

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 19

THURSDAY, 5 MAY 2005

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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 **UTILITIES (SHORTAGE OF ESSENTIAL SERVICES) AMENDMENT BILL 2005**

Mr Stanhope (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Utilities Act 2000*.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Title read by Clerk.

Mr Stanhope moved—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 the next sitting.

3 **WATER RESOURCES AMENDMENT BILL 2005**

Mr Stanhope (Minister for the Environment), pursuant to notice, presented a Bill for an Act to amend the *Water Resources Act 1998*, 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 4 May 2005.

Title read by Clerk.

Mr Stanhope 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.

**4 PRESENTATION OF PAPER**

Mr Quinlan (Treasurer) presented the following paper:  
Appropriation Bill 2005-2006—Explanatory statement.

**5 REVENUE LEGISLATION AMENDMENT BILL 2005**

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*, the *Land Tax Act 2004*, the *Payroll Tax Act 1987* and the *Rates Act 2004*.

*Papers:* Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Title read by Clerk.

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

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

**6 GAMING MACHINE AMENDMENT BILL 2005 (NO 2)**

Mr Quinlan (Minister for Racing and Gaming), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*.

*Papers:* Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Title read by Clerk.

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

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

**7 UNIT TITLES (STAGED DEVELOPMENT) AMENDMENT BILL 2005**

Mr Corbell (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Unit Titles Act 2001*, and for other purposes.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Title read by Clerk.

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

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

## 8 CONSTRUCTION OCCUPATIONS LEGISLATION AMENDMENT BILL 2005

Mr Corbell (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the law relating to construction occupations, and for other purposes.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 4 May 2005.

Title read by Clerk.

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

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

## 9 WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—APPOINTMENT

Mr Gentleman, pursuant to notice, moved—That:

- (1) a Select Committee on Working Families in the Australian Capital Territory be appointed to examine the effect on working families in relation to health costs, effects of industrial relations changes, adjustments by the Commonwealth Grants Commission and the allocation of funds by the Commonwealth, impacts on current or potential ACT legislation by the Commonwealth and any other related matter;
- (2) the Committee be composed of:
  - (a) two members to be nominated by the Government; and
  - (b) one member to be nominated by the Opposition;
 to be notified in writing to the Speaker within four hours after the passing of this resolution;
- (3) the Committee report by the first sitting day in August 2006 and that the Committee also provide interim reports on its progress; and
- (4) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Mr Mulcahy moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Ms Gallagher	Mr Quinlan
Mr Mulcahy		Mr Gentleman	Mr Stanhope
Mr Pratt		Mr Hargreaves	

And so it was negatived.

Debate continued.

Mr Smyth (Leader of the Opposition) moved the following amendment: Paragraph (3), omit “August 2006”, substitute “December 2005”.

Debate continued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Ms Gallagher	Mr Quinlan
Mr Mulcahy		Mr Gentleman	Mr Stanhope
Mr Pratt		Mr Hargreaves	

And so it was negatived.

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

**10 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—REPORT 1—REPORT ON 2003 TO 2004 ANNUAL AND FINANCIAL REPORTS—PUBLICATION OF REPORT—REPORT NOTED**

Ms Porter (Chair) presented the following report:

Education, Training and Young People—Standing Committee—Report 1—*Report on 2003 to 2004 Annual and Financial Reports*, dated 19 April 2005, 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.

Debate ensued.

Question—put and passed.

**11 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 8—INQUIRY INTO REFERRED ANNUAL AND FINANCIAL REPORTS 2003-2004—PUBLICATION OF REPORT—REPORT NOTED**

Mr Gentleman (Chair) presented the following report:

Planning and Environment—Standing Committee—Report 8—*Inquiry into Referred Annual and Financial Reports 2003-2004*, dated 4 May 2005, including additional comments (*Mr Seselja*), 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.

**12 PEST PLANTS AND ANIMALS BILL 2005**

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne—That the Bill be referred to the Standing Committee on Planning and Environment—

Debate resumed.

Question—put and negatived.

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*Detail Stage*

Bill, by leave, taken as a whole—

Dr Foskey, by leave, moved her amendments Nos. 1, 3, 6, 8, 11 to 20 and 23 to 26 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

On the motion of Dr Foskey, by leave, her amendments Nos. 2, 4, 5, 7, 9, 10, 21 and 22 were made together, after debate (*see* [Schedule 1](#)).

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

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

**13 LONG SERVICE LEAVE AMENDMENT BILL 2005**

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.

Mr Mulcahy addressing the Assembly—

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.

**14 STANDING ORDER 118A—STATEMENT BY SPEAKER**

The Speaker made a statement concerning his ruling on standing order 118A at the conclusion of question time yesterday.

**15 QUESTIONS**

Questions without notice were asked.

It being 3 p.m., business was interrupted pursuant to the resolution of the Assembly of 3 May 2005.

**16 APPROPRIATION BILL 2005-2006**

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.

*Paper:* Mr Mulcahy, by leave, presented the following paper:

Budget 2005-2006—Address by Mr Mulcahy to the Canberra Business Council, Wednesday, 4 May 2005.

Debate continued.

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

*Estimates 2005-2006—Select Committee—Reference—Appropriation Bill 2005-2006:* Mr Quinlan (Treasurer), pursuant to standing order 174, moved—That the Appropriation Bill 2005-2006 be referred to the Select Committee on Estimates 2005-2006.

Question—put and passed.

## **17 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Quarterly travel report—Non-Executive MLAs—1 January to 31 March 2005.

## **18 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT—NO. 2 2005—DEVELOPMENT APPLICATION AND APPROVAL PROCESS—PUBLICATION OF PAPER**

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 2 2005—Development Application and Approval Process, dated 4 May 2005.

Mr Corbell (Manager of Government Business), by leave, moved—That the Assembly authorises the publication of the Auditor-General's Report No. 2 2005.

Question—put and passed.

## **19 WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—MEMBERSHIP**

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that he had been notified, in writing, of the nominations of Mrs Burke, Mr Gentleman and Ms Porter to be members of the Select Committee on Working Families in the Australian Capital Territory.

Mr Corbell (Manager of Government Business) moved—That the Members so nominated be appointed as members of the Select Committee on Working Families in the Australian Capital Territory.

Question—put and passed.

## **20 FINANCIAL MANAGEMENT ACT—QUARTERLY DEPARTMENTAL PERFORMANCE REPORT—DEPARTMENT OF DISABILITY, HOUSING AND COMMUNITY SERVICES—CORRIGENDUM—PAPER AND STATEMENT BY MINISTER**

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

Financial Management Act, pursuant to section 30A—Quarterly Departmental Performance Report for the March Quarter 2004-2005—Department of Disability, Housing and Community Services—Corrigendum, dated May 2005—

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

**21 PRESENTATION OF PAPERS**

Mr Stanhope (Chief Minister) presented the following papers:

Public Accounts—Standing Committee—Report 11—The General Agreement on Trade in Services (GATS) with special reference to the Australian Capital Territory (*presented 24 August 2004*)—Government response, dated May 2005.

Community Services and Social Equity—Standing Committee—Report 6—The forgotten victims of crime: families of offenders and their silent sentence (*presented 22 June 2004*)—Government response.

**22 PRESENTATION OF PAPER**

Mr Stanhope (Attorney-General) presented the following paper:

Legal Aid Act, pursuant to subsection 8(4)—Commonwealth Legal Aid Agreement Direction 2005, dated 19 April 2005, together with an explanatory statement and an Agreement between the Commonwealth of Australia and the ACT in relation to the provision of legal assistance services.

**23 PRESENTATION OF PAPER**

Mr Quinlan (Minister for Tourism) presented the following paper:

Australian Capital Tourism Corporation Act, pursuant to subsection 28(2)—Australian Capital Tourism Corporation—Quarterly report—1 January to 31 March 2005.

**24 PRESENTATION OF PAPERS**

Mr Corbell (Minister for Health) presented the following papers:

Calvary Public Hospital—Information Bulletin—Patient Activity Data—External Distribution—March 2005.

The Canberra Hospital—Information Bulletin—Patient Activity Data—March 2005.

**25 PRESENTATION OF PAPER**

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

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 January to 31 March 2005.

**26 PRESENTATION OF PAPER**

Ms Gallagher (Minister for Education and Training), pursuant to the resolution of the Assembly of 24 May 2000, presented the following paper:

Indigenous Education—Ninth Six Monthly report—1 March to 31 August 2004.

**27 PRESENTATION OF PAPERS**

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

**Annual report**

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2004, including financial statements, dated April 2005.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Taxation Administration Act—

Taxation Administration (Land Tax) Determination 2005 (No. 1)—Disallowable Instrument DI2005-60 (LR, 29 April 2005).

Taxation Administration (Rates Rebate Cap) Determination 2005 (No. 1)—Disallowable Instrument DI2005-59 (LR, 29 April 2005).

**28 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.25 p.m. adjourned until tomorrow at 9.30 a.m.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly



## SCHEDULE OF AMENDMENTS

### Schedule 1

#### PEST PLANTS AND ANIMALS BILL 2005

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Amendments circulated by Dr Foskey

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1

**Clause 7 (2) (a)**

**Page 4, line 9—**

*omit*

chief executive

*substitute*

conservator

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2

**Clause 7 (2) (d)**

**Page 4, line 12—**

*before*

supply

*insert*

propagation and

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3

**Clause 9 (d)**

**Page 5, line 14—**

*omit*

chief executive

*substitute*

conservator

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4

**Proposed new clause 9A**

**Page 5, line 18—**

*insert*

**9A Propagation of prohibited pest plant**

- (1) A person commits an offence if—
- (a) the person propagates a plant; and
  - (b) the plant is a prohibited pest plant; and

- (c) the person is reckless about whether the plant is a prohibited pest plant.

Maximum penalty: 50 penalty units.

- (2) This section does not apply if the propagation is done—
- (a) by an entity prescribed by regulation; or
  - (b) under a permit.

**5**

**Clause 13 heading**

**Page 7, line 8—**

*omit the heading, substitute*

**13 Permit to propagate or supply prohibited pest plant**

**6**

**Clause 13 (1)**

**Page 7, line 9—**

*omit*

chief executive

*substitute*

conservator

**7**

**Clause 13 (1)**

**Page 7, line 10—**

*before*

supply

*insert*

propagate or

**8**

**Clause 13 (2)**

**Page 7, line 11—**

*omit*

chief executive

*substitute*

conservator

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9

**Clause 13 (2)**

**Page 7, line 11—**

*before*

supply

*insert*

propagation or

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10

**Clause 13 (2)**

**Page 7, line 12—**

*before*

supply

*insert*

propagation or

---

11

**Clause 13 (3)**

**Page 7, line 16—**

*omit*

chief executive

*substitute*

conservator

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12

**Clause 15 (2) (a)**

**Page 9, line 9—**

*omit*

chief executive

*substitute*

conservator

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13

**Clause 17 (d)**

**Page 10, line 11—**

*omit*

chief executive

*substitute*

conservator

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**14****Clause 22 (1)****Page 12, line 19—***omit*

chief executive

*substitute*

conservator

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**15****Clause 22 (2)****Page 12, line 21—***omit*

chief executive

*substitute*

conservator

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**16****Clause 22 (3)****Page 13, line 2—***omit*

chief executive

*substitute*

conservator

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**17****Clause 24 heading****Page 14, line 2—***omit***chief executive***substitute***conservator**

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**18****Clause 24 (1)****Page 14, line 3—***omit*

chief executive

*substitute*

conservator

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**19****Clause 24 (3)****Page 14, line 17—***omit*

chief executive

*substitute*

conservator

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**20****Clause 27 (4)****Page 15, line 21—***omit*

chief executive

*substitute*

conservator

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**21****Clause 48 (a)****Page 33, line 4—***before*

supply

*insert*

propagate or

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**22****Clause 48 (b)****Page 33, line 6—***before*

supply

*insert*

propagate or

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**23****Clause 48 (e)****Page 33, line 13—***omit*

chief executive

*substitute*

conservator

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**24****Proposed new clause 51A****Page 34, line 15—***insert***51A Delegation of conservator's functions**

The conservator may delegate the conservator's functions under this Act to—

- (a) a public employee; or
- (b) an authorised person; or
- (c) a person prescribed by regulation.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

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**25****Dictionary, note 2, new dot point****Page 41, line 6—***insert*

- conservator of flora and fauna
- 

**26****Dictionary, proposed new definition****Page 41, line 18—***insert*

- ***conservator*** means the conservator of flora and fauna.
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