



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 76

THURSDAY, 21 SEPTEMBER 2006

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 PETITIONS

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

Ms Porter, from 117 residents, requesting that the Assembly resolve to press the ACT Government to recognise the importance of rescinding the current proposals for the closing of ACT schools, including Cook Primary School, and to institute an inquiry into means by which continuing and increasing advantage is taken of the excellence of the ACT's public schools.

Ms Porter, from 315 residents, requesting that the Assembly institute changes to permit that strip of land between the rear fences of the houses in Hawker backing onto the Pinnacle Reserve and the wire fence of the reserve itself, stretching from Springvale Drive to William Hovell Drive, to be deemed an area suitable for dogs to be walked "off-leash".

3 DUTIES AMENDMENT BILL 2006 (NO. 2)

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

Mr Stanhope 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.

4 POWERS OF ATTORNEY BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act about powers of attorney, 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.

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.

5 MEDICAL TREATMENT (HEALTH DIRECTIONS) BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for directions about the withholding or withdrawal of medical treatment, and for related purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

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 FISHERIES AMENDMENT BILL 2006

Mr Hargreaves (Minister for the Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend the *Fisheries Act 2000*, and for related purposes.

Papers: Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

Mr Hargreaves 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.

7 CANBERRA INSTITUTE OF TECHNOLOGY (VALIDATION OF FEES) BILL 2006

Mr Barr (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to validate certain fees.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

Mr Barr 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.

8 BUILDING AND CONSTRUCTION INDUSTRY TRAINING LEVY AMENDMENT BILL 2006

Mr Barr (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Building and Construction Industry Training Levy Act 1999*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement.

Title read by Clerk.

Mr Barr 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.

9 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 7—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 2 OF 2005: DEVELOPMENT APPLICATION AND APPROVAL PROCESS—PUBLICATION OF REPORT—REPORT NOTED

Mr Mulcahy (Chair) presented the following report:

Public Accounts—Standing Committee—Report 7—*Review of Auditor-General's Report No. 2 of 2005: Development Application and Approval Process*, dated 18 September 2006, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Mulcahy moved—That the report be noted.

Debate ensued.

Question—put and passed.

10 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

11 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) 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.

12 JUSTICE AND COMMUNITY SAFETY 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.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Attorney-General), his amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

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

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

13 MURRAY-MACKIE STUDY—RECOMMENDATIONS—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPER

Ms Gallagher (Minister for Disability and Community Services), by leave, made a ministerial statement concerning recommendations from the Murray-Mackie Study on deaths and near deaths of children and presented the following papers:

Murray-Mackie Study—Recommendations—

Ministerial statement, 21 September 2006.

Government response, dated September 2006.

Ms Gallagher moved—That the Assembly takes note of the Ministerial statement.

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

14 QUESTIONS

Questions without notice were asked.

15 PRESENTATION OF PAPER

The Speaker presented the following paper:

ACT Legislative Assembly Secretariat—Annual Report 2005-2006, dated September 2006.

16 MURRAY-MACKIE STUDY—RECOMMENDATIONS—REVISED GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER

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

Murray-Mackie Study—Recommendations—Revised Government response, dated September 2006—

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

17 CROSS BORDER WATER SUPPLY—AGREEMENTS—PAPERS AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Cross border water supply—

ACT-NSW Regional Management Framework 2006—Agreement between the Australian Capital Territory Government and the New South Wales Government, dated 8 and 17 March 2006.

Australian Capital Territory and New South Wales Cross Border Region Settlement 2006—Memorandum of Understanding between the Australian Capital Territory Government and the New South Wales Government, dated 8 and 17 March 2006.

Australian Capital Territory and New South Wales Cross Border Water Resources 2006—Memorandum of Understanding between the Australian Capital Territory, the State of New South Wales and the Commonwealth of Australia.

Cross Border Water Supply between the ACT and NSW 2006—Summary of Legislative Responsibilities, dated 8 and 17 March and 17 August 2006—

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

Mr Stanhope moved—That the Assembly takes note of the papers.

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

18 STANDING COMMITTEES—2004-2005 ANNUAL AND FINANCIAL REPORTS—GOVERNMENT RESPONSES—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Education, Training and Young People—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*—Government response.

Health and Disability—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*—Government response.

Legal Affairs—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*—Government response.

Planning and Environment—Standing Committee—Report 19—*Report on Annual and Financial Reports 2004-2005*—Government response.

Public Accounts—Standing Committee—Report 5—*Report on Annual and Financial Reports 2004-2005*—Government response—

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

19 PRESENTATION OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2005-2006—Statement of reasons—Rhodium Asset Solutions Limited.

20 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 15 September 2006—

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

21 PRESENTATION OF PAPERS

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

Administration of Justice—ACT Criminal Justice—Statistical Profiles—2006—

March quarter.

June quarter.

22 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—REPORT 3—INQUIRY INTO RESTORATIVE JUSTICE PRINCIPLES IN YOUTH SETTINGS—INTERIM REPORT—GOVERNMENT RESPONSE—STATEMENT BY MINISTER

Mr Barr (Minister for Education and Training) presented the following paper:

Education, Training and Young People—Standing Committee—Report 3—*Inquiry into Restorative Justice Principles in Youth Settings—Interim Report*—Government response—

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

23 PRESENTATION OF PAPERS

Mr Barr (Minister for Industrial Relations) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2005-2006—Statement of reasons—

Cleaning Industry Long Service Leave Authority.

Construction Industry Long Service Leave Authority.

24 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—FLORIADE 2006

The Assembly was informed that Mrs Burke, Dr Foskey, 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 Ms MacDonald be submitted to the Assembly, namely, “The importance of Floriade 2006—‘Carnivale—The World on Show’ to the ACT.”.

Discussion ensued.

Discussion concluded.

25 ADJOURNMENT

Mr Barr (Minister for Education and Training) 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 5.02 p.m., adjourned until Tuesday, 17 October 2006 at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2006

Amendment circulated by the Attorney-General

1
Schedule 1
Amendment 1.20
Page 14, line 3

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