



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 59

TUESDAY, 2 MAY 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 ANNOUNCEMENT OF MEMBER TO FILL CASUAL VACANCY

The Speaker announced that the Electoral Commissioner, pursuant to sections 189 and 194 of the *Electoral Act 1992*, had on 5 April 2006 declared Mr Andrew Barr elected to the Legislative Assembly for the Australian Capital Territory. Mr Barr was filling the vacancy created as a result of the resignation of Mr Quinlan.

Paper: The Speaker presented the following paper:

Legislative Assembly for the ACT—Casual Vacancy—Declaration of the polls—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, ACT Legislative Assembly, dated 5 April 2006.

3 OATH OR AFFIRMATION OF ALLEGIANCE

The Speaker informed the Assembly of the requirement under the *Oaths and Affirmations Act 1984* for new Members to make and subscribe an oath or affirmation before the Chief Justice of the Supreme Court of the Australian Capital Territory or a Judge of that Court authorised by the Chief Justice.

The Honourable Justice Terrence Higgins, Chief Justice of the Supreme Court of the Australian Capital Territory, entered the Chamber and was escorted by the Serjeant-at-Arms to the Chair.

4 AFFIRMATION OF ALLEGIANCE BY MEMBER

Mr Barr was introduced.

His Honour the Chief Justice informed the Assembly of the provisions of section 9 of the *Australian Capital Territory (Self-Government) Act 1988* and section 10A of the *Oaths and Affirmations Act 1984* whereby a Member of the Legislative Assembly, before taking his or her seat, must make and subscribe an oath or affirmation in accordance with the form set out in the *Oaths and Affirmations Act 1984*.

Mr Barr made and subscribed the affirmation of allegiance required by law.

His Honour the Chief Justice retired.

5 INAUGURAL SPEECH

Mr Barr, by leave, made his inaugural speech.

6 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 24—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 24, dated 1 May 2006, together with the relevant minutes of proceedings—

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

7 LEAVE OF ABSENCE TO MEMBER

Mrs Burke moved—That leave of absence be given to Mr Mulcahy for the sitting period 2 to 4 May 2006.

Question—put and passed.

8 SENTENCING LEGISLATION AMENDMENT BILL 2006

Mr Corbell (Attorney-General), by leave, presented a Bill for an Act to amend Acts because of the enactment of the *Crimes (Sentencing) Act 2005* and *Crimes (Sentence Administration) Act 2005*, 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 May 2006.

Title read by Clerk.

Mr Corbell 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.

9 ASBESTOS 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.

Paper: Mr Barr (Minister for Industrial Relations) presented a revised explanatory statement to the Bill.

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 ANIMAL WELFARE 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.

11 PEST PLANTS AND ANIMALS 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 STANDING ORDER 117(e)(ii)—STATEMENT BY SPEAKER

The Speaker made a statement concerning the application of standing order 117(e)(ii).

Paper: The Speaker presented the following paper:

Standing order 117(e)(ii)—Letter from Mr Smyth (Leader of the Opposition) to the Speaker, dated 31 March 2006.

13 QUESTIONS

Questions without notice were asked.

14 QUESTION ON NOTICE NOS. 999 AND 1001—ANSWERS—EXPLANATIONS

Mr Stefaniak, pursuant to standing order 118A, asked the Attorney-General for an explanation concerning the answers to questions on notice Nos. 999 and 1001.

Mr Stanhope (Chief Minister) gave an explanation.

15 PRESENTATION OF PAPER

The Speaker presented the following paper:

Study trip report—Mr Seselja MLA—Meeting of Shadow Ministers for Education and Training—12 and 13 April 2006.

**16 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:

Bernadette Maher, dated 22 March 2006.

Geoff Keogh, dated 9 March 2006.

Graeme Dowell, dated 10 April 2006.

Julie McKinnon, dated 11 March 2006.

Karl Phillips, dated 14 March 2006.

Margaret Cotton, dated 16 March 2006.

Maureen Sheehan, dated 22 March 2006.

Pamela Davoren, dated 30 March 2006.

Penny Shakespeare, dated 16 March 2006.

Stephen Ryan, dated 1 November 2005.

Susan Barr, dated 16 March 2006.

Long-term contracts:

Graeme Dowell, dated 10 April 2006.

Hilton Taylor, dated 16 March 2006.

Philip Hextell, dated 10 April 2006.

Robert Neil, dated 16 March 2006.

Short-term contract:

Bernadette Maher, dated 16 March 2006—

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

**17 ADMINISTRATIVE ARRANGEMENTS—NOTIFIABLE INSTRUMENTS
NOS. NI2006-146 AND NI2006-140—PAPERS AND STATEMENT BY
MINISTER**

Mr Stanhope (Chief Minister) presented the following papers:

Australian Capital Territory (Self-Government) Ministerial Appointments Notice 2006 (No. 1)—Notifiable Instrument NI2006-142 (S2, dated Friday, 21 April 2006).

Administrative Arrangements 2006—Notifiable Instrument NI2006-140, dated 20 April 2006)—

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

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

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 16—

Instrument directing a transfer of appropriations from ACT Workcover to the ACT Planning and Land Authority, including a statement of reasons, dated 9 April 2006.

Instrument directing a transfer of appropriations from the Department of Justice and Community Safety to ACT Health, including a statement of reasons, dated 26 April 2006—

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

19 PRESENTATION OF PAPERS

Mr Stanhope (Treasurer) presented the following papers:

Independent Competition and Regulatory Commission—

Report 8—Final Report—Retail Prices for Non-contestable Electricity Customers, dated April 2006.

Report 9—Draft Report—Determination of ACTION Bus Prices for 2006-07, dated 12 April 2006.

Report 10—Draft Report—Regulatory Reference—ACT Ambulance Service Fees and Charges, dated 13 April 2006.

20 PRESENTATION OF PAPER

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

ACT Criminal Justice Statistical Profile—December 2005 quarter.

21 PRESENTATION OF PAPERS

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

Petition—Out-of-order

Petition which does not confirm with the standing orders—

Erindale—Construction of a petrol station—Mr Berry (405 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2006 (No. 1)—Disallowable Instrument DI2006-66 (LR, 13 April 2006).

Casino Control Act—

Casino Control (Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-61 (LR, 10 April 2006).

Casino Control (General Tax) Exemption 2006 (No. 1)—Disallowable Instrument DI2006-63 (LR, 10 April 2006).

Casino Control Regulation 2006—Subordinate Law SL2006-8 (LR, 21 March 2006).

Electoral Act—Electoral (Commission Chairperson and Member) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-65 (LR, 11 April 2006).

Gambling and Racing Control Act—Gambling and Racing Control (Governing Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-53 (without explanatory statement) (LR, 23 March 2006).

Housing Assistance Public Rental Housing Assistance Program 2005 (No. 2) (Disallowable Instrument DI2005-281)—Housing Assistance (Public Rental Housing Assistance Program) Review Committee Appointments 2006 (No. 1)—Disallowable Instrument DI2006-57 (LR, 30 March 2006).

Legal Aid Act—Legal Aid (Commissioner (Bar Association Nominee)) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-69 (LR, 18 April 2006).

Magistrates Court Act—

Magistrates Court (Tree Protection Infringement Notices) Regulation 2006—Subordinate Law SL2006-6 (LR, 13 March 2006).

Magistrates Court (Utilities Water Conservation Infringement Notices) Regulation 2006—Subordinate Law SL2006-11 (LR, 30 March 2006).

Optometrists Act—Optometrists (Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-70 (LR, 20 April 2006).

Public Place Names Act—Public Place Names (Harrison) Determination 2006 (No. 1)—Disallowable Instrument DI2006-67 (LR, 13 April 2006).

Public Sector Management Act—Public Sector Management Amendment Standard 2006 (No. 5)—Disallowable Instrument DI2006-62 (LR, 6 April 2006).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No. 3)—Disallowable Instrument DI2006-52 (LR, 23 March 2006).

Racing Act—Racing (Jockeys Accident Insurance) Regulation 2006—Subordinate Law SL2006-10 (LR, 30 March 2006).

Tree Protection Act—

Tree Protection (Advisory Panel) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-54 (LR, 28 March 2006).

Tree Protection (Approval Criteria) Determination 2006 (No. 1)—Disallowable Instrument DI2006-55 (LR, 28 March 2006).

Tree Protection (Approval Criteria) Determination 2006 (No. 2)—Disallowable Instrument DI2006-60 (LR, 6 April 2006).

Tree Protection (Criteria for Registration and Cancellation of Registration) Determination 2006—Disallowable Instrument DI2006-56 (LR, 28 March 2006).

Tree Protection (Criteria for Tree Management Precincts) Determination 2006 (No. 1)—Disallowable Instrument DI2006-58 (LR, 28 March 2006).

Utilities Act—

Utilities (Electricity Transmission) Regulation 2006—Subordinate Law SL2006-7 (LR, 16 March 2006).

Utilities (Water Conservation) Regulation 2006—Subordinate Law SL2006-9 (LR, 30 March 2006).

Utilities Act and the Utilities (Water Conservation) Regulation—Utilities Water Conservation Measures Approval 2006—Disallowable Instrument DI2006-59 (LR, 30 March 2006).

Veterinary Surgeons Act—Veterinary Surgeons (Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-64 (LR, 10 April 2006).

22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—MODERN WORKING CONDITIONS—IMPACT ON CANBERRA FAMILIES

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Pratt, Mr Seselja and Mr Smyth (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 Gentleman be submitted to the Assembly, namely, “The impact of modern working conditions on Canberra families.”

Discussion ensued.

Discussion concluded.

23 ADJOURNMENT

Mr Barr (Minister for Education and Training) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.13 p.m., adjourned until tomorrow at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly