



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 105

THURSDAY, 7 JUNE 2007

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 **LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—LAND TAX (INTEREST AND PENALTY) AMENDMENT BILL 2007—STATEMENT BY CHAIR**

Mr Seselja (Chair), pursuant to standing order 246A, made a statement concerning the Committee's deliberations on the Land Tax (Interest and Penalty) Amendment Bill 2007.

3 **POSTPONEMENT OF NOTICE**

Ordered—That notice No. 1, Executive business, relating to the Revenue Legislation (Housing Affordability Initiatives) Amendment Bill 2007, be postponed until a later hour this day.

4 **DOMESTIC ANIMALS AMENDMENT BILL 2007**

Mr Hargreaves (Minister for Territory and Municipal Services), pursuant to notice, presented a Bill for an Act to amend the *Domestic Animals Act 2000*.

Papers: Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2007.

Title read by Clerk.

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

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

**5 REVENUE LEGISLATION (HOUSING AFFORDABILITY INITIATIVES)
AMENDMENT BILL 2007**

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*, the *Land Tax Act 2004* and 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 5 June 2007.

Title read by Clerk.

Mr Stanhope 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 WATER USE—SELECT COMMITTEE—PROPOSED ESTABLISHMENT—
PLANNING AND ENVIRONMENT—STANDING COMMITTEE—
REFERENCE—WATER USE AND MANAGEMENT**

Dr Foskey, pursuant to notice, moved—That this Assembly:

- (1) resolves to establish a Select Committee on Water Use to consider the best options for ACT Government investment in maintaining a sustainable water supply in the ACT with particular reference to:
 - (a) likely impacts of climate change on water resources available to the ACT;
 - (b) the extent to which demand reduction strategies outlined in *Think Water, Act Water* have been implemented;
 - (c) international best practice principles and priorities for urban water management suitable for the ACT;
 - (d) the role of Canberra as Australia's national capital and provider of water to the largest population in the Murray-Darling Basin;
 - (e) the relative merits of staged water restrictions as compared to a permanent water conservation strategy;
 - (f) maintaining the health of trees and gardens and the city's Bush Capital character;
 - (g) the relative financial, environmental and potential health impacts of water capture and reuse practices; and
 - (h) any other related matters;
- (2) the Committee be composed of:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;
 to be notified in writing to the Speaker by 4 p.m. today; and

(3) the Committee report by the last sitting day in March 2008.

Mr Corbell (Attorney-General), by leave, moved the following amendments together:

- (1) paragraph (1), omit the words “resolves to establish a Select Committee on Water Use to consider”, substitute “resolves that the Standing Committee on Planning and Environment inquire into”; and
- (2) paragraph (2), omit the paragraph.

Debate continued.

Question—That Mr Corbell’s amendments be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Mr Stefaniak (Leader of the Opposition), by leave, moved the following amendments together:

- (1) paragraph (1)(f), after the word “trees”, insert “, sporting fields”; and
- (2) after paragraph (1)(g), insert:
 - “(ga) the provision of adequate water storage facilities to drought-proof the ACT;”.

Debate continued.

Dr Foskey moved—That the question be divided.

Debate ensued.

Question—put and passed.

Amendment No. (1) agreed to, after debate.

Amendment No. (2)—

Debate continued.

Mrs Dunne addressing the Assembly—

It being 45 minutes after the commencement of Assembly business—

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

Debate continued.

Question—That Mr Stefaniak’s amendment No. (2) be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 10	
Mrs Burke	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Mulcahy		Mr Corbell	Ms MacDonald
Mr Pratt		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope

And so it was negatived.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) resolves that the Standing Committee on Planning and Environment inquire into the best options for ACT Government investment in maintaining a sustainable water supply in the ACT with particular reference to:
 - (a) likely impacts of climate change on water resources available to the ACT;
 - (b) the extent to which demand reduction strategies outlined in *Think Water, Act Water* have been implemented;
 - (c) international best practice principles and priorities for urban water management suitable for the ACT;
 - (d) the role of Canberra as Australia’s national capital and provider of water to the largest population in the Murray-Darling Basin;
 - (e) the relative merits of staged water restrictions as compared to a permanent water conservation strategy;
 - (f) maintaining the health of trees, sporting fields and gardens and the city’s Bush Capital character;
 - (g) the relative financial, environmental and potential health impacts of water capture and reuse practices; and
 - (h) any other related matters; and
 - (2) the Committee report by the last sitting day in March 2008.”—
- be agreed to—put and passed.

7 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 22—EXPOSURE DRAFT PLANNING AND DEVELOPMENT BILL 2006—GOVERNMENT RESPONSE—PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell—That the Assembly takes note of the paper (*presented 14 December 2006*):

Planning and Environment—Standing Committee—Report 22—*Exposure Draft Planning and Development Bill 2006*—Government response—

Debate resumed.

Question—put and passed.

8 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 4—APPROPRIATE HOUSING FOR PEOPLE LIVING WITH A MENTAL ILLNESS—PUBLICATION OF REPORT—MOTION THAT REPORT BE NOTED

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 4—*Appropriate Housing for People Living with a Mental Illness*, dated 31 May 2007, 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 MacDonald 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 PUBLIC ACCOUNTS—STANDING COMMITTEE—9TH BIENNIAL AUSTRALASIAN COUNCIL OF PUBLIC ACCOUNTS COMMITTEES CONFERENCE—STATEMENT BY CHAIR

Mr Mulcahy (Chair), pursuant to standing order 246A, made a statement concerning the Standing Committee on Public Accounts' participation in the 9th Biennial Australasian Council of Public Accounts Committees (ACPAC) Conference, held in Canberra from 11 to 14 April 2007.

10 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—INQUIRY—ACTION BUSES AND THE SUSTAINABLE TRANSPORT PLAN—AMENDMENT TO RESOLUTION

Mr Gentleman (Chair), by leave, moved—That the resolution of the Assembly of 15 March 2007 which referred the matter of ACTION buses and the sustainable transport plan to the Standing Committee on Planning and Environment for inquiry and report be amended by omitting the words “30 June 2007” and substituting “30 August 2007”.

Question—put and passed.

11 LEAVE OF ABSENCE TO MEMBERS

Mr Corbell (Manager of Government Business) moved—That leave of absence be given to all Members from 8 June to 20 August 2007 inclusive.

Question—put and passed.

12 LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION AND CONTRACT CLEANING INDUSTRIES) LEGISLATION AMENDMENT BILL 2007

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 QUESTIONS

Questions without notice being asked—

At 3 p.m. questions were interrupted pursuant to the resolution of the Assembly of 5 June 2007.

14 APPROPRIATION BILL 2007-2008

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.

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

Estimates 2007-2008—Select Committee—Reference—Appropriation Bill 2007-2008: Mr Stanhope (Treasurer), pursuant to standing order 174, moved—That the Appropriation Bill 2007-2008 be referred to the Select Committee on Estimates 2007-2008.

Question—put and passed.

15 ADJOURNMENT NEGATIVED

It being approximately 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Hargreaves (Minister for Territory and Municipal Services) requiring the question to be forthwith without debate—

Question—put and negatived.

16 WATER RESOURCES BILL 2007

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 Stanhope (Minister for the Environment, Water and Climate Change), by leave, his amendments Nos. 1 to 3 (*see* [Schedule 1](#)) were made together.

Paper: Mr Stanhope 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.

17 LAND TAX (INTEREST AND PENALTY) AMENDMENT BILL 2007

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.

18 REVENUE LEGISLATION AMENDMENT BILL 2007

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.

19 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—

Adoption Act—Adoption Review Committee Appointment 2007 (No. 1)—
Disallowable Instrument DI2007-111 (LR, 28 May 2007).

Legal Profession Act—Legal Profession Amendment Regulation 2007 (No. 2)—
Subordinate Law SL2007-10 (LR, 17 May 2007).

Powers of Attorney Act—Powers of Attorney Regulation 2007 (No. 2)—
Subordinate Law SL2007-11 (LR, 24 May 2007).

20 ADJOURNMENT

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

Debate ensued.

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

Financial integrity—*Labor: a charter of financial integrity!*—ACT Labor—Fact Sheet 10.

Debate continued.

Narrabundah Caravan Park land swap—Proposed order to table documents: Mrs Dunne, pursuant to SO213, moved—That the documents quoted from by Mr Stanhope (Chief Minister) be presented to the Assembly.

Papers: Mr Stanhope presented the following papers:

Narrabundah Caravan Park land swap—Copies of—

Email from the Media Adviser, Office of the Chief Minister, to Marika Dobbin, dated 7 June 2007.

Brief from the Executive Director Strategic Priorities, Chief Minister's Department, to the Chief Minister and the Chief Executive, dated 7 June 2007.

Mrs Dunne, by leave, withdrew her motion.

Question—put and passed.

And then the Assembly, at 9.15 p.m., adjourned until Tuesday, 21 August 2007 at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

WATER RESOURCES BILL 2007

Amendments circulated by the Minister for the Environment, Water and Climate Change

1

Clause 60 (d)

Page 38, line 16—

omit clause 60 (d), substitute

- (d) the person has contravened, or is contravening, another territory law or a law of the Commonwealth, a State or another Territory (whether or not the person has been convicted or found guilty of an offence for the contravention) and the authority has reasonable grounds for believing that the contravention would adversely affect the person's suitability to hold the entitlement, allocation or licence.
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2

Clause 77 (1)

Page 50, line 19—

omit clause 77 (1), substitute

- (1) This section applies if—
 - (a) the authority has reasonable grounds for believing that a person has engaged in conduct that contravened—
 - (i) a prohibition or restriction under a notice given to the person under section 71; or
 - (ii) a direction given to the person under this part; and
 - (b) the person was told, in writing, about the effect of this section when the notice or direction was given to them.
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3

Proposed new clause 77 (2A)

Page 51, line 2—

insert

- (2A) This section does not authorise entry into a part of premises that is being used for residential purposes other than with the occupier's consent.
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