



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 74

TUESDAY, 19 SEPTEMBER 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 PETITIONS

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

Dr Foskey, from 2804 residents, requesting that the Assembly abandon the proposal to build a dragway on Block 51, Majura Valley.

Ms Porter, from 47 residents, requesting that the Assembly not close Hall Primary School.

Ms Porter, from 14 residents, requesting that Hackett Pre-School remain open.

Ms Porter, from 19 residents, requesting that Dickson College remain open so that students of North Canberra have access to a locally based secondary school.

Statement by Member: Dr Foskey, by leave, made a statement concerning the petition lodged by Dr Foskey in relation to the proposed dragway.

3 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 32—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 32, dated 18 September 2006, together with the relevant minutes of proceedings—

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

4 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 21—VARIATION TO THE TERRITORY PLAN NO. 257—SUBURB OF CRACE GUNGAHLIN—REPORT NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 21—*Variation to the Territory Plan No. 257—Suburb of Crace Gungahlin*, dated 30 August 2006, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

5 LEAVE OF ABSENCE TO MEMBERS

Mr Hargreaves (Minister for the Territory and Municipal Services) moved—That leave of absence be given to Mr Barr (Minister for Education and Training) and Mr Corbell (Attorney-General) for this sitting.

Question—put and passed.

6 ELECTORAL AMENDMENT BILL 2006

The Assembly, according to order, resumed debate at the detail stage—

Detail Stage

Clauses 1 to 3 agreed to.

Clause 4—

Mr Stefaniak (Leader of the Opposition) moved his amendment No. 1 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

| | | | |
|------------|--------------|--------------|---------------|
| AYES, 5 | | NOES, 8 | |
| Mrs Dunne | Mr Stefaniak | Mr Berry | Mr Hargreaves |
| Mr Mulcahy | | Dr Foskey | Ms MacDonald |
| Mr Pratt | | Ms Gallagher | Ms Porter |
| Mr Seselja | | Mr Gentleman | Mr Stanhope |

And so it was negatived.

On the motion of Mr Hargreaves (Minister for the Territory and Municipal Services), by leave, on behalf of the Attorney-General, amendment No. 1 (*see* [Schedule 2](#)) was made.

Paper: Mr Hargreaves presented a supplementary explanatory statement to the Government amendment.

Clause 4, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

7 REVENUE LEGISLATION AMENDMENT BILL 2006 (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.

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.

8 CIVIL LAW (PROPERTY) BILL 2005

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 Hargreaves (Minister for the Territory and Municipal Services), by leave, on behalf of the Attorney-General, amendments Nos. 1 and 2 (*see Schedule 3*) were made together.

Paper: Mr Hargreaves presented a supplementary explanatory statement to the Government amendments.

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

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

9 LEGAL AFFAIRS—STANDING COMMITTEE—MEMBERSHIP

Mrs Dunne, pursuant to standing order 223, moved—That Mr Stefaniak (Leader of the Opposition) be discharged from the Standing Committee on Legal Affairs and that Mr Seselja be appointed in Mr Stefaniak's place.

Debate ensued.

Question—put and passed.

10 MINISTERIAL ARRANGEMENTS

Mr Stanhope (Chief Minister) informed the Assembly of the following absences:

Mr Barr (Minister for Education and Training), and

Mr Corbell (Attorney-General).

Mr Stanhope advised the Assembly that questions without notice normally directed to Mr Corbell could be directed to Mr Stanhope and those normally directed to Mr Barr could be directed to Ms Gallagher (Deputy Chief Minister).

11 QUESTIONS

Questions without notice were asked.

12 AUDITOR-GENERAL ACT—AUDITOR-GENERAL’S REPORTS—NO. 5/2006—RHODIUM ASSET SOLUTIONS LIMITED AND NO. 6/2006—VOCATIONAL EDUCATION AND TRAINING—PUBLICATION OF PAPERS—STATEMENT BY MINISTER

The Speaker presented the following papers:

Auditor-General Act—Auditor-General’s Reports—

No. 5/2006—Rhodium Asset Solutions Limited, dated 18 September 2006.

No. 6/2006—Vocational Education and Training, dated 18 September 2006.

Mr Stanhope (Chief Minister), by leave, moved—That the Assembly authorises the publication of the Auditor-General’s Reports Nos. 5/2006 and 6/2006.

Question—put and passed.

Mr Stanhope, by leave, made a statement concerning Auditor-General’s Report No. 5/2006.

13 PRESENTATION OF PAPER

The Speaker presented the following paper:

Study trip—Report by Mr Mulcahy MLA—The Menzies Research Centre Conference on State Policy Issues and meeting with Mr Peter Debnam MP, NSW Leader of the Opposition and Shadow Treasurer—Sydney, 7-9 September 2006.

14 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:

John Stanwell, dated 7 August 2006.

Marion Wands.

Michael William Kegel, dated 31 August 2006.

Phillip Hextell.

Long-term contract:

Janet Lorraine Davy, dated 31 August 2006.

Short-term contracts:

Jenelle Clare Reading, dated 28 July 2006.

Pam Davoren, dated 23 August 2006—

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

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

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 14—

Instrument directing a transfer of funds from the Department of Disability, Housing and Community Services to Housing ACT, including a statement of reasons, dated 12 September 2006.

Instrument directing a transfer of funds from the Department of Disability, Housing and Community Services to the Chief Minister's Department, including a statement of reasons—

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

16 PRESENTATION OF PAPER

Mr Hargreaves (Minister for the Territory and Municipal Services), on behalf of Mr Barr (Minister for Tourism, Sport and Recreation), presented the following paper:

Australian Capital Tourism Corporation Act, pursuant to subsection 12(2)—Australian Capital Tourism Corporation—4th Quarterly report—April-June 2006.

17 PRESENTATION OF PAPERS

Mr Hargreaves (Minister for the Territory and Municipal Services) presented the following papers:

Petition—Out of order

Petition which does not conform with the standing orders—Automated voice recognition taxi hiring system—Mr Stanhope (25 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Canberra Institute of Technology Act—Canberra Institute of Technology (Fees) Determination 2006 (No. 2)—Disallowable Instrument DI2006-205 (LR, 11 September 2006).

Dangerous Substances Act—

Dangerous Substances (National Code of Practice for the Control of Workplace Hazardous Substances) Code of Practice Approval 2006—Disallowable Instrument DI2006-192 (LR, 17 August 2006).

Dangerous Substances (National Code of Practice for the Labelling of Workplace Substances) Code of Practice Approval 2006—Disallowable Instrument DI2006-191 (LR, 17 August 2006).

Dangerous Substances (National Code of Practice for the Preparation of Material Safety Data Sheets) Code of Practice Approval 2006—Disallowable Instrument DI2006-194 (LR, 17 August 2006).

Dangerous Substances (National Model Regulations for the Control of Workplace Hazardous Substances) Code of Practice Approval 2006—Disallowable Instrument DI2006-193 (LR, 17 August 2006).

Gambling and Racing Control Act 1997 and the Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-204 (LR, 7 September 2006).

Health Act—Health (Fees) Determination 2006 (No. 2)—Disallowable Instrument DI2006-197 (LR, 24 August 2006).

Health Professionals Regulation 2004—

Health Professionals (Dental Technicians and Dental Prosthetists) Board Appointment 2006 (No. 1)—Disallowable Instrument DI2006-200 (LR, 31 August 2006).

Health Professionals (Optometrists Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-203 (LR, 31 August 2006).

Health Professionals (Physiotherapists Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-199 (LR, 31 August 2006).

Health Professionals (Psychologists Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-201 (LR, 31 August 2006).

Health Professionals (Veterinary Surgeons Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-202 (LR, 31 August 2006).

Public Place Names Act—Public Place Names (Forde) Determination 2006 (No. 1)—Disallowable Instrument DI2006-196 (LR, 17 August 2006).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2006 (No. 2)—Disallowable Instrument DI2006-208 (LR, 4 September 2006).

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2006 (No. 1)—Disallowable Instrument DI2006-207 (LR, 4 September 2006).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No. 5)—Disallowable Instrument DI2006-206 (LR, 4 September 2006).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No. 9)—Disallowable Instrument DI2006-198 (LR, 31 August 2006).

18 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—GOVERNMENT TAXES AND CHARGES—BURDEN AND IMPACT ON CANBERRANS

The Assembly was informed that Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter 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 Mulcahy be submitted to the Assembly, namely, “The burden and impact of ACT Government taxes and charges on the people of Canberra.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

19 ADJOURNMENT

Mr Stanhope (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.23 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Barr* and Mr Corbell*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

ELECTORAL AMENDMENT BILL 2006

Amendment circulated by Mr Stefaniak

1

Clause 4

Proposed new section 12A

Page 3, line 1—

omit proposed new section 12A, substitute

12A Eligibility for appointment as member

- (a) The Executive must not appoint a person as a member if the person is or has been a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Parliament of the Commonwealth; or
 - (iii) the legislature of a State or another Territory.
 - (b) The Executive must not appoint a person as a member if the person is or has, in the 5 years immediately before the day of the proposed appointment, been a member of—
 - (i) a registered party; or
 - (ii) a political party registered under a law of the Commonwealth, a State or another Territory; or
 - (iii) a political party.
-

Schedule 2

ELECTORAL AMENDMENT BILL 2006

Amendment circulated by the Attorney-General

1

Clause 4

Proposed new section 12A

Page 3, line 1—

omit proposed new section 12A, substitute

12A Eligibility for appointment as member

The Executive must not appoint a person as a member if the person—

- (a) is or has, in the 10 years immediately before the day of the proposed appointment, been a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Parliament of the Commonwealth; or
 - (iii) the legislature of a State or another Territory; or
 - (b) is or has, in the 5 years immediately before the day of the proposed appointment, been a member of—
 - (i) a registered party; or
 - (ii) a political party registered under a law of the Commonwealth, a State or another Territory; or
 - (iii) a political party.
-

Schedule 3**CIVIL LAW (PROPERTY) BILL 2005**

Amendments circulated by the Attorney-General

1**Schedule 1, amendments 1.4 and 1.5**
Page 78, line 16—*omit amendments 1.4 and 1.5, substitute***[1.4] Sections 80A to 82***renumber as sections 81 to 83*

2**Schedule 1, amendment 1.8**
Page 79, line 10—*omit amendment 1.8, substitute***[1.8] Section 62***relocate to Court Procedures Act 2004 as section 80A*
