

2001-2002-2003

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 85

WEDNESDAY, 10 DECEMBER 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 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Cornwell, from 14 residents, requesting that the Assembly call on the Minister for Urban Services to expand the motor vehicle parking arrangements and to make representations to Australia Post to install a mail (post) box at Platypus (Ngunnawal) Shopping Centre.

3 DISCRIMINATION (GENETIC STATUS) AMENDMENT BILL 2003

Mrs Cross, pursuant to notice, presented a Bill for an Act to amend the *Discrimination Act 1991*, and for other purposes.

Paper: Mrs Cross presented an explanatory statement to the Bill.

Title read by Clerk.

Mrs Cross moved – That this Bill be agreed to in principle.

Debate adjourned (Mr Quinlan – Deputy Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

4 RESIDENTIAL TENANCIES (ASSISTED TENANTS) BILL 2003

Mrs Burke, pursuant to notice, presented a Bill for an Act relating to assisted residential tenancies.

Title read by Clerk.

Mrs Burke moved – That this Bill be agreed to in principle.

Debate adjourned (Mr Quinlan – Deputy Chief Minister) and the resumption of the debate made an order of the day for the next day of sitting.

5 GOVERNMENT SERVICES IN SUBURBAN CANBERRA

Mr Hargreaves, pursuant to notice, moved – That the Assembly note the importance of government services in suburban Canberra.

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.

6 QUESTIONS

Questions without notice being asked –

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

Fuel loads in forests – Copy of Press Statement by Senator the Hon. Ian Macdonald (Minister for Fisheries, Forestry and Conservation), dated 9 December 2003.

Questions continued.

7 GOVERNMENT SERVICES IN SUBURBAN CANBERRA

The order of the day having been read for the resumption of the debate on the motion of Mr Hargreaves – That the Assembly note the importance of government services in suburban Canberra –

Debate resumed.

Question – put and passed.

8 CORRECTIONS REFORM AMENDMENT 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.

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

Detail stage

Clause 1 –

Debate adjourned (Mr Stanhope – Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

9 COMMUNITY SERVICES – ACCOMMODATION – CIVIC CENTRE

Ms Tucker, pursuant to notice, moved – That this Assembly noting:

- (1) the failure of the previous and current governments to take a strategic approach to the provision of community services and to accommodation for those services in the sale of land in Civic Centre (section 56) to the Queensland Investment Corporation, the replacement of the Griffin Centre, and the subsequent design process; and
- (2) the inevitable conflicts that have now arisen in terms of accommodating a large and diverse range of services and activities in a new building with a substantially smaller footprint;

calls on the Government to:

- (3) develop and implement, as a matter of urgency, a plan to accommodate the vital community-run services for marginalized people that are presently in unsatisfactory or impermanent accommodation around the city, recognizing that these services include, but are not limited to CAHMA, the free food program, WIREDD and Directions; and
- (4) not sign off on any final designs for the building intended to replace the existing Griffin Centre until these accommodation issues have been satisfactorily resolved.

Debate ensued.

Mr Corbell (Minister for Planning), addressing the Assembly –

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

Mr Wood (Manager of Government Business) requiring the question to be put forthwith without debate –

Question – put and negatived.

Debate continued.

Mrs Dunne, by leave, moved the following amendments together:

- (1) Paragraph (1) – Omit “the failure of the previous and current governments to take”, substitute “the lack of”.
- (2) Paragraph (2) – Omit “the inevitable”.
- (3) Insert “to” immediately after paragraph (2) “calls on the Government”. Omit “to” immediately after paragraph (3).
- (4) Paragraph (4) – Omit “any final designs for the building”, substitute “the internal design and fit out of the building”.
- (5) Paragraph (4) – Insert “in and around Civic” immediately after “until these accommodation issues”. Omit “satisfactorily” immediately after “have been”.

Debate continued.

Question – That the amendments be agreed to – put.

The Assembly voted—

Ayes, 9		Noes, 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

And so it was resolved in the affirmative.

Question – That the motion, as amended, be agreed to – proposed.

Debate ensued.

Question – That the motion, as amended, viz:

That this Assembly noting:

- (1) the lack of a strategic approach to the provision of community services and to accommodation for those services in the sale of land in Civic Centre (section 56) to the Queensland Investment Corporation, the replacement of the Griffin Centre, and the subsequent design process; and
- (2) conflicts that have now arisen in terms of accommodating a large and diverse range of services and activities in a new building with a substantially smaller footprint;

calls on the Government to:

- (3) develop and implement, as a matter of urgency, a plan to accommodate the vital community-run services for marginalized people that are presently in unsatisfactory or impermanent accommodation around the city, recognizing that these services include, but are not limited to CAHMA, the free food program, WIREDD and Directions; and
- (4) not sign off on the internal design and fit out of the building intended to replace the existing Griffin Centre until these accommodation issues in and around Civic have been resolved –

be agreed to – put and passed.

10 LPG – REMOVAL OF EXCISE FREE STATUS

Notice No 5, private Members' business, having been called on –

Ms MacDonald, pursuant to standing order 128, fixed a later hour this day for the moving of notice No. 5, private Members' business.

11 AUSTRALIA DAY CEREMONIES IN THE A.C.T.

Mr Smyth (Leader of the Opposition), pursuant to notice, moved – That the Legislative Assembly for the ACT:

- (1) considers it highly important that the ACT Government supports Australia Day ceremonies appropriate to the significance of the day;
- (2) welcomes the transfer of the announcement of the Australian of the Year awards to Canberra;

- (3) views with great concern the inexplicable decision by the ACT Government not to fund the Australia Day in the National Capital Committee to organise the celebration of Australia Day in 2004;
- (4) calls on the ACT Government to restore funding to the Australia Day in the National Capital Committee as a matter of priority so that the ACT can celebrate Australia Day at an appropriate level; and
- (5) opposes any moves by the ACT Government to celebrate Australia Day in future years in a way which is inconsistent with the national celebrations.

Debate ensued.

Question – That the motion be agreed to – put.

The Assembly voted—

Ayes, 6		Noes, 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Mr Quinlan
Mr Cornwell		Mr Corbell	Mr Stanhope
Mrs Cross		Ms Dundas	Ms Tucker
Mr Pratt		Mr Hargreaves	Mr Wood
Mr Smyth		Ms MacDonald	

And so it was negatived.

12 GOVERNMENT PROCUREMENT (PRINCIPLES) GUIDELINE AMENDMENT 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 –

Mr Quinlan (Treasurer) moved – That debate be adjourned.

Question – put.

The Assembly voted—

Ayes, 7		Noes, 8	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Pratt
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Smyth
Mr Hargreaves	Mr Wood	Mrs Cross	Mr Stefaniak
Ms MacDonald		Ms Dundas	Ms Tucker

And so it was negatived.

Debate resumed.

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

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 –

Ms Dundas moved her amendment No. 1 (*see* [Schedule 1](#)).

On the motion of Mrs Cross, by leave, her amendments Nos. 1 to 3 (*see* [Schedule 2](#)) to Ms Dundas' proposed amendment were made together, after debate.

On the motion of Mr Smyth (Leader of the Opposition), his amendment No. 1 ([see Schedule 3](#)) to Ms Dundas' proposed amendment, as amended, was made after debate.

Question – That Ms Dundas' amendment, as amended, be agreed to – put and passed.

Clause 4, as amended, agreed to.

Title agreed to.

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

13 GAMING MACHINE (POLITICAL DONATIONS) AMENDMENT 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.

Mrs Cross, by leave, was granted an extension of time.

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

The Assembly voted—

Ayes, 7

Noes, 8

Mrs Burke

Mr Pratt

Mr Berry

Mr Quinlan

Mr Cornwell

Mr Smyth

Mr Corbell

Mr Stanhope

Mrs Cross

Mr Stefaniak

Mr Hargreaves

Ms Tucker

Ms Dundas

Ms MacDonald

Mr Wood

And so it was negatived.

14 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 11.26 p.m., adjourned until tomorrow at 10.30 a.m.

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

T DUNCAN

Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GOVERNMENT PROCUREMENT (PRINCIPLES) GUIDELINE AMENDMENT BILL 2003

Amendment circulated by Ms Dundas

1

Clause 4

Proposed new section 6A

Page 2, line 13—

omit proposed new section 6A, substitute

6A Principle about procurement of computer software

- (1) In the procurement of computer software, a Territory entity should, as far as practicable—
 - (a) prefer open source software; and
 - (b) avoid the procurement of—
 - (i) software that does not comply with open standards; and
 - (ii) software for which support or maintenance is provided only by an entity that has the right to exercise exclusive control over its sale or distribution.
- (2) This is in addition to the procurement principles to be applied under clause 6.
- (3) For section (1) (b) (i), software does not *comply with open standards* unless the specifications for data representations used by the software (including, for example, file formats for data storage, transmission and network protocols) are completely and accurately documented and available to the public for use, application or review without restriction.

Note An example is part of the instrument, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) In this section:

open source definition means the document of that name published by the open source initiative, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act 2001, s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

open source initiative means the non-profit incorporated organisation of that name dedicated to managing and promoting the open source definition for the good of the community.

open source software means software that is the subject of a licence that complies with the open source definition.

Schedule 2**GOVERNMENT PROCUREMENT (PRINCIPLES) GUIDELINE AMENDMENT
BILL 2003**

Amendments circulated by Mrs Cross to Ms Dundas' amendment

1**Amendment 1****Proposed new section 6A (1) (a)***omit*

prefer

substitute

consider

2**Amendment 1****Proposed new section 6A (1) (b) (i)***after*

open standards

insert

or standards recognised by the ISO

3**Amendment 1****Proposed new section 6A (4), new definition of *ISO****insert****ISO*** means the International Organization for Standardization.*Note* ISO standards are available on the internet at the web site www.standards.com.au.

Schedule 3

**GOVERNMENT PROCUREMENT (PRINCIPLES) GUIDELINE AMENDMENT
BILL 2003**

Amendment circulated by Mr Smyth to Ms Dundas' amendment

Amendment 1

Proposed new section 6A (5)

insert

- (5) This section expires 3 years after the day it commences.
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