

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 49

THURSDAY, 15 DECEMBER 2005

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 **CIVIL LAW (WRONGS) AMENDMENT BILL 2005 (NO. 2)**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Civil Law (Wrongs) Act 2002*, and for other purposes.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 December 2005.

Title read by Clerk.

Mr Stanhope 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.

3 **CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2005 (NO. 2)**

Mr Stanhope (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Children and Young People Act 1999*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 14 December 2005.

Title read by Clerk.

Mr Stanhope 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.

4 ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) AMENDMENT BILL 2005

Mr Hargreaves (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Public Passenger Services) Act 2001*.

Papers: Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 14 December 2005.

Title read by Clerk.

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

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

5 EMERGENCY SERVICES—SELECT COMMITTEE—PROPOSED APPOINTMENT

Mr Pratt, pursuant to notice, moved—That:

- (1) a Select Committee be appointed to examine the functions, policies, procedures and financial performance of the Emergency Services;
- (2) the Committee be composed of:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;
 to be notified in writing to the Speaker by 4.00 pm today;
- (3) the Committee report by 30 March 2006;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Mr Smyth (Leader of the Opposition) addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

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

Debate continued.

Question—put.

The Assembly voted—

AYES, 6		NOES, 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mrs Dunne		Mr Corbell	Ms Porter
Mr Pratt		Dr Foskey	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope
Mr Smyth		Mr Hargreaves	

And so it was negatived.

6 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That executive business be called on forthwith.

7 SITTING PATTERN—2006

Mr Corbell (Manager of Government Business), pursuant to notice, moved—That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2006:

February	14	15	16
March	7	8	9
	28	29	30
May	2	3	4
	9	10	11
June	6	7	8
August	15	16	17
	22	23	24
September	19	20	21
October	17	18	19
November	14	15	16
	21	22	23
December	12	13	14

Mrs Burke moved the following amendment:

Omit:

November	21	22	23
December	12	13	14

Substitute:

October	24	25	26
December	5	6	7

Debate continued.

Question—That Mrs Burke's amendment be agreed to—put and negatived.

Question—That the motion be agreed to—put and passed.

8 REVENUE LEGISLATION AMENDMENT BILL 2005 (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.

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 were asked.

10 PAPER

Mr Stanhope (Chief Minister), having added to an answer to a question without notice from Ms Porter during question time yesterday, presented the following paper:

Education—Extract from *Hansard*, 20 September 2005.

11 STANDING COMMITTEES—2003-2004 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 1—*Report on 2003 to 2004 Annual and Financial Reports*—Department of Education and Training and related entities, Office for Children, Youth and Family Support—Government response.

Legal Affairs—Standing Committee—Report 1—*Report on Annual Reports 2003-2004*—Department of Justice and Community Safety and related entities—Government response.

Planning and Environment—Standing Committee—Report 8—*Inquiry into Referred Annual and Financial Reports 2003-2004*—Department of Urban Services, ACT Planning and Land Authority, Land Development Agency and related entities—Government response.

Public Accounts—Standing Committee—Report 3—*Report on 2003-2004 Annual and Financial Reports*—Chief Minister's Department, Department of Treasury, Department of Economic Development and related entities and ACT Legislative Assembly—Government response—

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

12 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) BILL 2005—EXPOSURE DRAFT—PAPER AND STATEMENT BY MINISTER

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

Terrorism (Extraordinary Temporary Powers) Bill 2005—Exposure draft—

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

13 LEGAL AFFAIRS—STANDING COMMITTEE—REFERENCE—TERRORISM (EXTRAORDINARY TEMPORARY POWERS) BILL 2005—EXPOSURE DRAFT

Mr Stanhope (Attorney-General), by leave, moved—That:

- (1) the exposure draft of the Terrorism (Extraordinary Temporary Powers) Bill 2005 be referred to the Standing Committee on Legal Affairs for inquiry and report;
- (2) the Committee report by 28 February 2006; and
- (3) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, publishing and circulation.

Debate ensued.

Question—put and passed.

14 PRESENTATION OF PAPERS

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

Recognition of same sex relationships in the ACT—Report on public consultation.

Civil Law (Wrongs) Act 2002—Review of the operation of certain provisions.

15 PRESENTATION OF PAPERS

Mr Quinlan (Treasurer) presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds from the Department of Urban Services to the Department of Economic Development, including a statement of reasons, dated 13 December 2005.

Pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Urban Services to the Chief Minister's Department and the Emergency Services Authority, including a statement of reasons, dated 13 December 2005.

16 CANBERRA CENTRAL TASKFORCE REPORT—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Corbell (Minister for Planning), by leave, made a ministerial statement concerning the government response to the Canberra Central Taskforce Report and presented the following paper:

Canberra Central Taskforce Report—Government response—Ministerial statement, 15 December 2005.

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

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

17 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—ADAPTING A CAR-BASED CITY TO A DECLINING OIL SUPPLY AND CLIMATE CHANGE

The Assembly was informed that Mrs Burke, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, 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 Dr Foskey be submitted to the Assembly, namely, “The challenge of adapting a car-based city to a declining oil supply and climate change.”.

Discussion ensued.

Discussion concluded.

18 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence from 16 December 2005 to 13 February 2006 inclusive be given to all Members.

Question—put and passed.

19 SUSPENSION OF STANDING ORDERS—EXTENSION OF ADJOURNMENT DEBATE

Ms MacDonald moved—That so much of the standing orders be suspended as would prevent the adjournment debate for today continuing past 30 minutes.

Question—put and passed, with the concurrence of an absolute majority.

20 REVENUE LEGISLATION AMENDMENT BILL 2005 (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.

Debate adjourned (Mr Corbell—Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

21 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 5.55 p.m., adjourned until Tuesday, 14 February 2006 at 10.30 a.m, in accordance with the resolution agreed to this day.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Gallagher*.

*on leave

M M Kiermaier
Acting Clerk of the Legislative Assembly