



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 89

TUESDAY, 20 FEBRUARY 2007

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional owners. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITIONS

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Hargreaves, from 84 residents, requesting that the Legislative Assembly reconsider the decision to close the Griffith Library.

Ms Porter, from 143 residents, requesting that the Assembly immediately stop the proposed development at 19 and 21 Norton Street, Evatt.

3 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 37—STATEMENT BY CHAIR

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 37, dated 12 February 2007, together with the relevant minutes of proceedings—

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

4 LAND (PLANNING AND ENVIRONMENT) LEGISLATION AMENDMENT BILL 2007

Mr Corbell (Minister for Planning), by leave, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 19 February 2007.

Title read by Clerk.

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

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

5 WANT OF CONFIDENCE IN CHIEF MINISTER—NOTICE OF MOTION

Mr Stefaniak (Leader of the Opposition), having delivered a notice of motion of want of confidence in the Chief Minister, the Clerk, pursuant to standing order 103, reported the notice as follows:

Mr Stefaniak to move—That this Assembly no longer has confidence in the Chief Minister, Mr Jon Stanhope, MLA, particularly in view of his and his Government's handling of the 2003 bushfires.

6 SITTING PATTERN—2007—AMENDMENT TO RESOLUTION OF THE ASSEMBLY

Mr Corbell (Manager of Government Business), by leave, moved—That the resolution of the Assembly of 14 December 2006 be amended by omitting 21 and 22 February 2007 and inserting Wednesday, 28 February 2007.

Question—put and passed.

7 QUARTERLY TRAVEL REPORT—NON-EXECUTIVE MEMBERS—PAPER AND STATEMENT BY SPEAKER

The Speaker presented the following paper:

Quarterly travel report—Non-Executive Members to 31 December 2006—
and made a statement in relation to the paper.

8 PRESENTATION OF PAPERS

Mr Corbell (Manager of Government Business) presented the following papers:

Performance reports

Financial Management Act, pursuant to section 30E—Half-yearly departmental performance reports—December 2006, for the following departments or agencies:

ACT Health.

ACT Planning and Land Authority (including Strategic Indicator Report).

Attorney-General's Portfolio within Department of Justice and Community Safety.

Chief Minister's, dated January 2007.

Disability, Housing and Community Services, dated January 2007.

Education and Training, dated January 2007.

Territory and Municipal Services Portfolio.

Tourism, Sport and Recreation Portfolio.

Treasury, dated January 2007.

Petitions—Out of order

Petitions which do not conform with the standing orders—

Evatt—19 and 21 Norton Street—Proposed redevelopment—Ms Porter (105 signatures).

Barton—Development Applications Nos. 200605834 and 200605480—Mr Corbell (235 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Casino Control Act—Casino Control (Fees) Determination 2006 (No. 2)—Disallowable Instrument DI2006-256 (LR, 14 December 2006).

Children and Young People Act—

Children and Young People (Places of Detention) Aboriginal and Torres Strait Islander Residents Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-3 (LR, 4 January 2007).

Children and Young People (Places of Detention) Admission and Classification Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-4 (LR, 4 January 2007).

Children and Young People (Places of Detention) Death in Custody Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-11 (LR, 4 January 2007).

Children and Young People (Places of Detention) Health and Wellbeing Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-5 (LR, 4 January 2007).

Children and Young People (Places of Detention) Police Interviews Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-10 (LR, 4 January 2007).

Children and Young People (Places of Detention) Provision of Information, Review of Decisions and Complaints Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-1 (LR, 4 January 2007).

Children and Young People (Places of Detention) Records and Reporting Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-2 (LR, 4 January 2007).

Children and Young People (Places of Detention) Safety and Security Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-7 (LR, 4 January 2007).

Children and Young People (Places of Detention) Use of a Safe Room Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-8 (LR, 4 January 2007).

Children and Young People (Places of Detention) Use of Force Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-9 (LR, 4 January 2007).

Children and Young People (Places of Detention) Visits, Phone Calls and Correspondence Standing Order 2007 (No. 1)—Disallowable Instrument DI2007-6 (LR, 4 January 2007).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2007 (No. 1)—Disallowable Instrument DI2007-37 (LR, 18 January 2007).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-52 (LR, 4 December 2006).

Court Procedures Act—Court Procedures Amendment Rules 2006 (No. 2)—Subordinate Law SL2006-58 (LR, 18 December 2006).

Dangerous Substances Act—Dangerous Substances (Storage and Handling Code of Practice) Approval 2006—Disallowable Instrument DI2006-258 (LR, 14 December 2006).

Electoral Act—Electoral Commission (Chairperson and Member) Appointment 2006 (No. 3)—Disallowable Instrument DI2006-250 (LR, 7 December 2006).

Emergencies Act—Emergencies (Bushfire Council Members) Appointment 2007—Disallowable Instrument DI2007-38 (LR, 25 January 2007).

Freedom of Information Act—Freedom of Information Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-56 (LR, 14 December 2006).

Gas Safety Act—Gas Safety Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-53 (LR, 7 December 2006).

Gas Safety Regulation—Gas Safety (Appliance Worker Accreditation Code) Approval 2007—Disallowable Instrument DI2007-33 (LR, 25 January 2007).

Gungahlin Drive Extension Authorisation Act—Gungahlin Drive Extension Authorisation Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-54 (LR, 11 December 2006).

Health Professionals Act—

Health Professionals Exemption 2007 (No. 1)—Disallowable Instrument DI2007-36 (LR, 18 January 2007).

Health Professionals (Fees) Determination 2007 (No. 1)—Disallowable Instrument DI2007-12 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 2)—Disallowable Instrument DI2007-13 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 3)—Disallowable Instrument DI2007-14 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 4)—Disallowable Instrument DI2007-15 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 5)—Disallowable Instrument DI2007-16 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 6)—Disallowable Instrument DI2007-17 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 7)—Disallowable Instrument DI2007-18 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 8)—Disallowable Instrument DI2007-19 (LR, 4 January 2007).

Health Professionals (Fees) Determination 2007 (No. 9)—Disallowable Instrument DI2007-20 (LR, 4 January 2007).

Health Professionals Act and Health Professionals Regulation—Health Professionals (Chiropractors and Osteopaths Board) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-23 (LR, 4 January 2007).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Utilities (Network Facilities Tax)) Declaration 2006 (No. 1)—Disallowable Instrument DI2006-272 (LR, 22 December 2006).

Land (Planning and Environment) Act—

Land (Planning and Environment) Criteria for the Direct Grant of a Crown Lease for the National Zoo and Aquarium Determination 2007—Disallowable Instrument DI2007-27 (LR, 15 January 2007).

Land (Planning and Environment) Section 167 Leases Determination 2007—Disallowable Instrument DI2007-34 (LR, 18 January 2007).

Legal Profession Act—Legal Profession (Disciplinary Tribunal) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-25 (LR, 11 January 2007).

Liquor Act—Liquor Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-57 (LR, 14 December 2006).

Long Service Leave (Building and Construction Industry) Act—Long Service Leave (Building and Construction Industry) Board Appointment 2006—Disallowable Instrument DI2006-268 (without explanatory statement) (LR, 21 December 2006).

Long Service Leave (Building and Construction Industry) Act and Financial Management Act—Long Service Leave (Building and Construction Industry) Board Appointment 2007—Disallowable Instrument DI2007-26 (LR, 11 January 2007).

Mental Health (Treatment and Care) Act—

Mental Health (Treatment and Care) (Mental Health Facility) Approval 2007 (No. 1)—Disallowable Instrument DI2007-24 (LR, 4 January 2007).

Mental Health (Treatment and Care) (Official Visitors) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-21 (LR, 4 January 2007).

Mental Health (Treatment and Care) (Official Visitors) Appointment 2007 (No. 2)—Disallowable Instrument DI2007-22 (LR, 4 January 2007).

Nature Conservation Act—

Nature Conservation (Flora and Fauna Committee) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-30 (LR, 18 January 2007).

Nature Conservation (Flora and Fauna Committee) Appointment 2007 (No. 2)—Disallowable Instrument DI2007-31 (LR, 18 January 2007).

Public Place Names Act—

Public Place Names (Belconnen) Determination 2007 (No. 1)—Disallowable Instrument DI2007-28 (LR, 15 January 2007).

Public Place Names (Bonython) Determination 2006 (No. 1)—Disallowable Instrument DI2006-255 (LR, 14 December 2006).

Public Place Names (Harrison) Determination 2007 (No. 1)—Disallowable Instrument DI2007-29 (LR, 15 January 2007).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No. 9)—Disallowable Instrument DI2006-270 (LR, 21 December 2006).

Racing Act—Racing Appeals Tribunal Appointment 2007 (No. 1)—Disallowable Instrument DI2007-35 (LR, 18 January 2007).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2006 (No. 2)—Subordinate Law SL2006-60 (LR, 21 December 2006).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Vehicle Registration) Act—Road Transport Legislation (Accreditation and Licensing) Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-59 (LR, 18 December 2006).

Road Transport (Driver Licensing) Regulation—

Road Transport (Driver Licensing) Accreditation Guidelines 2006 (No. 1)—Disallowable Instrument DI2006-259 (LR, 18 December 2006).

Road Transport (Driver Licensing) Driving Instruction Code of Practice 2006 (No. 1)—Disallowable Instrument DI2006-269 (LR, 21 December 2006).

Road Transport (Driver Licensing) Public Vehicle Licence Guidelines 2006 (No. 1)—Disallowable Instrument DI2006-261 (LR, 18 December 2006).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No. 11)—Disallowable Instrument DI2006-263 (LR, 21 December 2006).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No. 12)—Disallowable Instrument DI2006-264 (LR, 21 December 2006).

Road Transport (General) (Driver Licence and Related Fees) Determination 2006 (No. 2)—Disallowable Instrument DI2006-252 (LR, 22 December 2006).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2006 (No. 2)—Disallowable Instrument DI2006-253 (LR, 11 December 2006).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Exemption 2006 (No. 2)—Disallowable Instrument DI2006-262 (LR, 18 December 2006).

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) Accreditation Guidelines 2006 (No. 1)—Disallowable Instrument DI2006-260 (LR, 18 December 2006).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2006 (No. 2)—Subordinate Law SL2006-51 (LR, 4 December 2006).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2007 (No. 1)—Disallowable Instrument DI2007-39 (LR, 29 January 2007).

Road Transport (Vehicle Registration) Regulation—Road Transport (Vehicle Registration) Authorisation and Approval of Premises Guidelines 2006 (No. 1)—Disallowable Instrument DI2006-257 (LR, 18 December 2006).

Taxation Administration Act—

Taxation Administration (Amounts payable—Home Buyer Concession Scheme) Determination 2006 (No. 2)—Disallowable Instrument DI2006-265 (LR, 21 December 2006).

Taxation Administration (Amounts payable—Home Buyer Concession Scheme) Determination 2006 (No. 3)—Disallowable Instrument DI2006-266 (LR, 21 December 2006).

Taxation Administration (Amounts payable—Utilities (Network Facilities Tax)) Determination 2006 (No. 1)—Disallowable Instrument DI2006-271 (LR, 22 December 2006).

Taxation Administration (Levy) Determination 2006 (No. 2)—Disallowable Instrument DI2006-251 (LR, 7 December 2006).

University of Canberra Act—University of Canberra (Obligations) Amendment Statute 2007—Disallowable Instrument DI2007-32 (LR, 15 January 2007).

Utilities Act—Utilities (Consumer Protection Code) (Industry Code) Determination 2006 (No. 1)—Disallowable Instrument DI2006-267 (LR, 21 December 2006).

Victims of Crime Act—Victims of Crime Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-61 (LR, 21 December 2006).

Victims of Crime Regulation—Victims of Crime (Victims Assistance Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-254 (LR, 11 December 2006).

Water Resources Act—Water Resources Amendment Regulation 2006 (No. 2)—Subordinate Law SL2006-55 (LR, 11 December 2006).

9 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Committee reports—Schedule of Government responses, dated February 2007.

Study trips—Reports by Mrs Dunne MLA—

Media training at Image Media Services—Sydney, 13 September 2006.

Menzies Research Centre—Conference on state policy issues—Sydney, 8 and 9 September 2006.

10 BUDGET 2006-2007—MID-YEAR REVIEW—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Budget 2006-2007—Mid-year review—

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

11 PRESENTATION OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report for the financial quarter and year-to-date ending 31 December 2006.

12 FINANCIAL MANAGEMENT ACT—INSTRUMENTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds within the Chief Minister's Department, including a statement of reasons, dated 2 and 7 February 2007.

Pursuant to section 15—Instrument directing a transfer of funds between output classes of the Shared Services Centre.

Pursuant to section 18A—Instrument authorising expenditure from the Treasurer's Advance relating to the Chief Minister's Department, including a statement of reasons, dated 15 December 2006—

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

13 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 10.56 a.m., adjourned until Wednesday, 28 February 2007 at 10.30 a.m. in accordance with the resolution agreed to this day.

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

Tom Duncan
Clerk of the Legislative Assembly