

PROOF**2001-2002-2003****LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY****MINUTES OF PROCEEDINGS****No. 52****WEDNESDAY, 12 MARCH 2003**

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 asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 MENTAL HEALTH OUTREACH WORKERS – RECRUITMENT

The order of the day having been read for the resumption of the debate on the motion of Ms Dundas – That this Assembly, recognising the need for more Mental Health Outreach Workers to provide support for people leaving emergency accommodation, calls on the ACT Government to make the recruitment of more Mental Health Outreach Workers a high priority for the 2003-2004 financial year –

Debate resumed.

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

Debate continued.

Question – put and passed.

3 WOODLAND CONSERVATION AND LAND RELEASES

Ms Tucker, pursuant to notice, moved – That:

- (1) given the work currently being undertaken on the Spatial Plan (including the work on land capability) and the ACT Woodlands Conservation Strategy, as well as the inquiries resulting from the recent bushfires (including the non urban land study examining the best long term use of land used for softwood plantations); and
- (2) given that areas of high and very high conservation value (including in East O'Malley) have been identified for development in the land release program and

community concerns that the revenue from these land sales have already been factored into the next budget;

- (3) This Assembly calls on the Government to:
- (a) revise the residential, commercial and community land releases program in light of the outcomes of these processes/inquiries; and
 - (b) review the Territory Plan to ensure that all areas of high and very high conservation value yellow box/red gum grassy woodland and natural temperate grassland are given long term protection.

Debate ensued.

Mr Corbell (Minister for Planning) moved the following amendment:

Paragraph 3 (b) –

Omit “all areas of high and very high conservation value yellow box/red gum grassy woodland and natural temperate grassland are given long term protection.”;

substitute “areas of yellow box/red gum grassy woodland and natural temperate grassland that are of sound ecological condition and relatively intact and connected with other similar areas of habitat for threatened species are given long term protection.”.

Debate ensued.

Question – That Mr Corbell’s amendment be agreed to – put.

The Assembly voted –

Ayes, 12

Noes, 2

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

And so it was resolved in the affirmative.

Debate continued.

Question – That the motion, as amended, viz:

That:

- (1) given the work currently being undertaken on the Spatial Plan (including the work on land capability) and the ACT Woodlands Conservation Strategy, as well as the inquiries resulting from the recent bushfires (including the non urban land study examining the best long term use of land used for softwood plantations); and
- (2) given that areas of high and very high conservation value (including in East O’Malley) have been identified for development in the land release program and community concerns that the revenue from these land sales have already been factored into the next budget;
- (3) This Assembly calls on the Government to:

- (a) revise the residential, commercial and community land releases program in light of the outcomes of these processes/inquiries; and
- (b) review the Territory Plan to ensure that areas of yellow box/red gum grassy woodland and natural temperate grassland that are of sound ecological condition and relatively intact and connected with other similar areas of habitat for threatened species are given long term protection –

be agreed to – put and passed.

4 CLEAN UP AUSTRALIA DAY

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

- (1) congratulates the Clean Up Australia volunteers; and
- (2) expresses concern at the amount of rubbish continuing to be generated since Clean Up Australia Day began in 1990.

Debate ensued.

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.

5 QUESTIONS

Questions without notice were asked.

6 CLEAN UP AUSTRALIA DAY

The order of the day having been read for the resumption of the debate on the motion of Ms Macdonald – That the Assembly:

- (1) congratulates the Clean Up Australia volunteers; and
- (2) expresses concern at the amount of rubbish continuing to be generated since Clean Up Australia Day began in 1990–

Debate resumed.

Question – put and passed.

7 BUSHFIRE INQUIRY (PROTECTION OF STATEMENTS) BILL 2003

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.

The debate having been closed by the reply of Mr Stefaniak –

Ms Dundas, by leave, addressed the Assembly.

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

Detail stage

Clause 1 agreed to.

Clause 2 –

Paper: Mr Stanhope (Attorney-General) presented a supplementary explanatory statement to Government amendments to the Bill.

On the motion of Mr Stanhope his amendment No 1 (*see* Schedule 1) was made, after debate.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4 –

Mr Stanhope moved his amendment No 2 (*see* [Schedule 1](#)).

Debate ensued.

Paper: Mr Stanhope presented the following paper:

Bushfire Inquiry (Protection of Statements) Bill 2003 – Legal advice from Legal Officer and Director, General Law Group, dated 5 March 2002.

Debate continued.

Amendment agreed to.

On the motion of Mr Stanhope his amendment No 3 (*see* [Schedule 1](#)) was made.

On the motion of Mr Stanhope his amendment No 4 (*see* [Schedule 1](#)) was made.

On the motion of Mr Stanhope his amendment No 5 (*see* [Schedule 1](#)) was made.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Title agreed to.

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

8 KIPPAX MASTER PLAN

Ms Dundas, pursuant to notice, moved – That this Assembly calls on the Government to complete a master plan for Kippax by the end of the 2003-2004 financial year, and to fix a firm date for beginning the construction of a permanent Kippax Library and community facility.

Debate ensued.

Ms Dundas, by leave, moved the following amendments together:

- (1) omit “to complete a master plan for Kippax”;
- (2) after “financial year,” omit “and”;
- (3) after “community facility” add “and table the timetable for further planning consultation for the Kippax Group Centre by 1 April 2003.”.

Ms Dundas addressing the Assembly –

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

Mr Corbell (Minister for Planning) requiring the question to be put forthwith without debate –

Question – put and negatived.

Debate continued.

Question – That Ms Dundas' amendments be agreed to – put.

The Assembly voted –

Ayes, 16

Noes, 1

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

And so it was resolved in the affirmative.

Question proposed – That the motion, as amended, viz:

That this Assembly calls on the Government by the end of the 2003-2004 financial year, to fix a firm date for beginning the construction of a permanent Kippax Library and community facility and table the timetable for further planning consultation for the Kippax Group Centre by 1 April 2003 –

be agreed to – put.

Debate ensued.

Question – put and passed.

9 CANBERRA'S 90TH BIRTHDAY

Mr Hargreaves, pursuant to notice, moved – That the Assembly:

- (1) acknowledges that today is Canberra's 90th birthday;
- (2) expresses its joy at living in Canberra for all that it offers;
- (3) acknowledge further that following the bushfires of 18 January this year, we applaud the community spirit that has shone through and can now be described as quintessentially Canberran.

Debate ensued.

Question – put and passed.

10 HOUSING ASSISTANCE ACT – PROPOSED NATURAL DISASTER PROGRAM

Mrs Burke, pursuant to notice, moved – That this Assembly calls on the Minister for Disability, Housing and Community Services to exercise his powers pursuant to subsection 12 (9) of the *Housing Assistance Act 1987* to develop and approve a ‘Natural Disaster Program’, that will create a waiver or exception, for a reasonable period of time to be determined by the Minister, in relation to rental charges for ACT Housing tenants in such times of natural disaster.

Debate ensued.

Mr Wood (Minister for Disability, Housing and Community Services), by leave, was granted an extension of time.

Debate continued.

Question – put.

The Assembly voted –

Ayes, 6		Noes, 8	
Mrs Burke	Mr Smyth	Mr Berry	Mr Quinlan
Mr Cornwell		Mr Corbell	Ms Tucker
Ms Dundas		Ms Gallagher	Mr Wood
Mrs Dunne		Mr Hargreaves	
Mr Pratt		Ms MacDonald	

And so it was negatived.

11 ADJOURNMENT

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

Debate ensued.

Question – put and passed.

And then the Assembly, at 6.59 p.m., adjourned until tomorrow at 10.30 a.m.

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

M J McRAE
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

BUSHFIRE INQUIRY (PROTECTION OF STATEMENTS) BILL 2003

Amendments circulated by Attorney-General

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2 **Commencement**

This Act is taken to have commenced on 22 February 2003.

2

Clause 4 (1)

Page 2, line 11—

omit clause 4 (1), substitute

(1) It is a defence to an action for defamation in relation to the making of a statement to the inquiry, or the giving of a document or information to the inquiry, if the defendant establishes that the defendant made the statement to the inquiry, or gave the document or information to the inquiry.

(1A) It is a defence to any action for defamation if the defendant establishes that the published matter was, or was contained in—

(a) a report of the inquiry presented to the Legislative Assembly (a *protected report*), or a fair copy of a protected report; or

(b) a fair summary of, or a fair extract from, a protected report.

3

Clause 4 (2) (b)

Page 2, line 20—

omit

person's

substitute

defendant's

4**Clause 4 (3), proposed new definition****Page 2, line 22—***insert**defamation* means libel or slander.**5****Clause 4 (3), proposed new definition****Page 2, line 24—***insert**published matter*, in relation to an action against a defendant for the publication of matter that is or may be defamatory, means the matter published.