



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2004–2005–2006**

**MINUTES OF PROCEEDINGS**

**No. 79**

**THURSDAY, 19 OCTOBER 2006**

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**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** **LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—HUMAN RIGHTS COMMISSION AMENDMENT BILL 2006—STATEMENT BY CHAIR**

Mr Seselja (Chair), pursuant to standing order 246A, made a statement concerning the Committee's deliberations on the Human Rights Commission Amendment Bill 2006.

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

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the law relating to health, 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 17 October 2006.

Title read by Clerk.

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

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

**4 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2006**

Ms Gallagher (Minister for Disability and Community Services), pursuant to notice, presented a Bill for an Act to amend the *Children and Young People Act 1999*.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 19 October 2006.

Title read by Clerk.

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

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

**5 STATUTE LAW AMENDMENT BILL 2006 (NO. 2)**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain legislation for the purpose of statute law revision.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 17 October 2006.

Title read by Clerk.

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

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

**6 LAND (PLANNING AND ENVIRONMENT) ACT—VARIATION NO. 256 TO THE TERRITORY PLAN—KINGSTON GROUP CENTRE PART SECTION 22—PROPOSED REJECTION**

Dr Foskey, pursuant to notice, moved—That this Assembly, in accordance with subsection 29(4) of the *Land (Planning and Environment) Act 1991*, rejects Variation No. 256 to the Territory Plan—Kingston Group Centre Part Section 22.

Debate ensued.

Dr Foskey addressing the Assembly—

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It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

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Dr Foskey continued.

Question—put.

The Assembly voted—

AYES, 1  
Dr Foskey

NOES, 14  
Mr Barr  
Mr Corbell  
Mrs Dunne  
Ms Gallagher  
Mr Gentleman  
Mr Hargreaves  
Ms MacDonald  
Mr Mulcahy  
Ms Porter  
Mr Pratt  
Mr Seselja  
Mr Smyth  
Mr Stanhope  
Mr Stefaniak

And so it was negatived.

**7 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 22—EXPOSURE DRAFT PLANNING AND DEVELOPMENT BILL 2006—REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman—That the report be noted (*presented 17 October 2006*):

Planning and Environment—Standing Committee—Report 22—*Exposure Draft Planning and Development Bill 2006*, dated 13 October 2006, including additional and dissenting comments (*Mr Seselja*), dated 16 October 2006—

Debate resumed.

Question—put and passed.

**8 HUMAN RIGHTS COMMISSION 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.

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.

**9 QUESTIONS**

Questions without notice being asked—

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*Minister for Police and Emergency Services—Proposed censure:* Mr Pratt, by leave, moved—That the Minister for Police and Emergency Services be censured for:

- (1) his failure to:
  - (a) adequately prepare the ACT for the 2006/2007 bushfire season;
  - (b) ensure that the RFS fleet was adequately prepared for the season;
  - (c) replace vehicles in appropriate time frames;
  - (d) have the trunk radio network and firelink fully operational as promised;
  - (e) adequately fund and staff the number of community fire units required; and
  - (f) adequately establish the new headquarters at Fairbairn; and
- (2) having misled the community through his words that we are “light years ahead” of previous years in relation to bushfire preparedness.

Debate ensued.

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*Member named and suspended:* The Speaker named Mr Smyth for persistently and wilfully disregarding the authority of the Chair.

Mr Corbell (Manager of Government Business), pursuant to standing order 203, moved—That Mr Smyth be suspended from the service of the Assembly.

Question—put.

The Assembly voted—

AYES, 8		NOES, 6	
Mr Barr	Mr Gentleman	Mrs Dunne	Mr Smyth
Mr Berry	Mr Hargreaves	Mr Mulcahy	Mr Stefaniak
Mr Corbell	Ms Porter	Mr Pratt	
Ms Gallagher	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

Mr Smyth was therefore suspended at 3.55 p.m. for 3 sitting hours in accordance with standing order 204, and he accordingly withdrew from the Chamber.

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Debate continued.

Mr Corbell (Minister for Police and Emergency Services), by leave, was granted an extension of time.

Mr Corbell, by leave, was granted a further extension of time.

*Closure:* Mr Hargreaves (Minister for the Territory and Municipal Services) moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 8		NOES, 5	
Mr Barr	Mr Hargreaves	Mrs Dunne	Mr Stefaniak
Mr Berry	Ms MacDonald	Mr Mulcahy	
Mr Corbell	Ms Porter	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

The Assembly voted—

AYES, 5		NOES, 8	
Mrs Dunne	Mr Stefaniak	Mr Barr	Mr Hargreaves
Mr Mulcahy		Mr Berry	Ms MacDonald
Mr Pratt		Mr Corbell	Ms Porter
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negated.

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Questions continued.

**10 PRESENTATION OF PAPER**

Mr Stanhope (Chief Minister) presented the following paper:

Ministerial Level Intergovernmental Agreement Negotiations List—As at 6 October 2006.

**11 FINANCIAL MANAGEMENT ACT—CONSOLIDATED ANNUAL FINANCIAL STATEMENTS—2005-2006 FINANCIAL YEAR—PAPERS AND STATEMENT BY MINISTER**

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements—2005-2006 Financial Year—

Statements, including audit opinion.

Further information, dated October 2006—

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

**12 INTERSTATE INVESTMENT COOPERATION—INTERGOVERNMENTAL AGREEMENT—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Treasurer) presented the following paper:

Interstate Investment Cooperation Agreement—Intergovernmental Agreement, dated 30 March 2006—

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

**13 CULTURAL FACILITIES CORPORATION ACT—CULTURAL FACILITIES CORPORATION—QUARTERLY REPORT—PAPER AND STATEMENT BY MINISTER**

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

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2005-2006 (1 April to 30 June 2006)—

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

**14 SENIORS CLUBS—REVIEW—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Minister for Disability and Community Services) presented the following paper:

Seniors Clubs—Review by the Ministerial Advisory Council on Ageing, dated December 2005—

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

**15 PRESENTATION OF PAPER**

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

Legislation Act, pursuant to section 64—Heritage Act—Heritage Regulation 2006—Subordinate Law SL2006-45 (LR, 11 September 2006), together with its explanatory statement.

**16 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—ANTI-SOCIAL AND CRIMINAL BEHAVIOUR**

The Assembly was informed that Mr Gentleman, Ms MacDonald, Ms Porter, Mr Pratt, Mr Smyth and Mr Stefaniak (Leader of the Opposition) 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 impact of anti-social and criminal behaviour in the ACT.”.

Discussion ensued.

Discussion concluded.

**17 HUMAN RIGHTS COMMISSION 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.

**18 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 6.16 p.m., adjourned until Tuesday, 14 November 2006 at 10.30 a.m.

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**MEMBERS’ ATTENDANCE:** All Members were present at some time during the sitting, except Mrs Burke\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly