National Quality Agenda, prepared by Access Economics Pty Limited for the Department of Education, Employment and Workplace Relations (Cwlth), dated July 2009.

Questions continued.

9 PAPER

Ms Burch (Minister for Disability, Housing and Community Services), having added to an answer, presented the following paper:

Public Consultations and Forums Access Guidelines, prepared by the Department of Disability, Housing and Community Services, dated April 2005—Answer to questions without notice asked by Mr Coe and Mr Doszpot and taken on notice on 8 December 2009.

10 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 17—STATEMENT BY CHAIR

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 17, dated 9 December 2009, together with the relevant minutes of proceedings—

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

11 GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING) BILL 2008

The Assembly, according to order, resumed further consideration at the detail stage.

Detail Stage

Clause 2—

Consideration resumed on the clause and on amendment No. 1 (*see* [Schedule 1](#)) moved by Mr Stanhope (Chief Minister).

Mr Stanhope, by leave, withdrew his amendment.

On the motion of Mr Seselja (Leader of the Opposition), his amendment No. 1 (*see* [Schedule 2](#)) was made, after debate.

Clause 2, as amended, agreed to.

Clauses 3 to 6, by leave, taken together and agreed to.

Clause 7—

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

Clause 7, as amended, agreed to.

New clause—

On the motion of Mr Seselja, new clause 7A (his amendment No. 2—*see* [Schedule 3](#)) was inserted in the Bill, after debate.

Clause 8—

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

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

On the motion of Mr Seselja his amendment No. 5 (*see* [Schedule 3](#)) was made.

Mr Stanhope moved his amendment No. 4 (*see* [Schedule 1](#)).

On the motion of Mr Seselja, his amendment No. 1 (*see* [Schedule 4](#)) to Mr Stanhope's proposed amendment was made, after debate.

Amendment, as amended, agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

New clause—

On the motion of Mr Seselja, new clause 9A (his amendment No. 6—*see* [Schedule 3](#)) was inserted in the Bill, after debate.

New part—

On the motion of Mr Seselja, new Part 2A, incorporating new clauses 9B and 9C (his amendment No. 7—*see* [Schedule 3](#)), was inserted in the Bill, after debate.

Clause 10—

On the motion of Mr Seselja, his amendment No. 8 (*see* [Schedule 3](#)) was made, after debate.

Clause 10, as amended, agreed to.

Clause 11—

On the motion of Mr Seselja, his amendment No. 9 (*see* [Schedule 3](#)) was made.

Clause 11, as amended, agreed to.

Clause 12—

On the motion of Mr Seselja, his amendment No. 10 (*see* [Schedule 3](#)) was made, after debate.

On the motion of Mr Seselja, his amendment No. 11 (*see* [Schedule 3](#)) was made.

Clause 12, as amended, agreed to.

Clause 13—

On the motion of Mr Seselja, by leave, his amendments Nos. 12 and 13 (*see* [Schedule 3](#)) were made together, after debate.

Mr Seselja moved his amendment No. 14 (*see* [Schedule 3](#)).

Debate continued.

Amendment negatived.

On the motion of Mr Stanhope, by leave, his amendment No. 10 (*see* [Schedule 1](#)) was made.

Clause 13, as amended, agreed to.

Clause 14—

On the motion of Mr Seselja, his amendment No. 15 (*see* [Schedule 3](#)) was made, after debate.

Clause 14, as amended, agreed to.

New part—

On the motion of Mr Seselja, new Part 3A, incorporating new clauses 14A to 14D (his amendment No. 16—*see* [Schedule 3](#)), was inserted in the Bill.

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

On the motion of Mr Seselja, by leave, his amendments Nos. 17 to 23 (*see* [Schedule 3](#)) were made together.

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

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

12 ACT SCHOOLS—PROCUREMENT AND PURCHASING POLICIES AND PRACTICES

Ms Hunter, by leave, having amended her notice, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) that cleaning products are crucial in maintaining healthy and sanitary conditions in the school environment;
 - (b) that some cleaning products can present health and environmental concerns in relation to children and young people;
 - (c) the concentrated forms of some commercial cleaning products are classified as hazardous, creating potential handling, storage and disposal issues for users;
 - (d) that children and young people have increased contact with chemicals, floorings and building finishes, therefore are at increased risk of health concerns, as they may contain chemicals associated with eye, skin or respiratory irritation; and
 - (e) the United States Government has introduced Environmentally Preferable Purchasing in relation to chemicals, floorings and building materials to curb the increasing rates of asthma and anaphylaxis in children and young people over the last decade; and
- (2) calls on the Minister to:
 - (a) commit to including in the Statement of Requirements of School cleaning contracts, that procurement and purchasing practices for all new and existing ACT school buildings should include cleaning products and building finishes which minimise the environmental health impacts on children and young people, in accordance with international best practice models; and
 - (b) agree to develop an environmentally friendly educational guide to accompany the current Statement of Requirements of School cleaning contracts. This will enable students, parents, teachers, principals, cleaning staff and contactors to use this guide to develop a greater understanding of the impacts that cleaning chemicals have on their health.

Debate ensued.

Question—put and passed.

13 FINANCIAL MANAGEMENT (BUDGET REVIEW) AMENDMENT BILL 2009

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 Smyth addressing the Assembly—

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

Ms Gallagher (Treasurer) requiring the question to be forthwith without debate—

Question—put and negated.

Debate continued.

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

The Assembly voted—

AYES, 4

Mr Coe
Mr Doszpot
Mr Seselja
Mr Smyth

NOES, 9

Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Ms Gallagher	Mr Rattenbury
Mr Hargreaves	Mr Stanhope
Ms Hunter	

And so it was negated.

14 EMISSIONS TRADING SCHEME

Ms Porter, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) the importance of an emissions trading scheme in creating a market response to address climate change;
- (b) the failure of both the Federal Liberal Party and the Australian Greens to support the Carbon Pollution Reduction Scheme in the Senate; and
- (c) the efforts of the Federal and ACT Labor parties to drive real and meaningful reform to establish a more sustainable community; and

(2) resolves that all Members reiterate the importance of an emissions trading scheme with their Federal counterparts as a matter of urgency to address the impacts of climate change on the community.

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

15 ADJOURNMENT

Ms Burch (Minister for Disability, Housing and Community Services) moved—That the Assembly do now adjourn.

Debate ensued.

The time allotted for the debate having expired—

Question—put and passed.

And then the Assembly, at 7.01 p.m., adjourned until tomorrow at 10 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING) BILL 2009

Amendments circulated by the Chief Minister

1

Clause 2

Page 2, line 5

omit clause 2, substitute

2

Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

2

Proposed new clause 7A

Page 3, line 20—

insert

7A

Who is a *responsible person*?

In this Act:

responsible person, for a government agency, means—

- (a) for an administrative unit—the responsible Minister; and
 - (b) for a territory instrumentality—the chief executive officer; and
 - (c) for a statutory office-holder and the staff assisting the statutory office-holder—the statutory office-holder.
-

3

Clause 8, definition of ***government campaign***, paragraph (c) (iii)

Page 4, line 13—

omit paragraph (c) (iii), substitute

- (iii) other routine advertising campaigns carried out by an agency in relation to its operational activities.

4

Clause 8, definition of **government campaign**, paragraph (c),
proposed new examples 3 and 4
Page 4, line 17—

insert

3 tourism campaigns

4 land release programs

5

Proposed new clause 9A
Page 5, line 16—

insert

9A What is **party political**?

In this Act:

party political—something is **party political** if it is designed to enhance a political party's reputation rather than informing the public.

6

Proposed new part 2A
Page 5, line 16—

insert

Part 2A Campaign advertising reviewer

Division 2A.1 Appointment and functions of reviewer

9B Appointment of reviewer

- (1) The Minister must appoint a person to be the campaign advertising reviewer (the **reviewer**).

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

- (2) The Minister must not appoint a person as reviewer unless satisfied that the person has experience or expertise in 1 or more of the following areas:
 - (a) media and advertising;
 - (b) legal;
 - (c) government administration.
- (3) The reviewer must not be a public servant.
- (4) The reviewer must be appointed for not longer than 3 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

- (5) The conditions of appointment of the reviewer are the conditions agreed between the Minister and the reviewer, subject to any determination under the *Remuneration Tribunal Act 1995*.

9C Reviewer's functions

- (1) The reviewer has the following functions:
 - (a) to review proposed government campaigns to ensure campaigns comply with this Act;
 - (b) to report to the responsible person and the Legislative Assembly the result of each review mentioned in paragraph (a).
- (2) The reviewer has any other function given to the reviewer by this Act.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Note 2 A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

7

Clause 10

Page 6, line 3—

omit clause 10, substitute

10 Reviewer to review certain government campaigns

- (1) If the campaign costs of a government campaign proposed by a government agency are likely to exceed \$50 000, the responsible person for the agency must ask the reviewer to review the proposed campaign and report to the responsible person about whether it complies with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including guidelines (see Legislation Act, s 104).

- (2) The responsible person for a government agency may ask the reviewer to review, and report to the responsible person about, a government campaign proposed by the agency even if the campaign costs are not expected to exceed \$50 000 if the responsible person considers that the subject matter of the campaign is sensitive or otherwise considers that a review is appropriate.

- (3) If the reviewer is asked to review a proposed government campaign, the reviewer must—
- (a) review the campaign; and
 - (b) report to the responsible person on whether the campaign complies with this Act.

8

Clause 11**Page 7, line 1—***omit clause 11, substitute***11****Government campaigns must comply with Act**

The responsible person for a government agency may conduct a government campaign only if—

- (a) the responsible person certifies that the campaign complies with this Act; and
- (b) if the campaign costs for the campaign are likely to exceed \$50 000—the reviewer has reported to the responsible person in relation to the compliance of the campaign with this Act.

9

Clause 12**Page 7, line 14—***omit*

responsible Minister

substitute

responsible person

10**Clause 13 (3) (g), example****Page 10, line 14—***omit*

at the beginning and

11**Dictionary, proposed new definition of *party political*****Page 12, line 17—***insert**party political*—see section 9A.

12**Dictionary, definition of *responsible chief executive*****Page 12, line 18***omit*

13**Dictionary, definition of *responsible Minister*****Page 12, line 20—***omit*

14**Dictionary, proposed new definitions****Page 12, line 21—***insert**responsible person*—see section 7A.*reviewer*—see section 9B.

Schedule 2

GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING) BILL 2009

Amendment circulated by Mr Seselja (Leader of the Opposition)

1

Clause 2

Page 2, line 5—

omit clause 2, substitute

2

Commencement

This Act commences on 1 July 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Schedule 3

GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING) BILL 2009

Amendments circulated by Mr Seselja (Leader of the Opposition)

1

**Clause 7, definition of *government agency*, proposed new
paragraph (d)
Page 3, line 20—**

insert

(d) a territory-owned corporation.

2

**Proposed new clause 7A
Page 3, line 20—**

insert

7A Who is a *responsible person*?

In this Act:

responsible person, for a government agency, means—

- (a) for an administrative unit—the responsible Minister; and
 - (b) for a territory instrumentality—the chief executive officer;
and
 - (c) for a statutory office-holder and the staff assisting the
statutory office-holder—the statutory office-holder; and
 - (d) for a territory-owned corporation—the chief executive of
the corporation.
-

3

**Clause 8, definition of *government campaign*, proposed new
paragraph (c) (ia)
Page 4, line 10—**

before paragraph (c) (i), insert

- (ia) dissemination of information about public health or
safety programs, including road safety programs;
-

4

Clause 8, definition of *government campaign*, paragraph (c) (iii)**Page 4, line 13—***omit clause 8 (c) (iii), substitute*

- (iii) other routine advertising campaigns carried out by an agency in relation to its operational activities.

5

Clause 8, definition of *government campaign*, paragraph (c), proposed new examples**Page 4, line 14—***insert***Examples—par (c) (ia)**

- 1 road safety programs about the dangers of drink driving, speeding or not wearing seatbelts
- 2 public health programs about the dangers of smoking or obesity
- 3 public health programs about losing weight and getting fit

6

Proposed new clause 9A**Page 5, line 16—***insert***9A What is *party political*?**

In this Act:

party political—something is ***party political*** if it is designed to promote the policies, past performance, achievements or intentions of a program or the government with a view to advancing or enhancing a political party's reputation rather than informing the public.

7

Proposed new part 2A**Page 5, line 16—***insert*

Part 2A Campaign advertising reviewer

Division 2A.1 Appointment and functions of reviewer

9B Appointment of reviewer

- (1) The Minister must appoint a person to be the campaign advertising reviewer (the ***reviewer***).

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

- (2) The Minister must not appoint a person as reviewer unless satisfied that the person has experience or expertise in 1 or more of the following areas:
 - (a) media and advertising;
 - (b) legal;
 - (c) government administration.
- (3) The reviewer must not be a public servant.
- (4) The Minister must not appoint a person as reviewer unless the Legislative Assembly has approved the appointment, by resolution passed by a majority of at least $\frac{2}{3}$ of the members.
- (5) The reviewer must be appointed for not longer than 3 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).
- (6) The conditions of appointment of the reviewer are the conditions agreed between the Minister and the reviewer, subject to any determination under the *Remuneration Tribunal Act 1995*.
- (7) The Legislation Act, division 19.3.3 (Appointments—Assembly consultation) does not apply to the appointment of a reviewer.

9C Reviewer's functions

- (1) The reviewer has the following functions:
 - (a) to review proposed government campaigns to ensure campaigns comply with this Act;
 - (b) to report to the responsible person and the Legislative Assembly the result of each review mentioned in paragraph (a).
- (2) The reviewer has any other function given to the reviewer by this Act.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Note 2 A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

8**Clause 10****Page 6, line 3—***omit clause 10, substitute***10 Reviewer to review certain government campaigns**

- (1) If the campaign costs of a government campaign proposed by a government agency are likely to exceed \$40 000, the responsible person for the agency must ask the reviewer to review the proposed campaign and report to the responsible person about whether it complies with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including guidelines (see Legislation Act, s 104).

- (2) The responsible person for a government agency may ask the reviewer to review, and report to the responsible person about, a government campaign proposed by the agency even if the campaign costs are not expected to exceed \$40 000 if the responsible person considers that the subject matter of the campaign is sensitive or otherwise considers that a review is appropriate.
- (3) If the reviewer is asked to review a proposed government campaign, the reviewer must—
- (a) review the campaign; and
 - (b) report to the responsible person on whether the campaign complies with this Act.

9**Clause 11****Page 7, line 1—***omit clause 11, substitute***11 Government campaigns must comply with Act**

The responsible person for a government agency may conduct a government campaign only if—

- (a) the responsible person certifies that the campaign complies with this Act; and
 - (b) if the campaign costs for the campaign are likely to exceed \$40 000—the reviewer has reported to the responsible person in relation to the compliance of the campaign with this Act.
-

10**Clause 12****Page 7, line 14—**

omit

responsible Minister

substitute

responsible person

11**Proposed new clause 12 (2)****Page 7, line 16—**

insert

- (2) The statement must set out any development and production costs of the government campaign that can be separately identified.
-

12**Clause 13 (3) (b) (i)****Page 8, line 20—**

omit clause 13 (3) (b) (i), substitute

- (i) comment or opinion, unless the comment or opinion is clearly identified as comment or opinion and is clearly distinguishable from statements of fact; or
-

13**Clause 13 (3) (c), except example****Page 8, line 29—**

omit clause 13 (3) (c), except example, substitute

- (c) information in a government campaign must not include slogans or other advertising techniques designed to have, or likely to have, the effect of promoting a political party or position instead of communicating a factual message;
-

14**Clause 13 (3) (g), example****Page 10, line 14—**

omit

and at the end

15

Clause 14

Page 10, line 27

omit clause 14, substitute

14

Government campaigns before election restricted

- (1) A government agency must not conduct a government campaign in the pre-election period.
- (2) This section does not apply to the electoral commissioner.

Note 1 A government campaign does not include advertisements for stated jobs, tender advertising or other routine advertising carried out by an agency in relation to its operational activities (see s 8, def **government campaign**).

Note 2 Also, the Minister may exempt a campaign from this Act in an emergency, urgent circumstances or other extraordinary circumstances (see s 15).

16

Proposed new part 3A

Page 10, line 31—

*insert***Part 3A Reporting****14A Reviewer to prepare report**

- (1) The reviewer must prepare a report for the Legislative Assembly about government campaigns for the following periods (the **report periods**):
 - (a) for a year in which a general election is held—
 - (i) the 6-month period ending on 30 June in the year; and
 - (ii) the period beginning on 1 July in the year and ending at the start of the pre-election period; and
 - (b) for any other year—the 6-month periods ending on 30 June and 31 December in the year.
- (2) The reviewer must report on the following:
 - (a) each proposed government campaign (a **proposed campaign**) referred to the reviewer in the report period;
 - (b) for each proposed campaign—
 - (i) the campaign costs itemised by the kind of costs incurred and the ways used to disseminate information for the campaign; and
 - (ii) the result of the reviewer's review and the reasons for the reviewer's decision.

- (3) The reviewer must give the report to the Legislative Assembly not later than—
 - (a) for a report mentioned in subsection (1) (a) (ii)—2 weeks before the election; and
 - (b) for any other report—3 months after the end of the report period.

14B Reviewer to give report to Legislative Assembly

- (1) If the Legislative Assembly is sitting when the reviewer has finished the report—
 - (a) the reviewer must give the report to the Speaker; and
 - (b) the Speaker must present the report to the Legislative Assembly on the next sitting day.
- (2) If the Legislative Assembly is not sitting when the reviewer has finished the report—
 - (a) the reviewer must give the report, and a copy for each member of the Legislative Assembly, to the Speaker; and
 - (b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the reviewer gives it to the Speaker (the *report day*); and
 - (c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and
 - (d) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the report day; and
 - (e) the Speaker may give directions for the printing and circulation, and in relation to the publication, of the report; and
 - (f) despite paragraph (b), the Speaker must present the report to the Legislative Assembly on the next sitting day.
- (3) The reviewer may give a copy of the report to a Minister who, in the reviewer's opinion, has a special interest in the report.
- (4) In this section:

Speaker, for a report given to the Deputy Speaker or clerk under section 14D (Reports to be given to Speaker), means the Deputy Speaker or clerk.

14C Reporting sensitive information

- (1) A report under this part must not include information for the Legislative Assembly if the reviewer considers that disclosing the information would be contrary to the public interest because it could—

- (a) be an unreasonable disclosure of personal information about a person; or
- (b) disclose a trade secret; or
- (c) disclose information (other than a trade secret) having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or
- (d) be an unreasonable disclosure of information about the business, commercial or financial interests or affairs of an entity; or

Note **Entity** includes a person (see Legislation Act, dict, pt 1).

- (e) prejudice the investigation of a contravention of a law; or
 - (f) prejudice the fair trial of a person; or
 - (g) prejudice relations between the ACT government and another government.
- (2) However, the report may include information mentioned in subsection (1) if the reviewer is satisfied that the substance of the information is public knowledge.
 - (3) If, under subsection (1), the reviewer omits information from a report for the Legislative Assembly, the reviewer may prepare a special report for the public accounts committee that includes the information.
 - (4) The reviewer must give the special report to the presiding member of the public accounts committee.
 - (5) The presiding member must present the special report to the public accounts committee.
 - (6) A special report presented to the public accounts committee is taken for all purposes to have been referred to the committee by the Legislative Assembly for inquiry and any report that the committee considers appropriate.
 - (7) In this section:

public accounts committee means the committee of the Legislative Assembly whose functions include the examination of financial statements for the Territory, a department or a territory authority.

14D Reports to be given to Speaker

- (1) A report required by this part to be given to the Speaker must—
 - (a) if the Speaker is unavailable—be given to the Deputy Speaker; or
 - (b) if both the Speaker and Deputy Speaker are unavailable—be given to the clerk of the Legislative Assembly.

(2) For subsection (1), the Speaker or Deputy Speaker is unavailable if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office.

17**Clause 15 (3)****Page 11, line 9—**

omit

auditor-general

substitute

Legislative Assembly

18**Dictionary, note 2****Page 12, line 7—**

omit

- auditor-general
-

19**Dictionary, note 2****Page 12, line 8—**

insert

- electoral commissioner
 - public servant
-

20**Dictionary, proposed new definitions****Page 12, line 17—**

insert

party political—see section 9A.

pre-election period—see the *Electoral Act 1992*, dictionary.

21**Dictionary, definition of *responsible chief executive*****Page 12, line 18—**

omit

22**Dictionary, definition of *responsible Minister*****Page 12, line 20—**

omit

23

Dictionary, proposed new definitions

Page 12, line 21—

insert

responsible person—see section 7A.

reviewer—see section 9B.

Schedule 4**GOVERNMENT AGENCIES (CAMPAIGN ADVERTISING)
BILL 2009**

Amendment circulated by Mr Seselja (Leader of the Opposition) to the
Chief Minister's amendment No. 4

1

Amendment No. 4

**Clause 8, definition of *government campaign*, paragraph (c),
proposed new examples 3 and 4**

Page 4, line 17—

omit

4 land release programs
