

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 26

THURSDAY, 30 JUNE 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 **CRIMES (SENTENCE ADMINISTRATION) BILL 2005**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to consolidate and reform the law about the administration of sentences, 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 28 June 2005.

Title read by Clerk.

Mr Stanhope 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.

3 **JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2005 (NO. 2)**

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend laws relating to justice and community safety, 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 28 June 2005.

Title read by Clerk.

Mr Stanhope 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.

**4 MENTAL HEALTH (TREATMENT AND CARE) AMENDMENT BILL 2005**

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Mental Health (Treatment and Care) Act 1994*, 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, together with a statement of reasons, dated 30 June 2004.

Title read by Clerk.

Mr Corbell 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.

**5 HUMAN RIGHTS COMMISSION (CHILDREN AND YOUNG PEOPLE COMMISSIONER) AMENDMENT BILL 2005**

Ms Gallagher (Minister for Children, Youth and Family Support), pursuant to notice, presented a Bill for an Act to establish a children and young people commissioner, 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 28 June 2005.

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.

**6 PUBLIC ADVOCATE BILL 2005**

Ms Gallagher (Minister for Children, Youth and Family Support), pursuant to notice, presented a Bill for an Act to provide for the appointment of a public advocate, and for related matters.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 28 June 2005.

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.

**7 DOMESTIC ANIMALS (CAT CONTAINMENT) AMENDMENT BILL 2005**

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

*Papers:* Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 28 June 2005.

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.

## **8 LITTER AMENDMENT BILL 2005**

Mr Hargreaves (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Litter Act 2004*.

*Papers:* Mr Hargreaves presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 23 June 2005.

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.

## **9 EXECUTIVE BUSINESS—PRECEDENCE**

Ordered—That Executive business be called on forthwith.

## **10 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS**

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent orders of the day Nos. 1 and 2, Assembly business, relating to the Report of the Select Committee on Estimates 2005-2006 and the Government response, to be debated cognately with order of the day No. 1, Executive business—Appropriation Bill 2005-2006 and be called on in sequence immediately after the resolution of any question relating to the conclusion of consideration of order of the day No 1, Executive business, relating to the Appropriation Bill 2005-2006.

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

## **11 APPROPRIATION BILL 2005-2006**

The Assembly, according to order, resumed further consideration at the detail stage.

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### *Detail Stage*

Schedule 1—Appropriations –

Consideration resumed on proposed expenditure—Part 1.11—ACT Health, \$530 072 000 (net cost of outputs), \$19 964 000 (capital injection) and \$18 631 000 (payments on behalf of the Territory), totalling \$568 667 000—

Debate continued.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.12—Department of Urban Services, \$214 611 000 (net cost of outputs) and \$74 999 000 (capital injection), totalling \$289 610 000—agreed to.

Proposed expenditure—Part 1.13—Department of Economic Development, \$50 786 000 (net cost of outputs), \$30 450 000 (capital injection) and \$7 029 000 (payments on behalf of the Territory), totalling \$88 265 000—debated.

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.

## 12 QUESTIONS

Questions without notice were asked.

## 13 ESTIMATES 2005-2006—SELECT COMMITTEE—RESPONSES TO QUESTIONS—PUBLICATION OF PAPERS

The Speaker presented the following papers:

Estimates 2005-2006—Select Committee—Responses—

Questions on notice Nos. 167 and 181.

Questions taken on notice by the Minister for Urban Services and the Minister for Health from Dr Foskey.

Mr Corbell (Manager of Government Business), by leave, moved—That the Assembly authorises publication of the papers.

Question—put and passed.

## 14 STATEMENT—LEAVE NOT GRANTED

Mrs Dunne sought leave to make a statement.

Objection being raised, leave not granted.

*Suspension of standing orders—Statement by Member:* Mrs Dunne moved—That so much of the standing orders be suspended as would prevent Mrs Dunne from making a statement.

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

## 15 QUAMBY DETENTION CENTRE—TIME-OUT ROOM—STATEMENT BY MEMBER

Mrs Dunne made a statement in relation to the time-out room at the Quamby Detention Centre.

## 16 AFFORDABLE HOUSING IN THE A.C.T.—PROGRESS REPORT—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER

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

Affordable Housing—Progress report, pursuant to the resolution of the Assembly of 4 May 2005, dated 30 June 2005—

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

Mr Hargreaves moved—That the Assembly takes note of the paper.

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

**17 PRESENTATION OF PAPER**

Mr Stanhope (Chief Minister) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to subsection 9(5)—Chief Minister's Annual Report Directions—2004-2005.

**18 PRESENTATION OF PAPER**

Mr Stanhope (Minister for Arts, Heritage and Indigenous Affairs) presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 29(2)—Cultural Facilities Corporation—Quarterly report—2004-2005—Third quarter (1 January to 31 March 2005).

**19 PRESENTATION OF PAPERS**

Mr Quinlan (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 18A—

Authorisation of Expenditure from the Treasurer's Advance to ACT Emergency Services Authority, including a statement of reasons, dated 27 June 2005.

Authorisation of Expenditure from the Treasurer's Advance to Chief Minister's Department, including a statement of reasons, dated 28 June 2005.

Authorisation of Expenditure from the Treasurer's Advance to Department of Urban Services, including a statement of reasons, dated 29 June 2005.

Summary of authorisation of total expenditure from the Treasurer's Advance in 2004-05, as at 29 June 2005.

**20 A.C.T. GOVERNMENT MINISTERIAL DELEGATION—UNITED ARAB EMIRATES AND QATAR—PAPER AND STATEMENT BY MINISTER**

Mr Quinlan (Minister for Economic Development and Business) presented the following paper:

ACT Government Ministerial Delegation to the United Arab Emirates and Qatar—5 March to 12 March 2005—Report—

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

**21 PRESENTATION OF PAPERS**

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

ACT Health Alcohol and Drug Program—

Review, dated June 2005.

Clinical Governance Review 2004—Recommendations, Response and Action Plan, dated June 2005.

**22 EDUCATION—STANDING COMMITTEE—REPORT 5—TEACHING IN THE ACT: SHAPING THE FUTURE—GOVERNMENT RESPONSE—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Minister for Education and Training) presented the following paper:

Education—Standing Committee—Report 5—*Teaching in the ACT: Shaping the future* (Fifth Assembly)—Government response—

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

**23 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—

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Fees) Determination 2005 (No. 1)—Disallowable Instrument DI2005-105 (LR, 22 June 2005).

Insurance Authority Act—Insurance Management Guidelines—Disallowable Instrument DI2005-108 (LR, 23 June 2005).

Nature Conservation Act—Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2005 (No. 2)—Disallowable Instrument DI2005-87 (LR, 22 June 2005).

Public Place Names Act—Public Place Names (Greenway) Determination 2005 (No. 1)—Disallowable Instrument DI2005-107 (LR, 23 June 2005).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2005 (No. 2)—Disallowable Instrument DI2005-94 (LR, 20 June 2005) (*Replacement copy—in substitution for copy tabled on 28 June 2005*).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 8)—Disallowable Instrument DI2005-85 (LR, 16 June 2005).

Road Transport (General) (Application of Road Transport Legislation) Revocation 2005 (No. 1)—Disallowable Instrument DI2005-79 (LR, 23 June 2005).

**24 APPROPRIATION BILL 2005-2006**

The Assembly, according to order, resumed further consideration at the detail stage.

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*Detail Stage*

Schedule 1—Appropriations –

Consideration resumed on proposed expenditure—Part 1.13—Department of Economic Development, \$50 786 000 (net cost of outputs), \$30 450 000 (capital injection) and \$7 029 000 (payments on behalf of the Territory), totalling \$88 265 000—

Debate continued.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.14—Planning and Land Authority, \$33 839 000 (net cost of outputs) and \$24 874 000 (capital injection), totalling \$58 713 000—debated and agreed to.

Proposed expenditure—Part 1.15—ACT Forests, \$193 000 (net cost of outputs), totalling \$193 000—debated and agreed to.

Proposed expenditure—Part 1.16—Department of Disability Housing and Community Services, \$92 399 000 (net cost of outputs), \$12 401 000 (capital injection) and \$26 117 000 (payments on behalf of the Territory), totalling \$130 917 000—debated.

Dr Foskey 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 Quinlan (Treasurer) requiring the question to be forthwith without debate—

Question—put and negatived.

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Debate continued.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.17—Office for Children, Youth and Family Support, \$70 935 000 (net cost of outputs) and \$12 950 000 (capital injection), totalling \$83 885 000—debated and agreed to.

Proposed expenditure—Part 1.18—Housing ACT, \$30 035 000 (net cost of outputs) and \$5 580 000 (capital injection), totalling \$35 615 000—debated and agreed to.

Proposed expenditure—Part 1.19—Department of Justice and Community Safety, \$84 381 000 (net cost of outputs), \$54 539 000 (capital injection) and \$104 194 000 (payments on behalf of the Territory), totalling \$243 114 000—debated and agreed to.

Proposed expenditure—Part 1.20—ACT Emergency Services Authority, \$53 495 000 (net cost of outputs) and \$13 514 000 (capital injection), totalling \$67 009 000—debated and agreed to.

Proposed expenditure—Part 1.21—Department of Education and Training, \$452 142 000 (net cost of outputs), \$27 099 000 (capital injection) and \$157 687 000 (payments on behalf of the Territory), totalling \$636 928 000—debated and agreed to.

Proposed expenditure—Total appropriated to Departments, \$1 732 880 000 (net cost of outputs), \$466 568 000 (capital injection) and \$379 644 000 (payments on behalf of the Territory), totalling \$2 579 092 000—agreed to.

Proposed expenditure—Part 1.22—Treasurer's Advance \$25 700 000—debated and agreed to.

Proposed expenditure—Total appropriations, \$1 732 880 000 (net cost of outputs), \$466 568 000 (capital injection) and \$379 644 000 (payments on behalf of the Territory), totalling \$2 604 792 000—agreed to.

Clause 1 agreed to.

Clause 2—

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

Clause 2, as amended, agreed to.

Clauses 3 to 13, by leave, taken together and agreed to.

Schedule 2 agreed to.

Title agreed to.

*Schedule 1, Part 1.12—Department of Urban Services—Reconsideration:* Mr Mulcahy, pursuant to standing order 187, moved—That Schedule 1, Part 1.12 be reconsidered.

Question—put and passed.

Debate continued.

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*Suspension of standing order 76:* Mr Corbell (Manager of Government Business) moved—That standing order 76 be suspended for the remainder of this sitting.

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

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Debate continued.

Proposed expenditure—Part 1.12—Department of Urban Services, \$214 611 000 (net cost of outputs) and \$74 999 000 (capital injection), totalling \$289 610 000—agreed to.

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

**25 ESTIMATES 2005-2006—SELECT COMMITTEE—REPORT —APPROPRIATION BILL 2005-2006—REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Ms MacDonald (Chair)—That the report be noted (*presented 21 June 2005*)—

Estimates 2005-2006—Select Committee—Report—*Appropriation Bill 2005-2006*, dated 20 June 2005, including additional comments (*Dr Foskey, Ms MacDonald and Ms Porter*) and a dissenting report (*Mr Mulcahy and Mr Seselja*)—

Debate resumed.

Question—put and passed.

**26 ESTIMATES 2005-2006—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2005-2006—GOVERNMENT RESPONSE—PAPER NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Treasurer)—That the paper be noted (*presented 28 June 2005*)—

Estimates 2005-2006—Select Committee—Report—*Appropriation Bill 2005-2006*—Government response, dated June 2005—

Question—put and passed.



**27 ADJOURNMENT**

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

Question—put and passed.

And then the Assembly, at 11.05 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

### APPROPRIATION BILL 2005-2006

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Amendment circulated by the Treasurer

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Clause 2

Page 2, line 4—

*omit*

This Act commences on 30 June 2005.

*substitute*

This Act is taken to have commenced on 30 June 2005.

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