



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 65

TUESDAY, 6 JUNE 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 PETITION

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

Mr Gentleman, from 766 residents, requesting that the Assembly intervene in the proposed construction of a petrol station near Erindale College, Erindale.

3 LEADER OF THE OPPOSITION—STATEMENT BY SPEAKER

The Speaker informed the Assembly he had been advised that, on 16 May 2006, the Parliamentary Liberal Party had elected Mr Stefaniak as its leader and that he had consented to be Leader of the Opposition. The Speaker advised the Assembly that he recognised Mr Stefaniak as Leader of the Opposition from 16 May 2006, in accordance with the provisions of standing order 5A.

4 TEMPORARY DEPUTY SPEAKER

The Speaker informed the Assembly that, pursuant to standing order 8, he had revoked the nomination of Mrs Dunne and had nominated Mrs Burke as temporary Deputy Speaker and presented the following warrant of revocation and nomination:

Pursuant to the provisions of standing order 8, I—

1. revoke the nomination of Mrs Dunne as a temporary Deputy Speaker, and
2. nominate Mrs Burke to act as a temporary Deputy Speaker.

Given under my hand on 6 June 2006.

Wayne Berry, MLA
Speaker
6 June 2006

5 LEAVE OF ABSENCE TO MEMBER

Mrs Dunne moved—That leave of absence be given to Mrs Burke for the period 6 to 19 June 2006.

Question—put and passed.

6 SUSPENSION OF STANDING ORDERS—APPROPRIATION BILL 2006-2007, RATES AMENDMENT BILL 2006, ADMINISTRATIVE (MISCELLANEOUS AMENDMENTS) BILL 2006 AND ASSOCIATED LEGISLATION

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2006-2007 and another Bill and other Ministers to present associated legislation;
- (2) (a) questions without notice concluding at the time of interruption; or
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—“That debate on the Appropriation Bill 2006-2007 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed to;
- (3) at 3 p.m. on Thursday, 8 June 2006, the order of the day for resumption of debate on the question that the Appropriation Bill 2006-2007 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion—That the Bill be agreed to in principle; and
- (4) (a) questions without notice concluding at the time of interruption; or
(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

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

7 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 26—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 26, dated 5 June 2006, together with the relevant minutes of proceedings—

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

8 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 20—DRAFT VARIATION TO THE TERRITORY PLAN NO. 256—KINGSTON GROUP CENTRE PART SECTION 22—PUBLICATION OF REPORT—MOTION THAT REPORT BE NOTED

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 20—*Draft Variation to the Territory Plan No. 256—Kingston Group Centre Part Section 22*, dated 30 May 2006, together with a copy of the extracts of the relevant minutes of proceedings—

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

Question—put and passed.

Mr Gentleman moved—That the report be noted.

Debate ensued.

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

9 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—MEMBERSHIP

Mr Stefaniak (Leader of the Opposition), pursuant to standing order 223, moved—That Mrs Burke be discharged from the Standing Committee on Administration and Procedure and that Mrs Dunne be appointed in her place.

Question—put and passed.

10 LEGAL PROFESSION BILL 2006

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 Corbell (Attorney-General), by leave, his amendments Nos. 1 to 14 (*see* [Schedule 1](#)) were made together.

Paper: Mr Corbell 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.

11 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 2, Executive business, relating to the Health Legislation Amendment Bill 2006, be postponed until a later hour this day.

12 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2006

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.

13 HEALTH LEGISLATION AMENDMENT BILL 2006

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.

14 QUESTIONS

Questions without notice being asked—

At 3 p.m. questions were interrupted pursuant to the order of the Assembly.

15 APPROPRIATION BILL 2006-2007

Mr Stanhope (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2006, 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 6 June 2006.

Budget 2006-2007—Financial Management Act, pursuant to section 10—

Speech (Budget paper No. 1).

Budget at a glance (Budget paper No. 2).

Budget overview (Budget paper No. 3).

Budget estimates (Budget paper No. 4).

Supplementary budget paper—Economic and Financial Outlook for the ACT.

CD—Budget 2006-2007.

Title read by Clerk.

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

Debate adjourned (Mr Stefaniak—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

16 RATES AMENDMENT BILL 2006

Mr Stanhope (Treasurer) presented a Bill for an Act to amend the *Rates Act 2004*.

Papers: Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 June 2006.

Title read by Clerk.

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

Debate adjourned (Mr Stefaniak—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

17 ADMINISTRATIVE (MISCELLANEOUS AMENDMENTS) BILL 2006

Mr Stanhope (Treasurer) presented a Bill for an Act to amend and repeal laws to implement part of the Strategic and Functional Review, 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 6 June 2006.

Title read by Clerk.

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

Debate adjourned (Mr Stefaniak—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

18 EDUCATION AMENDMENT BILL 2006 (NO. 2)

Mr Barr (Minister for Education and Training) presented a Bill for an Act to amend the *Education Act 2004*.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 June 2006.

Title read by Clerk.

Mr Barr 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.

19 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:

Alan Galbraith, dated 22 March 2006.

Lincoln Hawkins, dated 26 April 2006.

Marion Wands, dated 18 and 26 April 2006.

Russell Watkinson, dated 18 April 2006.

Stephen Finn, dated 9 May 2006.

Stephen Ryan, dated 24 April 2006.

Long-term contracts:

Bernard Sheville, dated 1 May 2006.

Marion Wands, dated 27 February 2006.

Sue Dever, dated 22 February 2006.

Susanna Kiemann, dated 22 February 2006.

Tracy Hicks, dated 23 March 2006.

Short-term contracts:

Helen Pappas, dated 19 April 2006.

Ian Cox, dated 22 April 2006.

Ian Waters, dated 15 and 19 May 2006.

John Douglas Meyer.

Moira Crowhurst, dated 19 and 21 December 2005.

Peter Ottesen, dated 4 May 2006—

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

20 PRESENTATION OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 9(2)—ACTEW Corporation Limited—Amendments to subsidiary company constitutions—Summary of amendments.

21 TERRITORY-OWNED CORPORATIONS ACT—NOTIFICATION OF VOTING SHAREHOLDERS—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 9(2)—Notification of voting shareholders, dated 29 May 2006—

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

22 PRESENTATION OF PAPERS

Mr Stanhope (Treasurer) presented the following papers:

Statements of Intent—2006-2007

Financial Management Act, pursuant to subsection 62(1)—

ACT Cleaning Industry Long Service Leave Authority, dated 30 May and 1 June 2006.

ACT Construction Industry Long Service Leave Authority, dated 30 May and 1 June 2006.

ACT Gambling and Racing Commission, dated 16 May and 1 June 2006.

ACT Insurance Authority, dated 24 and 31 May 2006.

ACT Public Cemeteries Authority, dated 26 May and 1 June 2006.

Building and Construction Industry Training Fund Authority, dated 29 May and 1 June 2006.

Canberra Institute of Technology, dated 1 June 2006.

Cultural Facilities Corporation, dated 30 May and 1 June 2006.

Exhibition Park Corporation, dated 25 May and 1 June 2006.

Independent Competition and Regulatory Commission, dated 31 May and 1 June 2006.

Land Development Agency, dated 31 May 2006.

Legal Aid Commission, dated 1 June 2006.

Public Trustee for the ACT, dated 1 June 2006.

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

Mr Stanhope (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 18A—

Authorisation of Expenditure from the Treasurer's Advance to ACT Health (2), including statements of reasons, dated 18 May 2006.

Authorisation of Expenditure from the Treasurer's Advance to the ACT Emergency Services Authority, including a statement of reasons, dated 18 May 2006.

Authorisation of Expenditure from the Treasurer's Advance to the Department of Economic Development, including a statement of reasons, dated 18 May 2006.

Authorisation of Expenditure from the Treasurer's Advance to the Department of Education and Training (2), including statements of reasons, dated 18 May 2006.

Authorisation of Expenditure from the Treasurer's Advance to the Department of Urban Services, including a statement of reasons, dated 18 May 2006.

Authorisation of Expenditure from the Treasurer's Advance to the Legislative Assembly, including a statement of reasons, dated 18 May 2006—

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

24 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 17—WILDLIFE CORRIDORS AND DV231—EAST GUNGALIN SUBURBS OF KENNY AND THROSBY AND GOOROOPYARRO NATURE RESERVE—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Mr Corbell (Minister for Planning) presented the following paper:

Planning and Environment—Standing Committee—Report 17—*Wildlife Corridors and DV231—East Gungahlin Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve*—Government response—

and 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.

25 PRESENTATION OF PAPER

Mr Corbell (Minister for Planning) presented the following paper:

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approval of Variation No. 231 to the Territory Plan—East Gungahlin—Suburbs of Kenny, Throsby, part Harrison and Goorooyarroo Nature Reserve, dated 2 June 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

26 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act—Agents Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-18 (LR, 15 May 2006).

Building Act—Building Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-15 (LR, 8 May 2006).

Housing Assistance Act—Housing Assistance Public Rental Housing Assistance Program 2006 (No. 1)—Disallowable Instrument DI2006-90 (LR, 6 June 2006).

Liquor Act—Liquor Licensing Board Appointment 2006—Disallowable Instrument DI2006-75 (LR, 15 May 2006).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No. 5)—Disallowable Instrument DI2006-74 (LR, 11 May 2006).

Road Transport (Third-Party Insurance) Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-17 (LR, 11 May 2006).

Tree Protection Act—Tree Protection Regulation 2006—Subordinate Law SL2006-16 (LR, 9 May 2006).

27 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 4.18 p.m., adjourned until tomorrow at 10.30 a.m.

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

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

LEGAL PROFESSION BILL 2006

Amendments circulated by the Attorney-General

1

Clause 21 (3)

Page 19, line 5—

omit

or admissions board

2

Clause 21 (4)

Page 19, line 11—

omit

subsection (4)

substitute

subsection (3)

3

Clause 27 (5)

Page 23, line 19—

omit

to the admissions board the name, date of birth and

substitute

to the relevant council the name and

4

Clause 428 (2), note 2

Page 328, line 10—

omit

 5

Proposed new clauses 435A, 435B, 435C and 435D
Page 336, line 16—

insert

435A Referral of questions of law to Supreme Court

- (1) The disciplinary tribunal may refer a question of law arising in a proceeding before the disciplinary tribunal to the Supreme Court.
- (2) The disciplinary tribunal may act under subsection (1) on application by a party to the proceeding or on its own initiative.

435B Appeals from disciplinary tribunal to Supreme Court

A party to a proceeding before the disciplinary tribunal may appeal to the Supreme Court against a decision of the disciplinary tribunal in the proceeding.

435C Contempt of disciplinary tribunal

A person commits an offence if the person does something in the face, or within the hearing, of the disciplinary tribunal that would be contempt of court if the disciplinary tribunal were a court of record.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

435D Application of Criminal Code, ch 7

A proceeding before the disciplinary tribunal is a legal proceeding for the Criminal Code, chapter 7 (Administration of justice offences).

Note That chapter includes offences (eg perjury, falsifying evidence, failing to attend and refusing to be sworn) applying in relation to disciplinary tribunal proceedings.

 6

Schedule 3, clause 3.1, definition of *approved indemnity fund*
Page 606, line 5—

omit

 7

Schedule 3, clause 3.2 (1)
Page 606, line 21—

omit

an approved indemnity fund

substitute

the fidelity fund

8**Schedule 3, clause 3.2 (6)****Page 607, line 19—***omit*

an approved indemnity fund

substitute

the fidelity fund

9**Schedule 3, clause 3.2 (7) (b)****Page 607, line 25—***omit*

an approved indemnity fund

substitute

the fidelity fund

10**Schedule 3, clause 3.2 (8)****Page 607, line 27—***omit*

an approved indemnity fund

substitute

the fidelity fund

11**Schedule 3, clause 3.2 (9)****Page 608, line 5—***omit*

an approved indemnity fund

substitute

the fidelity fund

12**Schedule 3, clause 3.2 (11)****Page 608, line 11—***omit*

an approved indemnity fund

substitute

the fidelity fund

13

Schedule 3, clause 3.3 (1) (a)

Page 608, line 20—

omit

the indemnity fund

substitute

the fidelity fund

14

Schedule 3, clause 3.3 (1) (b)

Page 608, line 23—

omit

the indemnity fund

substitute

the fidelity fund
