

**2001–2002**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 9**

**WEDNESDAY, 6 MARCH 2002**

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- 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 Stefaniak, from 191 residents, requesting that the Assembly support the urgent construction of a toilet facility at the Cook shops, Cook.

**3 POLICE INVESTIGATION – STATEMENT BY SPEAKER**

The Speaker made a statement concerning a police investigation regarding computer security in the Legislative Assembly building.

**4 FAIR TRADING AMENDMENT BILL 2002**

Ms Tucker, pursuant to notice, presented a Bill for an Act to amend the *Fair Trading Act 1992*.

*Paper:* Ms Tucker presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Tucker 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 ELECTORAL AMENDMENT BILL 2002

Ms Tucker, pursuant to notice, presented a Bill for an Act to amend the *Electoral Act 1992*.

*Paper:* Ms Tucker presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Tucker 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.

## 6 BROADCASTING GUIDELINES FOR THE LEGISLATIVE ASSEMBLY

Ms Dundas, pursuant to notice, moved – That

(A) pursuant to section 5 of the *Legislative Assembly (Broadcasting) Act 2001*, the following guidelines apply to the broadcast, or record for broadcast of public proceedings of the Legislative Assembly or a committee of the Assembly:

### **Guidelines for the Broadcasting of Public Proceedings of the Legislative Assembly and its Committees**

The broadcasting, or recording for broadcasting, of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast or record for broadcast proceedings shall be on the basis of an undertaking to observe these conditions.

- (1) A person who has been granted electronic access to proceedings shall observe the following conditions:
  - (a) as a general principle, cameras should focus on the Member or witness with the call;
  - (b) reaction shots of a Member are only permitted if:
    - (i) the Member is referred to in debate;
    - (ii) the Member has sought information which is being supplied by a Member having the call;
  - (c) coverage of the Galleries is not permitted;
  - (d) panning along the Benches is not permitted;
  - (e) close-up shots of Members' papers are not permitted;
  - (f) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly;
  - (g) any instruction from the Speaker or the Speaker's delegate is to be observed.
- (2) Broadcast of proceedings shall be from the signal transmitted by landline or from the Assembly's narrowcast to building occupants.
- (3) Broadcasts of public proceedings should contain a fair and accurate reporting of events and must not be used for:
  - (a) the purpose of satire or ridicule;
  - (b) advertising for or by political parties or electioneering; nor

- (c) commercial advertising or sponsorship.
  - (4) Points of order and remarks that are withdrawn may not be rebroadcast.
  - (5) A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded and broadcast. A witness shall be given reasonable opportunity to object to the recording and/or broadcast of their evidence and state the ground of the objection.
  - (6) Persons/organisations wishing to broadcast or record for broadcast the public proceedings of the Legislative Assembly and its committees must complete the relevant form.
  - (7) Persons/organisations intending to record visual images in the Chamber and/or Committee Rooms must seek the approval of the Speaker (in the case of the Assembly) or the Committee Chair (in the case of a Committee) in writing giving reasonable notice; and
- (B) That, pursuant to Section 6 of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly:
- (1) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly; and
  - (2) delegate to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee.
- (C) That the Clerk is authorised to approve the transmission of public proceedings of the Assembly or a committee via landlines to public service agencies, subject to the agency agreeing to the following conditions:
- (1) they agree to provide, or arrange for the provision of, the telecommunication lines and other equipment necessary for the access (the access equipment);
  - (2) pay the costs and expenses of connecting the access equipment to the recording and transmission facilities of the Legislative Assembly; and
  - (3) pay the costs and expenses of maintaining the access equipment; and
  - (4) pay the costs and expenses of the Legislative Assembly Secretariat in giving access to the proceedings by the access equipment;
  - (5) no broadcast of proceedings may be made for;
    - (i) the purpose of satire or ridicule;
    - (ii) advertising for or by political parties or electioneering; nor
    - (iii) commercial advertising or sponsorship;
  - (6) The relevant agency seek the approval of the Clerk to gain access to the recording and transmission facilities, stating the number of employees that require access to the broadcast.

Mr Hargreaves moved – That the debate be adjourned.

Question – put and passed.

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

Mr Hargreaves moved the following amendment: That all words after “that” be omitted and the following be substituted:

“Notwithstanding the provisions of standing orders 16 and 77, resumption of debate on this matter be made an order of the day from the resumption of debate on the motion to take note of Report No. 1 of the Standing Committee on Administration and Procedure relating to Conditions of Broadcasting proceedings and delegation of power to withdraw right to broadcast.”.

Question – That Mr Hargreaves’ amendment be agreed to – put and passed.

Question – That the motion, as amended, viz:

That notwithstanding the provisions of standing orders 16 and 77, resumption of debate on this matter be made an order of the day from the resumption of debate on the motion to take note of Report No. 1 of the Standing Committee on Administration and Procedure relating to Conditions of Broadcasting proceedings and delegation of power to withdraw right to broadcast –

be agreed to – put and passed

## **7 INTRODUCTION OF SENTENCING GUIDELINES**

Mr Stefaniak, pursuant to notice, moved – That this Assembly notes:

- (1) the falling crime rates in the A.C.T. attributed by the Police in part to reforms made to the Bail Act in 2001;
- (2) the stated intention of the Government to wind back the reforms made in 2001 to the Crimes Act to empower the Police to deal effectively with crime;
- (3) the Chief Minister’s statement over the weekend on sentencing review; and
- (4) calls on the Government to introduce Sentencing Guidelines and maintain an uncompromising stance for the protection of A.C.T. citizens.

Debate ensued.

Mr Stanhope (Attorney-General), by leave, was granted an extension of time.

Debate continued.

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

Debate continued.

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

Debate continued.

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

Question – That the motion be agreed to – put.

The Assembly voted –

Ayes, 5

Noes, 8

Mr Cornwell

Mrs Dunne

Mr Pratt

Mr Smyth

Mr Stefaniak

Mr Berry

Mr Corbell

Ms Dundas

Ms Gallagher

Ms MacDonald

Mr Quinlan

Mr Stanhope

Ms Tucker

And so it was negatived.

**8 QUESTIONS**

Questions without notice were asked.

**9 PAPERS**

Mr Corbell (Minister for Planning), having added to an answer, presented the following papers:

Gungahlin Drive Extension Western Alignment – Study Briefs –

Evaluation of Environmental Issues (Brief No. AC 01–11), dated January 2002.

Engineering Feasibility Study (Brief No. AC 01–9), dated November 2001.

**10 POLICE INVESTIGATION – STATEMENT BY MEMBER**

Mr Humphries (Leader of the Opposition), by leave, made a statement regarding allegations of misconduct relating to email use by a staff member.

**11 LAND (PLANNING AND ENVIRONMENT) ACT – LEASES GRANTED – PAPER AND STATEMENT BY MINISTER**

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

Land (Planning and Environment) Act – Schedule of Lease Variations and change of use charges for the period 1 October 2001 to 31 December 2001 – Schedule of Leases granted for the period 1 October 2001 to 31 December 2001 –

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

**12 AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION’S SAFETY NET REVIEW 2002 – GOVERNMENT SUBMISSION**

Ms Gallagher, pursuant to notice, moved – That the Legislative Assembly:

- (1) support the recent submission by the A.C.T. Government as part of the Safety Net Review 2002 undertaken by the Australian Industrial Relations Commission; and
- (2) congratulate the Government on its intervention in this important area of social policy in support of achieving a real living wage for working families in the A.C.T..

Debate ensued.

Ms Dundas moved an amendment: Omit paragraph (2) and substitute the following words:

“Acknowledge the Government’s positive intervention in this important area of social policy, in support of achieving a real living wage for working people in the A.C.T.”.

Debate continued.

Question – That Ms Dundas’ amendment be agreed to – put and passed.

Debate continued.

Question – That the motion, as amended, viz:

That the Legislative Assembly:

- (1) support the recent submission by the A.C.T. Government as part of the Safety Net Review 2002 undertaken by the Australian Industrial Relations Commission; and

- (2) acknowledge the Government's positive intervention in this important area of social policy, in support of achieving a real living wage for working people in the A.C.T. –

be agreed to – put and passed.

### **13 DISCRIMINATION AGAINST WOMEN**

Ms Dundas, pursuant to notice, moved – That the Assembly:

- (1) believes that every woman should be free from discrimination on the basis of gender;
- (2) endorses the role of international conventions in protecting human rights, including the right to be free from discrimination; and
- (3) directs the Chief Minister and Minister for Women to write to the Prime Minister and the Minister Assisting the Prime Minister for the Status of Women calling for Australia's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, as soon as is practicable.

Debate ensued.

Mrs Cross moved the following amendment: Omit paragraph (3) and substitute:

- “(3) Calls on the Chief Minister and Minister for Women to write to the Prime Minister to request the reasons why Australia is yet to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, as soon as is practicable.”.

Debate continued.

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

Question – put and negatived.

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Debate continued.

Question – That Mrs Cross' amendment be agreed to – put.

The Assembly voted –

Ayes, 7

Noes, 10

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

And so it was negatived.

Question proposed – That the motion be agreed to –

Debate continued.

Question – That the motion be agreed to – put.

Mr Stefaniak moved – That the question be divided.

Question – That the question be divided – put.

The Assembly voted –

Ayes, 8

Noes, 8

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

And so it was negated in accordance with standing order 162.

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

#### **14 ADJOURNMENT**

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

Question – put and passed.

And then the Assembly, at 5.52 p.m., adjourned until tomorrow at 10.30 a.m..

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

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**M J McRAE**  
Clerk of the Legislative Assembly