



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 57

WEDNESDAY, 29 MARCH 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 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Pratt, from 139 residents, requesting that the Assembly significantly increase police patrols in and around shopping centre precincts to enhance community safety and increase crime prevention.

3 TERRORISM (PREVENTATIVE DETENTION) BILL 2006

Mr Stefaniak, by leave, presented a Bill for an Act to authorise preventative detention in relation to terrorist acts, and for other purposes.

Title read by Clerk.

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

Paper: Mr Stefaniak, by leave, presented the following paper:

Anti-Terrorism Legislation Comparative Provisions—Appendix 3 to Report 3 of the Standing Committee on Legal Affairs.

Debate adjourned (Mr Stanhope—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

4 LEGISLATIVE ASSEMBLY PRECINCTS AMENDMENT BILL 2006

Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Legislative Assembly Precincts Act 2001*.

Paper: Mr Berry presented an explanatory statement to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Stanhope—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

5 SPORT AND RECREATION

Mr Stefaniak, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the considerable benefit of sport and recreation to the Canberra community;
 - (b) the fact that sport and recreation services are a limited part of the ACT budget, approximately 0.4% of the total ACT budget; and
 - (c) the concerns of the sport and recreation community about the impact of the Functional Review of Government Services; and
- (2) calls on the Government to give a guarantee that the Office of Sport and Recreation ACT will remain in one department and not be spread across a number of departments.

Debate ensued.

Mr Stanhope (Acting Minister for Sport and Recreation), by leave, moved the following amendments together:

- (1) paragraph (1), omit all words after “community”, substitute:
 - “(b) the strong and ongoing commitment to sport and recreation, at all levels in the community, by the ACT Government; and”;
- (2) paragraph (2), omit the paragraph, substitute:
 - “(2) notes that the ACT Government will continue to provide its outstanding support for sport and recreation, from community-based teams and organisations to the elite teams that proudly represent the Territory in national and international competitions.”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Seselja
Ms Gallagher	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the considerable benefit of sport and recreation to the Canberra community; and
 - (b) the strong and ongoing commitment to sport and recreation, at all levels in the community, by the ACT Government; and
- (2) notes that the ACT Government will continue to provide its outstanding support for sport and recreation, from community-based teams and organisations to the elite teams that proudly represent the Territory in national and international competitions.”—

be agreed to—put and passed.

6 ROAD SAFETY

The order of the day having been read for the resumption of the debate on the motion of Ms MacDonald—That this Assembly:

- (1) recognises that driver inattention and speed are major contributors to road accidents;
- (2) expresses concern that some drivers continue to drive under the influence of drugs and alcohol in spite of the overwhelming evidence that these substances reduce drivers’ abilities to judge, concentrate and react to road situations;
- (3) acknowledges that keeping ACT roads safe is a shared responsibility;
- (4) urges drivers, riders, cyclists, pedestrians and anyone else who uses our roads to remain vigilant regarding road safety, particularly during holiday periods;
- (5) notes that the 2005-2006 ACT Road Safety Action Plan identifies key actions that aim to reduce deaths and injuries on ACT roads; and
- (6) recognises the important role educational road safety programs and initiatives play in increasing road users’ skills and raising awareness about road safety practices in the ACT—

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.

7 QUESTIONS

Questions without notice were asked.

8 SUBORDINATE LEGISLATION—PRESENTATION OF PAPER

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

Legislation Act, pursuant to section 64—

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act—Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-5, together with its explanatory statement (LR, 6 March 2006).

9 FEDERAL INDUSTRIAL RELATIONS LAWS—STATEMENT BY MEMBER

Mr Mulcahy, by leave, made a statement concerning a recent matter in relation to the implementation of the new Federal industrial relations laws.

10 UNION MEMBERSHIP—STATEMENT BY MEMBER

Mr Gentleman, by leave, made a statement concerning his union membership.

11 ROAD SAFETY

The order of the day having been read for the resumption of the debate on the motion of Ms MacDonald (*see* [Entry 6](#))—

Debate resumed.

Question—put and passed.

12 BUSHFIRE THREAT—URBAN EDGE

The order of the day having been read for the resumption of the debate on the motion of Mr Pratt—That this Assembly, in light of the Yarralumla Brickworks grass fire of December 2005 and the state of the grass bushfire fuel threat that exists along the urban edge and in Canberra nature parks adjacent to the urban edge:

(1) notes:

- (a) and congratulates the Emergency Services and Police in their quick response and good work to save further property from loss during the Yarralumla bushfire; and
- (b) the Government's preparations against bushfire threat but notes those preparations are still far from adequate leaving many suburbs at increased vulnerability to bushfire threat; and

(2) calls on the Government to take immediate action to:

- (a) rectify the existing neglected areas and ensure the firebreak along the residential edge in all suburbs with vulnerable bushfire approaches is a minimum of 40 metres wide, including vulnerable inner suburbs;
- (b) ensure that additional firebreaks are prepared in ACT Canberra nature parks in areas close to the urban edge on vulnerable bushfire approaches; and
- (c) strengthen the Strategic Bushfire Management Plan and prepare bushfire operational plans for each vulnerable suburb, village and urban asset—

and on the amendments moved by Mr Hargreaves (Minister for Urban Services):

(1) paragraph 1(b), omit all words after “the Government's preparations against bushfire threat”, substitute “have left us better prepared for bushfires than we have ever been; and”;

(2) insert new paragraph 1(c):

“(c) that the Stanhope Government has invested an additional \$130.775m over five years in emergency services since the January 2003 bushfires.”; and

(3) omit paragraph (2)—

Debate resumed.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Seselja
Ms Gallagher	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly, in light of the Yarralumla Brickworks grass fire of December 2005 and the state of the grass bushfire fuel threat that exists along the urban edge and in Canberra nature parks adjacent to the urban edge, notes:

- (1) and congratulates the Emergency Services and Police in their quick response and good work to save further property from loss during the Yarralumla bushfire;
- (2) the Government’s preparations against bushfire threat have left us better prepared for bushfires than we have ever been; and
- (3) that the Stanhope Government has invested an additional \$130.775m over five years in emergency services since the January 2003 bushfires.”—

be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Seselja
Ms Gallagher	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative.

13 CONSTRUCTION INDUSTRY—SAFETY ISSUES

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman—That this Assembly:

- (1) recognises the importance of :
 - (a) safety in the construction industry as vital to our community; and
 - (b) industrial rights in the construction industry as an internationally recognised right and a means of workplace safety;
- (2) condemns the Federal Government for its attempts to reduce safety and restrict the rights of workers in the construction industry through provisions of the Building and Construction Industry Improvement Act, namely the:
 - (a) exclusion of industrial action on the grounds of safety concerns;
 - (b) introduction of penalties of up to \$22 000 for individuals who partake in industrially motivated actions;
 - (c) exclusion of Construction Project Agreements; and

- (d) ability of Australian Building and Construction Commission inspectors to enforce a penalty of imprisonment for six months against any worker who does not attend for questioning, answer questions or who obstructs an investigation or fails to hand over documents; and
- (3) calls on the Federal Government to revoke the Building and Construction Industry Improvement Act on the basis that it jeopardises the safety of the thousands of construction workers employed in the ACT—

Debate resumed.

Question—put and passed.

14 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—REFERENCE—VOTING—LOWERING OF ELIGIBLE AGE

Dr Foskey, pursuant to notice, moved—That this Assembly:

- (1) supports the establishment of a scheme which allows 16 and 17 year old ACT residents to vote in elections and referendums for the ACT Legislative Assembly; and
- (2) calls on the ACT Government to:
 - (a) investigate how such a scheme could be implemented in time for the 2008 ACT election;
 - (b) release a public discussion document on the scheme within six months; and
 - (c) report back to the Assembly on the scheme and public consultation outcomes within 12 months.

Mr Stanhope (Chief Minister) moved the following amendment: Omit paragraph (2), substitute:

“(2) refers the proposal to the Standing Committee on Education, Training and Young People for inquiry and report back to the Assembly on or before 1 October 2007.”.

Mr Stanhope, by leave, moved the following amendment: Paragraph (1), omit “supports the”, substitute “notes some support for the”.

Mr Stanhope, by leave, withdrew the amendments.

Mr Stanhope, by leave, moved the following amendments together:

- (1) paragraph (1), omit “supports the”, substitute “notes some support for the”; and
- (2) omit paragraph (2), substitute:
 - “(2) refers the proposal to the Standing Committee on Education, Training and Young People for inquiry and report back to the Assembly on or before 1 October 2007.”.

Debate continued.

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

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes some support for the establishment of a scheme which allows 16 and 17 year old ACT residents to vote in elections and referendums for the ACT Legislative Assembly; and
- (2) refers the proposal to the Standing Committee on Education, Training and Young People for inquiry and report back to the Assembly on or before 1 October 2007.”—

be agreed to—put and passed.

15 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.27 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS’ ATTENDANCE: All Members were present at some time during the sitting, except Mr Smyth*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly