



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 80

TUESDAY, 14 NOVEMBER 2006

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 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Pratt, from 2502 residents, requesting that the Assembly act to ensure that the Griffith Library remains open to serve the community as a vital and highly valued community service.

3 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Stefaniak (Leader of the Opposition), pursuant to standing order 223, moved—That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and that Mr Smyth be appointed in her place.

Question—put and passed.

4 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 34—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 34, dated 13 November 2006, together with the relevant minutes of proceedings—

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

5 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 23—DRAFT VARIATION TO THE TERRITORY PLAN NO. 259—WODEN TOWN CENTRE—TOWN CENTRE PLANNING REFORMS AND DRAFT VARIATION TO THE TERRITORY PLAN NO. 262—CHANGES TO A10 RESIDENTIAL CORE AREA FOR NARRABUNDAH—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 23—*Draft Variation to the Territory Plan No. 259—Woden Town Centre—Town Centre Planning Reforms and Draft Variation to the Territory Plan No. 262—Changes to A10 Residential Core Area for Narrabundah*, dated 25 October 2006, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

6 LEGAL AFFAIRS—STANDING COMMITTEE—REPORT 8—VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT BILL 2003—LACK OF GOVERNMENT RESPONSE—STATEMENT BY CHAIR

Mr Seselja (Chair), pursuant to standing order 246A, made a statement informing the Assembly of the lack of a Government response to Report 8 of the Standing Committee on Legal Affairs (Fifth Assembly), relating to the Victims of Crime (Financial Assistance) Amendment Bill 2003, and called on the Government to reconsider the Committee's recommendations contained in the Report.

7 DUTIES AMENDMENT BILL 2006 (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.

8 HEALTH LEGISLATION AMENDMENT BILL 2006 (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.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Ms Gallagher (Minister for Health), by leave, her amendments Nos. 1 to 3 (*see* [Schedule 1](#)) were made together, after debate.

Paper: Ms Gallagher presented a supplementary explanatory statement to the Government amendments.

Mr Smyth moved his amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

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

The Assembly voted—

AYES, 7		NOES, 10	
Mrs Burke	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Mulcahy		Mr Corbell	Ms MacDonald
Mr Pratt		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope

And so it was negatived.

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

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

9 CARERS RECOGNITION LEGISLATION AMENDMENT BILL 2006

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.

10 QUESTIONS

Questions without notice were asked.

11 QUESTIONS ON NOTICE NOS. 1249-1300—ANSWERS—EXPLANATIONS

Mr Smyth, pursuant to standing order 118A, asked Mr Stanhope (Minister for Business and Economic Development) for an explanation concerning the answers to questions on notice Nos. 1249-1300.

Mr Stanhope gave an explanation.

12 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Study trips—Reports by—

Mr Berry MLA—Reproductive Choice Australia Forum—Melbourne, 23 October 2006.

Mr Seselja MLA—Menzies Research Centre policy think-tank—Sydney, 6 and 7 September 2006.

13 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Contract variations:

Brett Phillips (2), dated 27 and 29 June and 20 October 2006.

Danielle Krajina, dated 15 September 2006.

Kuan Yian Sim, dated 5 October 2006.

Long-term contracts:

Catherine Hudson, dated 3 April 2003.

Short-term contracts:

Adam Stankevicius, dated 19 September 2006.

Athol Morris, dated 18 September 2006.

Bernadette Maher (2), dated 18 October 2006.

Brett Phillips, dated 20 October 2006.

Chris Maguire, dated 28 June 2006.

Danielle Krajina, dated 8 July 2006.

Derek Jory, dated 28 and 30 June 2006.

Dita Hunt, dated 22 September 2006.

Greg Ellis, dated 27 and 29 September 2006.

Hugh Jorgensen, dated 25 and 28 September 2006.

Jeremy Lasek, dated 27 September 2006.

Jon Quiggin, dated 26 October 2006.

Martin Hehir, dated 5 October 2006.

Maureen Sheehan, dated 26 October 2006.

Pauline Brown, dated 26 October 2006.

Tony Brown, dated 6 October 2006.

Trevor Clement, dated 3 October 2006—

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

14 TERRITORY-OWNED CORPORATIONS ACT—STATEMENT OF CORPORATE INTENT—ACTTAB LIMITED—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent—ACTTAB Limited—1 July 2006 to 30 June 2007—

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

15 FINANCIAL MANAGEMENT ACT—CONSOLIDATED FINANCIAL REPORT—PAPER AND STATEMENT BY MINISTER

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 30 September 2006.

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

16 DIRECTOR OF PUBLIC PROSECUTIONS ACT—DIRECTOR OF PUBLIC PROSECUTIONS DIRECTION 2006 (NO. 1)—NOTIFIABLE INSTRUMENT NI2006-390 AND DIRECTOR OF PUBLIC PROSECUTIONS DIRECTION 2006 (NO. 2)—NOTIFIABLE INSTRUMENT NI2006-356—PAPERS AND STATEMENT BY MINISTER

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

Director of Public Prosecutions Act, pursuant to subsection 20(6)—

Director of Public Prosecutions Direction 2006 (No. 1)—Notifiable instrument NI2006-390, including an explanatory statement.

Director of Public Prosecutions Direction 2006 (No. 2)—Notifiable instrument NI2006-356, including an explanatory statement—

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

17 PRESENTATION OF PAPER

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

Civil Wrongs Act, pursuant to section 205—General Reporting Requirements of Insurers.

18 PRESENTATION OF PAPERS

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

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approval of Variation No. 257 to the Territory Plan—Suburb of Crace, Gungahlin, dated 24 October 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning and Environment—Standing Committee—Report 21—*Variation to the Territory Plan No. 257—Suburb of Crace Gungahlin*—Government response.

19 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT—LAND DEVELOPMENT AGENCY—ANNUAL REPORT 2005-06—CORRIGENDUM—PAPER AND STATEMENT BY MINISTER

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Land Development Agency—Annual Report 2005-06—Corrigendum—

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

20 **INDIGENOUS EDUCATION—HALF YEARLY REPORT—PAPER AND STATEMENT BY MINISTER**

Mr Barr (Minister for Education and Training), pursuant to the resolution of the Assembly of 24 May 2000, as amended 16 February 2006, presented the following paper:

Indigenous Education—Half yearly report—January to June 2006—

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

21 **PRESENTATION OF PAPERS**

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

Annual reports 2005-2006

Annual Reports (Government Agencies) Act, pursuant to section 13—

ACT Cleaning Industry Long Service Leave Authority, dated 19 October 2006.

ACT Construction Industry Long Service Leave Authority, dated 10 October 2006.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 7)—
Disallowable Instrument DI2006-222 (LR, 23 October 2006).

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 8)—
Disallowable Instrument DI2006-223 (LR, 23 October 2006).

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 9)—
Disallowable Instrument DI2006-224 (LR, 23 October 2006).

Canberra Institute of Technology (Advisory Council) Appointment 2006
(No. 10)—Disallowable Instrument DI2006-225 (LR, 23 October 2006).

Children and Young People Act—Children and Young People (Childrens Services Council) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-226 (LR, 26 October 2006).

Gas Safety Regulation—Gas Safety (Appliance Worker Accreditation Code) Approval 2006—Disallowable Instrument DI2006-239 (LR, 30 October 2006).

Health Professionals Act and Health Professionals Regulation—

Health Professionals (Dental Board) Appointment 2006 (No. 2)—Disallowable
Instrument DI2006-237 (LR, 30 October 2006).

Health Professionals (Pharmacy Board) Appointment 2006 (No. 3)—Disallowable
Instrument DI2006-238 (LR, 30 October 2006).

Heritage Act—Heritage Register (Fees) Determination 2006 (No. 1)—Disallowable
Instrument DI2006-220 (LR, 19 October 2006).

Justices of the Peace Act—

Justices of the Peace (Eligibility) Guideline 2006—Disallowable Instrument
DI2006-216 (LR, 9 October 2006).

Justices of the Peace (Role) Guideline 2006—Disallowable Instrument DI2006-217 (LR, 9 October 2006).

Public Sector Management Act—Public Sector Management Amendment Standards 2006 (No. 1)—Disallowable Instrument DI2006-218 (LR, 11 October 2006).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No. 7)—Disallowable Instrument DI2006-221 (LR, 19 October 2006).

Tertiary Accreditation and Registration Act—Tertiary Accreditation and Registration Council Appointment 2006 (No. 2)—Disallowable Instrument DI2006-219 (LR, 16 October 2006).

University of Canberra Act—

University of Canberra (Courses and Awards) Amendment Statute 2006 (No. 2)—Disallowable Instrument DI2006-235 (LR, 26 October 2006).

University of Canberra (Fees) Amendment Statute 2006—Disallowable Instrument DI2006-234 (LR, 26 October 2006).

University of Canberra (University Facilities) Amendment Statute 2006—Disallowable Instrument DI2006-236 (LR, 26 October 2006).

Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-227 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-228 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 3)—Disallowable Instrument DI2006-229 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 4)—Disallowable Instrument DI2006-230 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 5)—Disallowable Instrument DI2006-231 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 6)—Disallowable Instrument DI2006-232 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 7)—Disallowable Instrument DI2006-233 (LR, 26 October 2006).

22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—GRIFFITH LIBRARY

The Assembly was informed that Mr Gentleman, Ms MacDonald, Ms Porter and Mr Pratt 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 Mr Pratt be submitted to the Assembly, namely, “The importance of retaining the Griffith Library.”

Discussion ensued.

Paper: Mr Hargreaves (Minister for the Territory and Municipal Services) presented the following paper:

Library Services Consolidation Project—A Report into ACT Library Services, prepared by AECgroup, dated September 2006.

Discussion continued.

Discussion concluded.

23 ADJOURNMENT

Mr Hargreaves (Minister for the Territory and Municipal Services) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.04 p.m., adjourned until tomorrow at 10.30 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

HEALTH LEGISLATION AMENDMENT BILL 2006 (NO. 2)

Amendments circulated by the Minister for Health

1
Clause 2 (1) and (2)
Page 2, line 4

omit clause 2 (1) and (2), substitute

- (1) This Act commences on the day after its notification day.

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

2
Schedule 1
Amendment 1.9
Page 9, line 1

omit

3
Schedule 1
Amendment 1.19
Proposed new section 130C (1) (b) (ii)
Page 15, line 17

omit

Schedule 2**HEALTH LEGISLATION AMENDMENT BILL 2006 (NO. 2)**

Amendments circulated by Mr Smyth

1

Schedule 2

Amendment 2.25

Proposed new section 250

Page 25, line 2

omit
