



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2004–2005–2006–2007–2008**

**MINUTES OF PROCEEDINGS**

**No. 132**

**THURSDAY, 6 MARCH 2008**

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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 Mulcahy, from 20 residents, requesting that the Assembly disallow any planning application to fence in Griffith Oval (No. 1).

**3 TOBACCO AMENDMENT BILL 2008**

Ms Gallagher (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Tobacco Act 1927*, and for other purposes.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 March 2008.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

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

#### 4 CHILDREN AND YOUNG PEOPLE BILL 2008

Ms Gallagher (Minister for Children and Young People), pursuant to notice, presented a Bill for an Act about the welfare of children and young people, and for other purposes.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 March 2008.

Title read by Clerk.

Ms Gallagher 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.

#### 5 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to justice and community safety.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 March 2008.

Title read by Clerk.

Mr Corbell 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.

#### 6 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 2—REVIEW OF STANDING ORDERS AND OTHER ORDERS OF THE ASSEMBLY (2 VOLUMES)—REPORT ADOPTED

The order of the day having been read for the resumption of the debate on the motion of Mr Smyth—That the report be adopted (*presented 6 December 2007*):

Administration and Procedure—Standing Committee—Report 2—*Review of standing orders and other orders of the Assembly* (2 volumes)—

Debate resumed.

Mrs Dunne moved the following amendment: Add the following words: “and the following new standing orders be adopted:

##### Chapter 20

##### Committees

(1) Add new standing order after standing order 215:

215A The Assembly shall, as a minimum, establish standing committees on:

(a) Scrutiny of Bills and Subordinate Legislation;

- (b) Public Accounts; and
  - (c) Planning.
- (2) Amendment to standing order 217: After ‘select committees’, insert ‘And the Assembly must establish a select committee on estimates to enquire into the annual budget.’.
- (3) Amendment to standing order 225: Add ‘In the case of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, the Standing Committee on Public Accounts and the Select Committee on Estimates, the Chair shall be a member of the Opposition.’.”.

Debate continued.

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It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

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Debate continued.

Question—That Mrs Dunne’s amendment be agreed to—put.

Ordered—That the question be divided.

Part (1) negatived.

Part (2) negatived.

Part (3) negatived.

Mr Smyth, by leave, moved the following amendment: Add the following words “with the following changes to the proposed amendments and a new amendment:

- (1) Proposed amendment 18: After ‘substitute’, omit ‘Assistant’, substitute ‘Deputy’.
- (2) Add new proposed amendment 93A:  
 Standing order 140, after ‘amend’, insert ‘and an amendment which omits a substantial part of a motion or offers an alternative proposition will not be accepted.’.”.

Mr Smyth addressing the Assembly—

The extended time allotted to Assembly business having expired—

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*Suspension of standing orders—Continuation of debate:* Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the Assembly completing its discussion on order of the day No. 1, Assembly business, by 12.30 p.m. today.

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

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Debate continued.

Question—That Mr Smyth’s amendment be agreed to—put and negatived.

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

**7 HEALTH AND DISABILITY—STANDING COMMITTEE—INQUIRY—EARLY INTERVENTION AND CARE OF VULNERABLE INFANTS IN THE ACT—STATEMENT BY CHAIR**

Ms MacDonald (Chair), by leave, informed the Assembly that the Standing Committee on Health and Disability had resolved to conduct an inquiry into, and report on, the early intervention and care of vulnerable infants in the ACT.

**8 QUESTIONS**

Questions without notice being asked—

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

Balloon Fiesta—Copy of Event Budget A: Flagship Event—Year 1—2008.

Questions continued.

*Paper:* Mr Stanhope (Chief Minister) presented the following paper:

School closures—Schools may have to merge, but where’s Labor’s planning—Copy of media release from Mr Pratt, Wednesday, 11 August 2004.

Questions continued.

**9 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds from the Department of Territory and Municipal Services to Chief Minister’s Department, including a statement of reasons, dated 5 March 2008—

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

**10 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Committee reports—Schedule of Government responses—March 2008.

**11 PRESENTATION OF PAPERS**

Mr Corbell (Attorney-General) presented the following papers:

ACT Property Crime Reduction Strategy 2004-2007—“*Building a safer community*”—Third progress report.

Administration of Justice—ACT Criminal Justice—Statistical Profile—December quarter 2007—Revised.

**12 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—

Building Act—Building (General) Regulation 2008—Subordinate Law SL2008-3, including a regulatory impact statement (LR, 3 March 2008).

Canberra Institute of Technology Act—Canberra Institute of Technology (Advisory Council—Chair) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-15 (LR, 7 February 2008).

Domestic Violence Agencies Act—Domestic Violence Agencies (Project Coordinator) Appointment 2008 (No. 1)—Disallowable Instrument DI2008-19 (LR, 7 February 2008).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Franchise Customers) Terms of Reference Determination 2008 (No. 1)—Disallowable Instrument DI2008-13 (LR, 11 February 2008).

Planning and Development Act—Planning and Development Regulation 2008—Subordinate Law SL2008-2, including a regulatory impact statement (LR, 3 March 2008).

Public Place Names Act—Public Place Names (Franklin) Determination 2008 (No. 2)—Disallowable Instrument DI2008-17 (LR, 7 February 2008).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No. 2)—Disallowable Instrument DI2008-12 (LR, 7 February 2008).

University of Canberra Act—University of Canberra (Honorary Degree) Statute 2008—Disallowable Instrument DI2008-18 (LR, 7 February 2008).

#### **Petitions—Out of order**

Petitions which do not conform with the standing orders (4)—ACT Housing—Disturbing behaviour of specific tenants—Mrs Burke (25, 14, 11 and 19 signatures).

### **13 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. GOVERNMENT POLICY—IMPACT ON YOUNG FAMILIES**

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Ms Porter, Mr Pratt, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak 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 Mr Stefaniak be submitted to the Assembly, namely, “The impact of ACT Government policy on young families.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

### **14 PLANNING AND DEVELOPMENT ACT—TERRITORY PLAN—APPROVAL**

Mr Barr (Minister for Planning), pursuant to notice, moved—That this Assembly, in accordance with subsection 432(2) of the *Planning and Development Act 2007*, approves the Territory Plan as notified under the *Legislation Act 2001*.

*Paper:* Mr Barr presented the following paper:

Planning and Development Act—Territory Plan (3 volumes), dated March 2008.

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

Debate ensued.

Dr Foskey, by leave, was granted an extension of time.

Debate continued.

Mrs Dunne addressing the Assembly—

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*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negatived.

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Debate continued.

Question—put and passed.

## 15 PLANNING AND DEVELOPMENT LEGISLATION AMENDMENT BILL 2008

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 Barr (Minister for Planning) presented a revised explanatory statement to the Bill.

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.

## 16 ADJOURNMENT

Mr Barr (Minister for Education and Training) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.55 p.m., adjourned until Tuesday, 1 April 2008 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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**Tom Duncan**  
Clerk of the Legislative Assembly