



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 135

THURSDAY, 3 APRIL 2008

1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) ordered the bells to be rung. A quorum having been formed, the Speaker 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 2008**

Mr Corbell (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 Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 April 2008.

Title read by Clerk.

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

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

3 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

4 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2007 (NO. 2)

The Assembly, according to order, resumed consideration at the detail stage.

Detail Stage

Bill, as a whole—

Consideration resumed on Mr Stefaniak's amendment No. 1 (*see* [Schedule 1](#))—

Debate continued.

Mrs Burke moved—That debate be adjourned.

Question—put and negatived.

Mr Stefaniak's amendment No. 1 agreed to.

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

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

5 HUMAN CLONING AND EMBRYO RESEARCH AMENDMENT BILL 2007

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.

6 QUESTIONS

Questions without notice were asked.

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

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Instrument authorising expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 31 March 2008—

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

8 MURRAY-MACKIE STUDY—RECOMMENDATIONS—GOVERNMENT RESPONSE AND CURRENT PROGRESS—PAPER AND STATEMENT BY MINISTER

Ms Gallagher (Minister for Children and Young People) presented the following paper:

Murray-Mackie Study—Recommendations—Government response and current progress as at 25 February 2008, dated April 2008—

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

9 PAPER—OUT-OF-ORDER PETITION

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

Petition which does not conform with the standing orders—Community Noticeboard—Charnwood Shopping Centre—Ms Porter (224 signatures).

10 PUBLIC HOUSING—ENERGY EFFICIENCY—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Hargreaves (Minister for Housing), by leave, made a ministerial statement concerning energy efficiency in public housing and presented the following paper:

Energy efficiency in public housing—Ministerial statement, 3 April 2008.

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

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

11 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—UNIVERSITY OF CANBERRA—MANAGEMENT

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak 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 Mulcahy be submitted to the Assembly, namely, “The management of the University of Canberra.”

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

12 HUMAN CLONING AND EMBRYO RESEARCH AMENDMENT BILL 2007

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.

Motion, by leave—Adjournment of debate and reference of Bill to Commonwealth: Mr Smyth, by leave, moved—That the debate be adjourned and that the Minister refers the Human Cloning and Embryo Research Amendment Bill 2007 to the Commonwealth Minister for Health with the request that the scientific techniques proposed in the Bill still represent the best practice in science.

Debate ensued.

Closure: Ms MacDonald moved—That the question be now put.

Question—That the question be now put—put and passed.

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

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

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

And so it was resolved in the affirmative—Bill agreed to in principle.

Detail Stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7—

Mrs Dunne, by leave, moved her amendments Nos. 1 and 3 together (*see* [Schedule 2](#)).

Debate continued.

Debate interrupted in accordance with standing order 34 and the resumption of the debate made an order of the day for the next sitting.

13 ADJOURNMENT

It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.28 p.m., adjourned until Tuesday, 8 April 2008 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 2007 (NO. 2)

Amendments circulated by Mr Stefaniak

1

**Schedule 1
Amendment 1.21
Page 10, line 11—**

omit

2

**Schedule 1, part 1.10
Page 26, line 16—**

omit

Schedule 2**HUMAN CLONING AND EMBRYO RESEARCH
AMENDMENT BILL 2007**

Amendments circulated by Mrs Dunne

1

Clause 7

Proposed new section 11A

Page 5, line 21—

insert

**11A Offence—creating or developing human embryo
containing genetic material provided by more than
2 people**

A person commits an offence if—

- (a) the person intentionally creates or develops a human embryo by a process other than the fertilisation of a human egg by a human sperm; and
- (b) the human embryo contains genetic material provided by more than 2 people.

Maximum penalty: imprisonment for 15 years.

2

Clause 7

Proposed new section 16

Page 7, line 1—

omit proposed new section 16, substitute

16 Offence—creating or developing hybrid embryo

A person commits an offence if the person intentionally creates or develops a hybrid embryo.

Maximum penalty: imprisonment for 15 years.

3

Clause 7

Proposed new section 21

Page 10, line 17—

omit
