

2001-2002-2003-2004

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 105

WEDNESDAY, 23 JUNE 2004

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 **LEGAL AFFAIRS – STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT 51 – PUBLICATION OF REPORT – 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 51, dated 23 June 2004, together with the relevant minutes of proceedings –

and, by leave, moved – That the report be authorised for publication.

Question – put and passed.

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

3 **CHARTER OF RESPONSIBILITIES BILL 2004**

Mr Stefaniak, pursuant to notice, presented a Bill for an Act to encourage awareness of the responsibilities of people in the ACT towards each other.

Title read by Clerk.

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

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

A universal declaration of human responsibilities, dated 1 September 1997, prepared by the InterAction Council.

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

4 TOBACCO (VENDING MACHINE BAN) AMENDMENT BILL 2004

Ms Dundas, pursuant to notice, presented a Bill for an Act to amend the *Tobacco Act 1927*, and for other purposes.

Paper: Ms Dundas presented an explanatory statement to the Bill.

Title read by Clerk.

Ms Dundas moved – That this Bill be agreed to in principle.

Debate adjourned (Mr Corbell – Minister for Health) and the resumption of the debate made an order of the day for the next sitting.

5 REHABILITATION/INDEPENDENT LIVING UNIT

Mr Smyth (Leader of the Opposition), pursuant to notice, moved – That this Assembly:

- (1) notes:
 - (a) the remarkable achievements of the Rehabilitation/Independent Living Unit (RILU);
 - (b) the different functions performed by Ward 12B of The Canberra Hospital and RILU; and
 - (c) the projected need for more rehabilitation beds;
- (2) opposes any plans to reduce the capacity of RILU or transfer its beds to Ward 12B of The Canberra Hospital; and
- (3) directs the Minister for Health to maintain RILU in its current location and maintain, at the very least, its current level of operation.

Debate ensued.

Mr Corbell (Minister for Health) moved the following amendment: Omit all words after “(RILU);”, substitute:

- “(b) the Stanhope Government’s commitment to continue the current level of provision of rehabilitation services in the Territory;
 - (c) the importance of the transitional care facility currently being developed for the future of the ACT health system;
 - (d) that the trust agreement with the NRMA over the use of RILU specifically contains a provision that after five years the parties to the agreement can initiate a review of the agreement; and
 - (e) that any plans to relocate rehabilitation services to other areas will only occur after formal consultation is completed with consumers, carers, staff and other stakeholders including the NRMA Road Safety Trust;
- (2) agrees that the Minister will report to the Assembly of the outcome of that consultation.”.

Debate continued.

Mr Corbell, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Question – That Mr Corbell’s amendment be agreed to – put.

The Assembly voted —

Ayes, 8		Noes, 9	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Pratt
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Smyth
Ms Gallagher	Mr Wood	Mrs Cross	Mr Stefaniak
Mr Hargreaves		Ms Dundas	Ms Tucker
Ms MacDonald		Mrs Dunne	

And so it was negatived.

Question – That the motion be agreed to – put.

The Assembly voted —

Ayes, 9		Noes, 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

And so it was resolved in the affirmative.

6 PHARMACY AMENDMENT BILL 2004

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 adjourned (Mr Smyth – Leader of the Opposition) and the resumption of the debate made an order of the day for a later hour this day.

7 PRESENTATION OF PAPER AND STATEMENT – LEAVE NOT GRANTED

Mrs Cross sought leave to present a paper and make a statement.

Objection being raised, leave not granted.

8 SUSPENSION OF STANDING AND TEMPORARY ORDERS – PAPER AND STATEMENT BY MEMBER

Mrs Cross moved – That so much of the standing and temporary orders be suspended as would prevent Mrs Cross presenting a paper and making a statement.

Debate ensued.

Question – put.

The Assembly voted —

Ayes, 9

Noes, 8

Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

And so it was resolved in the affirmative, with the concurrence of an absolute majority.

9 COMMUNITY PHARMACY – PAPER AND STATEMENT BY MEMBER

Mrs Cross presented the following paper:

Community pharmacy – Petition not in accordance with the standing and temporary orders –

and made a statement in relation to the paper.

Mr Corbell, by leave, also made a statement in relation to the paper.

10 A.C.T. PLANNING AND LAND AUTHORITY

The Clerk having called on Notice No. 4, Private Members' business, relating to the ACT Planning and Land Authority –

Suspension of sitting: Mrs Dunne moved – That the Assembly now suspend for lunch.

Question – put and passed.

11 QUESTIONS

Questions without notice were asked.

12 PHARMACY AMENDMENT BILL 2004

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.

Mrs Cross, by leave, was granted an extension of time.

Question – That this Bill be agreed to in principle – put and passed.

Detail stage

Clause 1 –

Mr Corbell (Minister for Health) moved – That debate be adjourned.

Question – put and passed.

Question – That the resumption of the debate be made an order of the day for the next sitting – put.

Mrs Dunne moved the following amendment: Omit “the next sitting”, substitute “a later hour this day”.

Debate continued.

Mr Corbell, who had already spoken, by leave, again addressed the Assembly.

Debate continued.

Amendment agreed to.

Motion, as amended, agreed to – Resumption of the debate made an order of the day for a later hour this day.

13 GREENHOUSE GAS EMISSIONS

Ms Tucker, pursuant to notice, moved – That this Assembly calls on the Government to:

- (1) reaffirm the Territory’s commitment to meeting the greenhouse gas reduction target of reducing net greenhouse emissions to 1990 levels by 2008, and reducing them by 20% by 2018; and to this end
- (2) commit to:
 - (a) introduce greenhouse benchmarks as a retail licence condition for electricity retailers, in line with NSW;
 - (b) introduce a no-interest, low-interest or CPI-interest only loan scheme to facilitate house owners increasing the energy efficiency of their properties, and installing solar water heating, with particular attention to landlords;
 - (c) introduce an energy efficiency and water use rating system for commercial buildings, drawing on the best available Australian models;
 - (d) develop a program to retrofit current public housing to four star energy ratings in the short term, aiming for five stars in the medium term;
 - (e) introduce annual targets specifically for greenhouse emissions from transport in the ACT; and
 - (f) establish an additional dedicated position within Environment ACT (or other appropriate agency) to drive implementation of government targets and timelines for government agency reduction of greenhouse gas emissions.

Ms Tucker addressing the Assembly –

Adjournment negatived: It being 5 p.m. – The question was proposed – That the Assembly do now adjourn.

Mr Corbell (Minister for Health) requiring the question to be put forthwith without debate –

Question – put and negatived.

Ms Tucker continued.

Debate ensued.

Mr Stanhope (Minister for Environment) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“Notes the Government will soon introduce greenhouse benchmarks as a retail licence condition for electricity retailers, in line with NSW; and calls on the Government to:

- (1) review the Territory’s commitment to meeting the greenhouse gas reduction target of reducing net greenhouse emissions to 1990 levels by 2008, and reducing them by 20% by 2018; and to this end
- (2) give consideration to:
 - (a) a no-interest, low-interest or CPI-interest only loan scheme to facilitate house owners increasing the energy efficiency of their properties, and installing solar water heating, with particular attention to landlords;
 - (b) an energy efficiency and water use rating system for commercial buildings, drawing on the best available Australian models;
 - (c) a program to retrofit current public housing to four star energy ratings in the short term, aiming for five stars in the medium term;
 - (d) annual targets specifically for greenhouse emissions from transport in the ACT; and
 - (e) an additional dedicated position within Environment ACT (or other appropriate agency) to drive implementation of government targets and timelines for government agency reduction of greenhouse gas emissions.”.

Mr Stanhope, by leave, was granted an extension of time.

Debate continued.

Question – That Mr Stanhope’s amendment be agreed to – put and negatived.

Debate continued.

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

14 MAKING OF REGULATIONS

Mr Smyth (Leader of the Opposition), pursuant to notice, moved – That this Assembly calls on the Government to refrain from making regulations after 16 August 2004 in relation to new Bills passed by this Assembly during the June-July and August 2004 sittings.

Debate ensued.

Scheduling of Private Members’ business – Statement by Minister: Mr Stanhope (Chief Minister), by leave, made a statement in relation to scheduling of business of the Assembly.

Debate continued.

Question – put and negatived.

15 A.C.T. PLANNING AND LAND AUTHORITY

Mrs Dunne, by leave, moved – That this Assembly:

- (1) notes:
 - (a) it is now a year since the establishment of the ACT Planning and Land Authority;
 - (b) the failure of the Stanhope Government to establish a clear and trusted process of community consultation;
 - (c) the increasing lack of confidence of the community in the planning process;
 - (d) the lack of independence of the ACT Planning and Land Authority; and
 - (e) the lack of access of Members of the Legislative Assembly to advice from the ACT Planning and Land Authority; and
- (2) calls on the ACT Government to restore confidence in the ACT planning system by:
 - (a) establishing a process of consultation which is widely accepted in the community;
 - (b) working towards a truly integrated planning approvals system; and
 - (c) ensuring that the ACT Planning and Land Authority is truly an independent body by allowing Members of the Legislative Assembly free and unhindered access to the advice from the Chief Planning Executive and his staff.

Mrs Dunne, by leave, was granted an extension of time.

Debate ensued.

Mr Corbell (Minister for Planning), by leave, was granted an extension of time.

Mr Corbell moved the following amendment: Omit all words after “Authority” (first occurring), substitute:

- “(2) calls on the ACT Government to ensure that the ACT Planning and Land Authority, in that part of its function where it has an independent decision making capacity, is available at the discretion of its Chief Planning Executive, to brief Members on those planning matters that are already publicly available, subject to the integrity and impartiality of the process not being interfered with and due recognition of the privileges that the Authority needs to observe in conducting its business.”.

Debate continued.

Ms Tucker, by leave, was granted an extension of time.

Debate continued.

Question – put.

The Assembly voted —

Ayes, 8		Noes, 9	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Pratt
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Smyth
Ms Gallagher	Mr Wood	Mrs Cross	Mr Stefaniak
Mr Hargreaves		Ms Dundas	Ms Tucker
Ms MacDonald		Mrs Dunne	

And so it was negatived.

Ms Tucker, by leave, moved the following amendments together:

- (1) omit paragraph 1(d); and
- (2) omit paragraph 2(c), substitute:

“2(c) ensures ACTPLA is able to reflect its independent decision making capacity by being freely available to brief Members of the Assembly on those planning matters, at the discretion of the Chief Planning Executive.”.

Debate continued.

Amendments agreed to.

Question – That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) it is now a year since the establishment of the ACT Planning and Land Authority;
 - (b) the failure of the Stanhope Government to establish a clear and trusted process of community consultation;
 - (c) the increasing lack of confidence of the community in the planning process; and
 - (d) the lack of access of Members of the Legislative Assembly to advice from the ACT Planning and Land Authority; and
- (2) calls on the ACT Government to restore confidence in the ACT planning system by:
 - (a) establishing a process of consultation which is widely accepted in the community;
 - (b) working towards a truly integrated planning approvals system; and
 - (c) ensuring ACTPLA is able to reflect its independent decision making capacity by being freely available to brief Members of the Assembly on those planning matters, at the discretion of the Chief Planning Executive.” –

be agreed to – put and passed.

16 PHARMACY AMENDMENT BILL 2004

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

Detail stage

Clause 1 agreed to.

Remainder of Bill, by leave, taken as a whole –

Ms Dundas moved her amendment No. 1 (*see* Schedule 1).

Debate continued.

Question – put.

The Assembly voted —

Ayes, 9

Noes, 8

Mrs Burke

Mr Pratt

Mr Berry

Mr Quinlan

Mr Cornwell

Mr Smyth

Mr Corbell

Mr Stanhope

Mrs Cross

Mr Stefaniak

Ms Gallagher

Mr Wood

Ms Dundas

Ms Tucker

Mr Hargreaves

Mrs Dunne

Ms MacDonald

And so it was resolved in the affirmative.

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

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

17 ADJOURNMENT

Mr Wood (Manager of Government Business) moved – That the Assembly do now adjourn.

Debate ensued.

Question – put and passed.

And then the Assembly, at 10.49 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

T Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

PHARMACY AMENDMENT BILL 2004

Amendment circulated by Ms Dundas

1

Clause 4

Proposed new section 48B

Page 2, line 11—

omit proposed new section 48B, substitute

48B Restriction on pharmacy premises

- (1) A registered pharmacist must not carry on a pharmacy business as owner on, inside or partly inside the premises of a supermarket.
- (2) In this section:

supermarket means a large shop selling food and other household items where the selection of goods is organised on a self-serve basis.

Note This definition is the same as the definition of 'supermarket' in the Territory plan.
