

2004

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 4

THURSDAY, 9 DECEMBER 2004

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) AMENDMENT BILL 2004**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 December 2004.

Title read by Clerk.

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

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

3 **CRIMES AMENDMENT BILL 2004 (NO. 4)**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*, 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 1 December 2004.

Title read by Clerk.

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

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

4 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2004 (NO. 2)

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to justice and community safety, 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 1 December 2004.

Title read by Clerk.

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

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

5 WATER EFFICIENCY LABELLING AND STANDARDS BILL 2004

Mr Stanhope (Minister for Environment), pursuant to notice, presented a Bill for an Act to provide for water efficiency labelling and the making of water efficiency standards, and for related purposes.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 December 2004.

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 GOVERNMENT PROCUREMENT AMENDMENT BILL 2004

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Government Procurement Act 2001*.

Papers: Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 December 2004.

Title read by Clerk.

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

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

7 REVENUE LEGISLATION REPEAL BILL 2004

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act for the repeal of certain revenue legislation, and for other purposes.

Papers: Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 30 November 2004.

Title read by Clerk.

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

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

8 OPTOMETRISTS LEGISLATION AMENDMENT BILL 2004

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Optometrists Act 1956*, 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 1 December 2004.

Title read by Clerk.

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

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

9 SMOKING (PROHIBITION IN ENCLOSED PUBLIC PLACES) AMENDMENT BILL 2004

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Smoking (Prohibition in Enclosed Public Places) Act 2003*.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 December 2004.

Title read by Clerk.

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

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

10 FAIR WORK CONTRACTS BILL 2004

Ms Gallagher (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act about certain work contracts, and for other purposes.

Papers: Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 December 2004.

Title read by Clerk.

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

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

11 STANDING COMMITTEES—2003-2004 ANNUAL REPORTS—AMENDMENT TO RESOLUTION

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That the resolution of the Assembly of 7 December 2004 referring annual reports to the relevant standing committees be amended, in column 1 entitled Standing Committee, as follows:

- (1) omit “Health”, substitute “Health and Disability”; and
- (2) omit “Education”, substitute “Education, Training and Young People”.

Question—put and passed.

12 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—REPORT 1—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 1, dated 9 December 2004, together with the relevant minutes of proceedings—

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.

13 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

14 SITTING PATTERN—2005

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2005:

February	15	16	17	
March	8	9	10	
	15	16	17	18
April	5	6	7	
May	3	4	5	6
June	21	22	23	
	28	29	30	
July				1
August	16	17	18	
	23	24	25	26
September	20	21	22	
October	18	19	20	21
November	15	16	17	
	22	23	24	25
December	13	14	15	

Question—put and passed.

15 ROAD TRANSPORT (GENERAL) AMENDMENT BILL 2004

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.

16 TERRITORY OWNED CORPORATIONS AMENDMENT BILL 2004 (NO. 2)

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.

17 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mrs Dunne moved—That so much of the standing orders be suspended as would prevent notice No. 1, Private Members' business, relating to rural leases in the Molonglo Valley, being called on forthwith.

Debate ensued.

Mr Corbell (Minister for Planning), who had already spoken, by leave, moved the following amendments together:

- “(1) omit “notice No. 1”, substitute “order of the day No. 2, relating to the 150th anniversary of the Eureka Stockade”; and
- (2) add “and if not concluded before question time, continuing after Ministerial statements today.”.

The time allotted for the debate having expired—

Amendments agreed to.

Question—That the motion, as amended, be agreed to—put and passed, with the concurrence of an absolute majority.

18 EUREKA STOCKADE—150TH ANNIVERSARY

The order of the day having been read for the resumption of the debate on the motion of Mr Gentlemen—That this Assembly:

- (1) congratulates the Stanhope Labor Government on its initiative to fly the Eureka flag over Canberra to mark the 150th anniversary of the Eureka Stockade;
- (2) recognises the significance of the events of Eureka to the development of Australian democracy and the enduring relevance of discussion and debate about the foundations and process of our democracy;
- (3) expresses its disappointment with the Federal Government’s lack of willingness to engage with the ongoing debate about such a significant point in Australian history; and
- (4) calls for the ACT Government to ensure the continuing future commemoration of the Eureka Stockade in the ACT with the introduction of a calendar note from 2004—

Debate resumed.

Mr Smyth (Leader of the Opposition) moved the following amendment: Omit paragraph (3).

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.

19 MINISTERIAL ARRANGEMENTS

Mr Stanhope (Chief Minister) informed the Assembly of the absence of Mr Quinlan (Treasurer) and advised the Assembly that questions without notice normally directed to Mr Quinlan could be directed to Mr Stanhope.

20 QUESTIONS

Questions without notice were asked.

21 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Ministerial Travel Reports—

1 April to 30 June 2004.

1 July to 30 September 2004.

22 PRESENTATION OF PAPERS

Mr Stanhope (Attorney-General) presented the following papers:

ACT Criminal Justice—Statistical Profiles—

June quarter 2004.

September quarter 2004.

23 PRESENTATION OF PAPER

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

Commissioner for the Environment Act, pursuant to subsection 19(3)—Commissioner for the Environment—State of the Environment Report 2003—Government response, dated September 2004.

24 PRESENTATION OF PAPER

Mr Stanhope (Minister for Arts, Heritage and Indigenous Affairs) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 19(3)—Cultural Facilities Corporation—Quarterly report—Fourth quarter 2003-2004 (1 April to 30 June 2004).

25 SUBSTANCE USE AND OTHER HEALTH-RELATED BEHAVIOURS AMONG A.C.T. SECONDARY STUDENTS—SECONDARY STUDENT ALCOHOL AND DRUG SURVEY—PAPER AND STATEMENT BY MINISTER

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

Substance use and other health-related behaviours among ACT secondary students—Results of the 2002 ACT secondary student alcohol and drug survey, dated November 2004—

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

26 LAND (PLANNING AND ENVIRONMENT) ACT—PUBLIC ENVIRONMENT REPORT—URIARRA VILLAGE—BLOCKS 5 AND 78, COREE—PAPERS AND STATEMENT BY MINISTER

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

Land (Planning and Environment) Act, pursuant to section 132—Public Environment Report—Uriarra Village—Blocks 5 and 78, Coree—

Public Environment Report, dated November 2004.

Consultation report, dated November 2004.

Evaluation report, dated December 2004.

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

27 THE CANBERRA HOSPITAL—REVIEW OF CLINICAL GOVERNANCE ARRANGEMENTS—FINAL REPORT—PAPER AND STATEMENT BY MINISTER

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

The Canberra Hospital—Review of Clinical Governance Arrangements—Final report, dated December 2004—

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

28 COMMUNITY SERVICES AND SOCIAL EQUITY—STANDING COMMITTEE—REPORT 5—“NO LONGER JUST A NUMBER”—YOUTH SERVICES PROVIDED AT THE ADOLESCENT DAY UNIT—GOVERNMENT RESPONSE

Ms Gallagher (Minister for Children, Youth and Family Support) presented the following paper:

Community Services and Social Equity—Standing Committee—Report 5—“*No longer just a number*”—*Youth services provided at the Adolescent Day Unit (presented 30 March 2004)*—Government response, dated August 2004.

29 PORTFOLIO RESPONSIBILITIES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Ms Gallagher (Minister for Education and Training; Minister for Children, Youth and Family Support; Minister for Women and Minister for Industrial Relations), by leave, made a ministerial statement concerning her portfolio responsibilities and presented the following paper:

Portfolio responsibilities—Ministerial statement, 9 December 2004.

Ms Gallagher moved—That the Assembly takes note of the paper.

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

30 PORTFOLIO RESPONSIBILITIES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Hargreaves (Minister for Disability, Housing and Community Services; Minister for Urban Services and Minister for Police and Emergency Services), by leave, made a ministerial statement concerning his portfolio responsibilities and presented the following paper:

Portfolio responsibilities—Ministerial statement, 9 December 2004.

Mr Hargreaves moved—That the Assembly takes note of the paper.

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

31 LEAVE OF ABSENCE TO MEMBER

Mrs Dunne moved—That leave of absence be given to Mr Pratt for this sitting.

Question—put and passed.

32 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence from 10 December 2004 to 14 February 2005 inclusive be given to all Members.

Question—put and passed.

33 EUREKA STOCKADE—150TH ANNIVERSARY

The order of the day having been read for the resumption of the debate on the motion of Mr Gentlemen—*And on the amendment moved by Mr Smyth (Leader of the Opposition) (see item 18, page 42)—*

Debate resumed.

Question—That Mr Smyth's amendment be agreed to—put.

The Assembly voted—

AYES, 6

NOES, 9

Mrs Burke	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mrs Dunne		Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope
Mr Smyth		Mr Gentleman	

And so it was negatived.

Question—That the motion be agreed to—put and passed.

34 SUSPENSION OF STANDING ORDERS—ADJOURNMENT DEBATE

Ms MacDonald moved—That so much of the standing orders be suspended as would prevent the adjournment debate extending beyond 30 minutes.

Question—put and passed, with the concurrence of an absolute majority.

35 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mrs Dunne moved—That so much of the standing orders be suspended as would prevent consideration of notices Nos. 1, 2 and 3, Private Members' business, being called on forthwith.

Question—put and passed, with the concurrence of an absolute majority.

36 RURAL LEASES—MOLONGLO VALLEY

Mrs Dunne, pursuant to notice, moved—That this Assembly calls on the Government to:

- (1) make an offer to the Coonan, Tully and Tanner families, who hold rural leases in the Molonglo Valley, that would provide the opportunity for these property owners to obtain reinstatement to another location and cover the full value of the lessee's interest in the property under their existing lease conditions as per the agreement in November 2003; and
- (2) ensure the families can resume their lives as per their current conditions and so that they can maintain their current lifestyle and business opportunities.

Mr Corbell moved the following amendment: Omit all words after “That this Assembly”, substitute:

“notes that:

- (1) the ACT Government, through the ACT Planning and Land Authority, has entered into good faith and without prejudice negotiations to establish a valuation of the lease improvement for the Coonan family, who are rural leaseholders in the Molonglo Valley;
- (2) the relevant leaseholders have not made a formal application to initiate surrender of their leases;
- (3) the ACT Government is not seeking to acquire the relevant leases at this time, as more detailed planning is being undertaken in the Molonglo Valley to determine its potential urban capability; and
- (4) that, should the relevant leases be either surrendered or acquired, the relevant lessees have available to them independent review of any compensation subsequently offered.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 8

NOES, 7

Mr Berry	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Smyth
Ms Gallagher	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative.

Question—That the motion, as amended, be agreed to—put.

The Assembly voted—

AYES, 8

NOES, 7

Mr Berry	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Smyth
Ms Gallagher	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative.

37 ADJOURNMENT

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

Debate ensued.

The debate having been closed by the reply of Mr Corbell—

Mr Stanhope (Chief Minister), by leave, addressed the Assembly.

Question—put and passed.

And then the Assembly, at 6.42 p.m. adjourned until Tuesday, 15 February 2005 at 10.30 a.m., in accordance with the resolution agreed to earlier this day.

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

Tom Duncan
Clerk of the Legislative Assembly