



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2004–2005–2006**

**MINUTES OF PROCEEDINGS**

**No. 56**

**TUESDAY, 28 MARCH 2006**

---

**1** The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) ordered the bells to be rung. A quorum having been formed, the Speaker 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 RESIGNATION OF MEMBER**

The Speaker informed the Assembly that, pursuant to the resolution of the Assembly of 27 March 1992, he had received a letter from Mr Quinlan resigning his office as a Member of the Legislative Assembly for the Australian Capital Territory.

*Papers:* The Speaker presented the following papers:

Quinlan, Mr T—Resignation of office as Member—

*Australian Capital Territory (Self-Government) Act 1988* (Cwlth), pursuant to subsection 13(3)—Copy of letter of resignation, dated 21 March 2006.

Copy of letter from the Speaker to the Acting Electoral Commissioner, ACT Electoral Commission, dated 21 March 2006.

**3 PAIRING ARRANGEMENTS—STATEMENT BY MEMBER**

Mrs Burke, by leave, made a statement regarding pairing arrangements.

**4 LEAVE OF ABSENCE TO MEMBER**

Mrs Burke moved—That leave of absence be given to Mr Smyth (Leader of the Opposition) for the sitting period 28 to 30 March 2006.

Question—put and passed.

**5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 23—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 23, dated 27 March 2006, together with the relevant minutes of proceedings—

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

**6 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—REPORT 2—REPORT ON ANNUAL AND FINANCIAL REPORTS 2004-2005—PUBLICATION OF REPORT—REPORT NOTED**

Ms Porter (Chair) presented the following report:

Education, Training and Young People—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*, dated 21 March 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.

Ms Porter moved—That the report be noted.

Question—put and passed.

**7 WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—INTERIM REPORT—PUBLICATION OF REPORT—REPORT NOTED**

Mr Gentleman (Chair) presented the following report:

Working Families in the Australian Capital Territory—Select Committee—Interim Report, dated 27 March 2006, including additional comments (*Mrs Burke*), 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.

Question—put and passed.

**8 CIVIL UNIONS BILL 2006**

Mr Stanhope (Attorney-General), by leave, presented a Bill for an Act to provide for civil unions, 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 27 March 2006.

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.

## 9 MOTOR SPORT (PUBLIC SAFETY) BILL 2006

The Assembly, according to order, resumed debate at the detail state.

---



---

### *Detail Stage*

Bill as a whole—

On the motion of Mr Stanhope (Acting Treasurer), his amendments Nos. 1 to 33 (*see* [Schedule 1](#)) were made together.

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

*Proposed new clause—*

Mr Stefaniak moved his amendment No. 1 (*see* [Schedule 2](#)), which inserts a new clause 33A in the Bill.

Debate continued.

Amendment negatived.

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

---



---

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

## 10 DOMESTIC ANIMALS (VALIDATION OF FEES) 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.

## 11 QUESTIONS

Questions without notice were asked.

## 12 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT—NO. 1/2006—REGULATION OF CHARITABLE COLLECTIONS AND INCORPORATED ASSOCIATIONS—PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 1/2006—Regulation of Charitable Collections and Incorporated Associations, dated 27 March 2006.

Mr Corbell (Manager of Government Business), by leave, moved—That the Assembly authorises the publication of Auditor-General's Report No. 1/2006.

Question—put and passed.

**13 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:

Brett Phillips, dated 23 February 2006.

Darro Stinson, dated 16 February and 6 March 2006.

Diane Spooner, dated 28 February 2006.

Greg Ellis, dated 27 February 2006.

Maureen Sheehan, dated 10 March 2006.

Meredith Whitten, dated 7 March 2006.

Long-term contracts:

Faye Powell, dated 7 March 2006.

Greg Ellis, dated 27 February 2006.

Jacqui Lavis, dated 7 March 2006.

Short-term contracts:

Elizabeth Kelly, dated 3 February 2006.

Leanne Power, dated 10 March 2006—

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

**14 TRANS-TASMAN MUTUAL RECOGNITION ACT—TRANS-TASMAN MUTUAL RECOGNITION (COMMONWEALTH REGULATIONS) ENDORSEMENT 2006 (NO. 1)—NOTIFIABLE INSTRUMENT NI2006-84—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister) presented the following paper:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2006 (No. 1)—Notifiable Instrument NI2006-84, dated 10 March 2006—

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

**15 CULTURAL FACILITIES CORPORATION ACT—CULTURAL FACILITIES CORPORATION—QUARTERLY REPORT—SECOND QUARTER 2005-2006—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Minister for Arts, Heritage and Indigenous Affairs) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report—Second quarter 2005-2006 (1 October to 31 December 2005)—

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

**16 SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM—  
BILATERAL AGREEMENT BETWEEN THE COMMONWEALTH AND  
THE A.C.T.—PAPER AND STATEMENT BY MINISTER**

Mr Hargreaves (Minister for Disability, Housing and Community Services) presented the following paper:

Supported Accommodation Assistance Program—Bilateral Agreement between the Commonwealth and the ACT, dated January 2006—

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

**17 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—

Canberra Institute of Technology Act—Canberra Institute of Technology (Fees) Determination 2006—Disallowable Instrument DI2006-36 (LR, 2 March 2006).

Drugs of Dependence Act—Drugs of Dependence (Treatment Assessment Panel) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-49 (LR, 16 March 2006).

Health Professionals Act—

Health Professionals Pharmacy Board Appointment 2006 (No. 1)—Disallowable Instrument DI2006-48 (LR, 16 March 2006).

Health Professionals Podiatrists Board Appointment 2006 (No. 1)—Disallowable Instrument DI2006-50 (LR, 16 March 2006).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-39 (LR, 6 March 2006).

Legal Aid Act—Legal Aid (Commissioner (Law Society Nominee)) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-45 (LR, 9 March 2006).

Public Trustee Act—Public Trustee (Investment Board) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-46 (LR, 13 March 2006).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No. 4)—Disallowable Instrument DI2006-35 (LR, 2 March 2006).

Road Transport (General) (Taxi Licence and Stand-by Hire Car Permit Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-37 (LR, 6 March 2006).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2006 (No. 1)—Disallowable Instrument DI2006-44 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Bus Services) Approval 2006 (No. 1)—Disallowable Instrument DI2006-40 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Hire Car Services (Other Than Restricted Hire Car Services)) Approval 2006 (No. 1)—Disallowable Instrument DI2006-42 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Restricted Hire Car Services) Approval 2006 (No. 1)—Disallowable Instrument DI2006-43 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Taxi Services) Approval 2006 (No. 1)—Disallowable Instrument DI2006-41 (LR, 9 March 2006).

Transplantation and Anatomy Act—

Transplantation and Anatomy (Designated Officers) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-38 (LR, 2 March 2006).

Transplantation and Anatomy (Designated Officers) Revocation 2006 (No. 1)—Disallowable Instrument DI2006-51 (LR, 16 March 2006).

Utilities Act—Utilities Exemption 2006 (No. 1)—Disallowable Instrument DI2006-47 (LR, 16 March 2006).

## **18 THE CANBERRA PLAN—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Stanhope (Chief Minister), by leave, made a ministerial statement concerning The Canberra Plan and presented the following paper:

The Canberra Plan—Ministerial statement, 28 March 2006.

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

Question—put and passed.

## **19 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CHILDREN'S HEALTH PROGRAMS**

The Assembly was informed that Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt and Mr Seselja 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 Ms MacDonald be submitted to the Assembly, namely, “The importance of implementing programs to encourage healthy and active children in the ACT.”.

Discussion ensued.

Discussion concluded.

## **20 ROAD TRANSPORT (ALCOHOL AND DRUGS) 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.

**21 ADJOURNMENT**

Mr Hargreaves (Minister for Urban Services) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.28 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

# SCHEDULES OF AMENDMENTS

## Schedule 1

### MOTOR SPORT (PUBLIC SAFETY) BILL 2006

Amendments circulated by the Treasurer

---

**1**

**Clause 7 (1)**

**Page 4, line 14—**

*omit*

chief executive

*substitute*

Minister

---

**2**

**Clause 7 (2)**

**Page 4, line 16—**

*omit*

chief executive

*substitute*

Minister

---

**3**

**Clause 8 (1)**

**Page 5, line 2**

*omit*

chief executive

*substitute*

Minister

---

**4**

**Clause 8 (2)**

**Page 5, line 8**

*omit clause 8 (2), substitute*

- (2) The Minister may, in writing, require the applicant to give the Minister additional information or documents that the Minister reasonably needs to decide the application.
-



---

5

**Clause 8 (3)**  
**Page 5, line 11**

*omit*

chief executive

*substitute*

Minister

---

6

**Clause 9 (1)**  
**Page 5, line 15—**

*omit*

chief executive

*substitute*

Minister

---

7

**Clause 9 (2)**  
**Page 5, line 18—**

*omit*

chief executive

*substitute*

Minister

---

8

**Clause 9 (3)**  
**Page 5, line 22—**

*omit*

chief executive

*substitute*

Minister

---

9

**Clause 9 (3) (a)**  
**Page 5, line 23—**

*omit*

chief executive

*substitute*

Minister

---

---

**10****Clause 9 (4)****Page 5, line 27—***omit*

chief executive

*substitute*

Minister

---

**11****Clause 9 (5) (b)****Page 6, line 4—***omit clause 9 (5) (b), substitute*

- (b) the motor vehicle racing place, including any building or facility to which the licence relates; and

---

**12****Clause 10 (3)****Page 7, line 5—***omit*

chief executive

*substitute*

Minister

---

**13****Clause 10 (4)****Page 7, line 10—***omit*

chief executive

*substitute*

Minister

---

**14****Clause 10 (4) (a)****Page 7, line 12—***omit*

chief executive

*substitute*

Minister

---

---

**15**  
**Clause 10 (4) (b)**  
**Page 7, line 15—**

*omit*  
chief executive  
*substitute*  
Minister

---

**16**  
**Clause 10 (4) (c)**  
**Page 7, line 18—**

*omit*  
chief executive  
*substitute*  
Minister

---

**17**  
**Clause 11 (1)**  
**Page 7, line 24—**

*omit*  
chief executive  
*substitute*  
Minister

---

**18**  
**Clause 11 (3)**  
**Page 8, line 3—**

*omit*  
chief executive  
*substitute*  
Minister

---

**19**  
**Clause 14 (1) (a)**  
**Page 8, line 24—**

*omit*  
chief executive  
*substitute*  
Minister

---

---

**20****Clause 16 (1)****Page 9, line 26—**

*omit everything before paragraph (a), substitute*

- (1) If the Minister proposes to take disciplinary action in relation to a licensee, the Minister must give the licensee a written notice (a *disciplinary notice*) that—

---

**21****Clause 16 (1) (c)****Page 10, line 7—**

*omit*

chief executive

*substitute*

Minister

---

**22****Clause 16 (2)****Page 10, line 8—**

*omit clause 16 (2), substitute*

- (1) In deciding whether to take the disciplinary action, the Minister must consider any response given to the Minister in accordance with the disciplinary notice.

---

**23****Clause 16 (3)****Page 10, line 11—**

*omit clause 16 (3), substitute*

- (3) If the Minister is satisfied that a ground for taking disciplinary action has been established in relation to the licensee, the Minister may take the proposed disciplinary action.

---

**24****Clause 16 (4)****Page 10, line 14—**

*omit clause 16 (4), substitute*

- (4) The Minister must give the licensee written notice of the Minister's decision.
-

---

**25**

**Clause 17 (1)**

**Page 10, line 23—**

*omit*

chief executive

*substitute*

Minister

---

**26**

**Clause 17 (2)**

**Page 10, line 25—**

*omit*

chief executive

*substitute*

Minister

---

**27**

**Clause 17 (3)**

**Page 10, line 27—**

*omit*

chief executive

*substitute*

Minister

---

**28**

**Clause 17 (3) (a)**

**Page 11, line 1—**

*omit*

chief executive

*substitute*

Minister

---

**29**

**Clause 17 (3) (b)**

**Page 11, line 4—**

*omit*

chief executive

*substitute*

Minister

---

---

**30****Clause 17 (5) (b)****Page 11, line 17—***omit*

chief executive

*substitute*

Minister

---

**31****Clause 18 (2)****Page 11, line 22—***omit*

chief executive

*substitute*

Minister

---

**32****Clause 31****Page 19, line 8—***omit clause 31, substitute***31****Minister to consider advisory committee advice etc**

In exercising a function under this Act (other than a function under division 2.2 (Disciplinary action)), the Minister must consider any relevant information or advice given to the Minister by an advisory committee.

---

**33****Clause 33 (2)****Page 20, line 14—***omit clause 33 (2), substitute*

- (2) If the Minister makes a reviewable decision, the Minister must give written notice of the decision to everyone affected by the decision.
-

## **Schedule 2**

### **MOTOR SPORT (PUBLIC SAFETY) BILL 2006**

---

Amendment circulated by Mr Stefaniak

---

**1**

**Proposed new clause 33A**

**Page 21, line 1—**

*insert*

#### **33A Application of Act—certain activities**

- (1) This Act does not apply to any of the following activities conducted at the Fairbairn Park facility:
  - (a) speedway racing;
  - (b) go-cart racing;
  - (c) motor cycle racing;
  - (d) hill climb racing.
- (2) In this section:

***Fairbairn Park facility*** means the area known as the Fairbairn Park Facility at blocks 306 and 601 Majura in the ACT.

---