

1998-1999-2000-2001

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 134

THURSDAY, 9 AUGUST 2001

- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Cornwell) 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 LEGISLATIVE ASSEMBLY (BROADCASTING) BILL 2001

Mr Humphries (Chief Minister), pursuant to notice, presented a Bill for an Act about broadcasting of proceedings of the Legislative Assembly and its committees.

Paper: Mr Humphries presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Humphries moved - That this Bill be agreed to in principle.

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

3 COOPERATIVES BILL 2001

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to make provision in relation to cooperatives, and for other purposes.

Paper: Mr Humphries presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Humphries moved - That this Bill be agreed to in principle.

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

4 FINANCIAL MANAGEMENT AMENDMENT BILL 2001 (NO 3)

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996*.

Paper: Mr Humphries presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Humphries moved - That this Bill be agreed to in principle.

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

5 AGENTS AMENDMENT BILL 2001

Mr Stefaniak (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Agents Act 1968*.

Paper: Mr Stefaniak presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Stefaniak moved - That this Bill be agreed to in principle.

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

6 REFERENDUM BILL 2001

Mr Stefaniak (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for a referendum to be held about issues relating to heroin dependency.

Paper: Mr Stefaniak presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Stefaniak moved - That this Bill be agreed to in principle.

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

7 REHABILITATION OF OFFENDERS (INTERIM) BILL 2001

Mr Moore (Minister for Health, Housing and Community Services), pursuant to notice, presented a Bill for an Act about home detention and the release of prisoners on parole, and for other purposes.

Paper: Mr Moore presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Moore moved - That this Bill be agreed to in principle.

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

8 ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) AMENDMENT BILL 2001

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Public Passenger Services) Act 2001*, and for other purposes.

Paper: Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth moved - That this Bill be agreed to in principle.

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

9 STOCK AMENDMENT BILL 2001

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Stock Act 1991*.

Paper: Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth moved - That this Bill be agreed to in principle.

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

10 BUILDING AND CONSTRUCTION INDUSTRY TRAINING LEVY AMENDMENT BILL 2001

Mr Stefaniak (Minister for Education), pursuant to notice, presented a Bill for an Act to amend the *Building and Construction Industry Training Levy Act 1999*.

Paper: Mr Stefaniak presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Stefaniak moved - That this Bill be agreed to in principle.

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

11 FOOD BILL 2001

Mr Moore (Minister for Health, Housing and Community Services), pursuant to notice, presented a Bill for an Act to regulate the sale of food for human consumption, and for other purposes.

Paper: Mr Moore presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Moore moved - That this Bill be agreed to in principle.

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

12 CRIMES AMENDMENT BILL 2001

Mr Osborne, by leave, presented a Bill for an Act to amend the *Crimes Act 1900*.

Paper: Mr Osborne presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Osborne moved - That this Bill be agreed to in principle.

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

13 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 11 OF 2001 – STATEMENT BY CHAIR

Mr Osborne (Chair) presented the following report:

Justice and Community Safety – Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Scrutiny Report No. 11 of 2001, dated 9 August 2001 –

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

14 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 16 – A.C.T. PRISON PROJECT: OPERATIONAL MODELS, STRATEGIC PLANNING AND COMMUNITY INVOLVEMENT – REPORT NOTED

Mr Osborne (Chair) presented the following report:

Justice and Community Safety – Standing Committee - Report No. 16 – The ACT Prison Project: Operational Models, Strategic Planning and Community Involvement, dated 6 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Debate ensued.

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

Debate continued.

Question – put and passed.

15 PLANNING AND URBAN SERVICES– STANDING COMMITTEE – REPORT NO. 77 – DRAFT VARIATION (NO. 138) TO THE TERRITORY PLAN – GUNG AHLIN DRIVE EXTENSION – MOTION THAT REPORT BE NOTED

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee - Report No. 77 – Draft variation to the Territory Plan (No. 138): Gungahlin Drive Extension, dated 7 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Debate adjourned (Mr Corbell) and the resumption of the debate made an order of the day for a later hour this day.

16 PLANNING AND URBAN SERVICES– STANDING COMMITTEE – REPORT NO. 78 – VILLAGE OF HALL– DRAFT MASTER PLAN – REPORT NOTED

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee - Report No. 78 – The Draft Village of Hall Master Plan, dated 7 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Question – put and passed.

17 QUESTIONS

Questions without notice being asked –

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

Planning and Urban Services – Standing Committee – Facsimile copy of undated constituent letter concerning the work of the Committee from Harold Hird MLA.

Questions continued.

Questions concluded.

Paper: Mr Humphries (Treasurer) presented the following paper:

Bookmaker's standing licence – Possible application by Mr Robbie Waterhouse – Answer to question without notice asked of Mr Humphries by Mr Rugendyke and taken on notice on 8 August 2001.

18 PRESENTATION OF PAPERS

Mr Smyth (Minister for Urban Services) presented the following papers:

Land (Planning and Environment) Act, pursuant to section 29 – Variation (No. 138) to the Territory Plan relating to the Gungahlin Drive extension, together with background papers and a copy of the summaries and reports.

General Agreement on Trade in Services (GATS) and World Trade Organisation (WTO) – Copies of papers produced that detail the development of the ACT Government position on the WTO and/or GATS in response to the Legislative Assembly's resolution of Wednesday, 20 June 2001.

Statements by Minister: Mr Smyth, by leave, made statements (2) in relation to the papers.

Statements by Member and Minister: Ms Tucker and Mr Moore (Minister for Health, Housing and Community Services), by leave, made statements in relation to the GATS /WTO response.

19 GMC 400 CANBERRA – 8-10 JUNE 2001 – KEY RESULTS – PAPER AND STATEMENT BY MINISTER – PAPER NOTED

Mr Smyth (Minister for Urban Services) presented the following paper:

GMC 400 Canberra, 8-10 June 2001 – Key results, prepared by Canberra Tourism & Events Corporation, dated August 2001 –

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

Mr Smyth moved – That the Assembly takes note of the paper.

Debate ensued.

Question – put and passed.

20 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 14 – DEFAMATION BILL 1999 – GOVERNMENT RESPONSE – PAPER NOTED

Mr Stefaniak (Attorney-General) presented the following paper:

Justice and Community Safety – Standing Committee – Report No. 14 – The Defamation Bill 1999 (*presented 1 May 2001*) – Government response –

and moved – That the Assembly takes note of the paper.

Question – put and passed.

21 SUSPENSION OF STANDING AND TEMPORARY ORDERS – CONSIDERATION OF ASSEMBLY BUSINESS

Mr Corbell moved – That so much of the standing and temporary orders be suspended as would prevent Assembly business order of the day relating to the Standing Committee on Planning and Urban Services' Report No. 77 concerning Draft Variation to the Territory Plan No. 138 Gungahlin Drive Extension being called on forthwith.

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

22 PLANNING AND URBAN SERVICES– STANDING COMMITTEE – REPORT NO. 77 – DRAFT VARIATION (NO. 138) TO THE TERRITORY PLAN – GUNGAHLIN DRIVE EXTENSION – REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Hird (Chair) – That the report be noted (*presented earlier this day; see entry No. 15*) –

Planning and Urban Services – Standing Committee - Report No. 77 – Draft variation to the Territory Plan (No. 138): Gungahlin Drive Extension, dated 7 August 2001 –

Debate resumed.

Ms Tucker moved the following amendment:

Omit all words after “That”, substitute:

“this Assembly does not accept this report and requests the Standing Committee on Planning and Urban Services to call for, and consider, public submissions into Draft Variation No. 138 to the Territory Plan before re-presenting its report.”.

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

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

Question – put and negatived.

Debate continued.

Ms Tucker, by leave, again addressed the Assembly.

Question – That Ms Tucker's amendment be agreed to – put.

The Assembly voted -

Ayes, 8

Mr Berry	Mr Stanhope
Mr Corbell	Ms Tucker
Mr Hargreaves	Mr Wood
Mr Kaine	
Mr Quinlan	

Noes, 9

Mrs Burke	Mr Osborne
Mr Cornwell	Mr Rugendyke
Mr Hird	Mr Smyth
Mr Humphries	Mr Stefaniak
Mr Moore	

And so it was negatived.

Question – That the report be noted – put and passed.

23 MOTION OF CENSURE – LEAVE NOT GRANTED

Mr Humphries (Chief Minister) sought leave to move a motion of censure of Mr Quinlan and Mr Stanhope (Leader of the Opposition).

Objection being raised, leave not granted.

Suspension of standing and temporary orders – Motion of censure: Mr Humphries moved – That so much of the standing and temporary orders as would prevent Mr Humphries from moving the motion circulated in my name regarding the censure of Mr Quinlan and Mr Stanhope.

Closure: Mr Quinlan moved – That the question be now put.

Question – That the question be now put – put and passed.

And the question – That the standing and temporary orders be suspended – was put accordingly and passed, with the concurrence of an absolute majority.

24 MR QUINLAN AND MR STANHOPE – MOTION OF CENSURE

Mr Humphries (Chief Minister) moved – That this Assembly, noting:

- that Mr Quinlan is recorded in the draft Hansard for yesterday, 8 August 2001, as referring to Ms Burke as a “*condescending bloody woman*”;
 - that Mr Quinlan, when asked earlier today to withdraw the remark, persistently denied that he had made it;
 - that in discussion of this matter earlier today Mr Stanhope, who is the Opposition’s spokesman on the status of women, claimed to remember the proceedings well enough to aver that Mr Quinlan had not made the remark;
 - that an examination of the audio recording of the proceedings clearly reveals that Mr Quinlan did make the remark recorded in the draft Hansard;
- (1) Censures Mr Quinlan both for his sexist language and for his dishonest denial that he made the remark recorded in the draft Hansard; and
 - (2) Censures Mr Stanhope for failing to provide leadership on, and uphold among his party, acceptable standards of parliamentary conduct and honesty and due respect for the status of women.

Debate ensued.

Question – put and negatived.

25 PRESENTATION OF PAPERS

Mr Moore (Minister for Health, Housing and Community Services and Manager of Government Business) presented the following papers:

Hepatitis C – Lookback program and financial assistance scheme report as at 30 June 2001.

Information bulletins –

Calvary Public Hospital – Patient Activity Data – May 2001.

The Canberra Hospital – Patient Activity Data – May 2001.

Health Regulation (Maternal Health Information) Act – 3rd quarter report 2000-2001.

Subordinate legislation (including explanatory statements, unless otherwise stated)

Subordinate Laws Act, pursuant to section 6 –

Animal Welfare Act – Animal Welfare Regulations 2001 – Subordinate Law 2001 No 26 (No. 31, dated 2 August 2001).

Government Procurement Act –

Appointments of Chairperson, public employee members and non public employee members to the ACT Government Procurement Board – Instrument No. 207 of 2001 (S52, dated 1 August 2001).

Procurement guideline – Approved procurement units – Instrument No. 214 of 2001 (S56, dated 8 August 2001).

Health and Community Care Services Act – Determination of fees and charges – Instrument No. 201 of 2001 (S50, dated 25 July 2001).

Land (Planning and Environment) Act –

Criteria for the direct grant of crown leases to community organisations – Instrument No. 223 of 2001 (S56, dated 8 August 2001).

Declaration of pest plants – Instrument No. 204 of 2001 (No. 31, dated 2 August 2001).

Determination of conditions for the grant of further rural leases – Instrument No. 224 of 2001 (S56, dated 8 August 2001).

Determination of criteria for community organisations – Instrument No. 210 of 2001 (S53, dated 3 August 2001).

Determination of criteria for older persons' accommodation – Instrument No. 211 of 2001 (S53, dated 3 August 2001).

Parole Act – Appointments to the Parole Board of the Australian Capital Territory –

Member – Instrument No. 205 of 2001 (S51, dated 27 July 2001).

Chairperson and Member – Instrument No. 206 of 2001 (S51, dated 27 July 2001).

Road Transport (General) Act –

Declaration – Road transport legislation not to apply to certain roads and road related areas – Instrument No. 202 of 2001 (S50, dated 25 July 2001).

Determination of a fee for the issue of a restricted taxi operator's licence for a wheelchair accessible taxi – Instrument No. 213 of 2001 (S54, dated 6 August 2001).

Utilities Act – Variations to contestable work accreditation code – Instrument No. 203 of 2001 (No. 31, dated 2 August 2001).

Statement by Minister: Mr Moore, by leave, made a statement in relation to Determination No. 211 of 2001 – Determination of criteria for older person's accommodation made under the *Land (Planning and Environment) Act 1991*.

26 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 79 – PROPOSALS TO DUPLICATE FAIRBAIRN AVENUE – REPORT NOTED

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee - Report No. 79 – Proposals to duplicate Fairbairn Avenue, dated 9 August 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Question – put and passed.

27 DISCHARGE OF ORDER OF THE DAY – EXECUTIVE BUSINESS

Mr Humphries (Treasurer), pursuant to standing order 152, moved – That order of the day No. 1, Executive business, relating to the Cooperatives Bill 2000 be discharged from the *Notice Paper*.

Question – put and passed.

28 ACTION CORPORATION BILL 1999

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.

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

Debate continued.

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

The Assembly voted -

Ayes, 14

Noes, 3

Mr Berry

Mr Kaine

Mr Osborne

Mrs Burke

Mr Moore

Mr Rugendyke

Mr Corbell

Mr Quinlan

Ms Tucker

Mr Cornwell

Mr Smyth

Mr Hargreaves

Mr Stanhope

Mr Hird

Mr Stefaniak

Mr Humphries

Mr Wood

And so it was resolved in the affirmative

Detail stage

Bill, by leave, taken as a whole -

On the motion of Mr Quinlan, by leave, his amendments Nos 1 to 80 were made together (*see* Schedule 1).

Bill, as a whole, as amended, agreed to.

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

29 ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) BILL 2000

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 Smyth (Minister for Urban Services), by leave, his amendments Nos 1 to 30 were made together (*see* Schedule 2).

Bill, as a whole, as amended, agreed to.

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

30 SUSPENSION OF STANDING AND TEMPORARY ORDERS – ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2001 – RESCISSION

Mr Moore (Manager of Government Business) moved - That so much of the standing orders be suspended as would prevent a motion being moved to rescind the resolution of the Assembly of Tuesday 7 August 2001 relating to the agreement to the Road Transport (Safety and Traffic Management) Amendment Bill 2001 and to reconsider the Bill, as a whole, in the detail stage forthwith.

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

31 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2001 – RESCISSION AND RECONSIDERATION

Mr Moore (Manager of Government Business) moved – That:

- (1) the resolution of the Assembly on Tuesday 7 August 2001, relating to the agreement of the Road Transport (Safety and Traffic Management) Amendment Bill 2001, be rescinded;
- (2) the Bill, as a whole, be reconsidered in the detail stage, pursuant to standing order 187; and
- (3) reconsideration of the Bill, as a whole, in detail stage commence forthwith.

Question – put and passed.

32 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2001

The Assembly, according to order, reconsidered the Bill at the detail stage.

Detail stage

Bill, by leave, taken as a whole –

On the motion of Mr Smyth (Minister for Urban Services) his amendment No. 1 was made after debate (*see* Schedule 3).

Bill, as a whole, as amended, agreed to.

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

33 POSTPONEMENT OF ORDERS OF THE DAY

Ordered – That orders of the day Nos 4 to 9, Executive business, be postponed until a later hour this day.

34 SUPREME COURT AMENDMENT BILL 2001

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.

35 CRIMES LEGISLATION AMENDMENT BILL 2001

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

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 debated –

Question – That clause 5 be agreed to – put.

The Assembly voted -

Ayes, 9		Noes, 8	
Mrs Burke	Mr Osborne	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Rugendyke	Mr Corbell	Ms Tucker
Mr Hird	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Humphries	Mr Stefaniak	Mr Kaine	
Mr Moore		Mr Quinlan	

And so it was resolved in the affirmative – Clause 5 agreed to.

Suspension of standing order 76: Mr Moore (Manager of Government Business) moved – That standing order 76 be suspended for the remainder of the sitting.

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

Clauses 6 to 8, by leave, taken together and agreed to.

Clause 9 debated and agreed to.

Clause 10 –

Ms Tucker moved her amendment No. 1 (*see* Schedule 6).

Debate continued.

Question – put.

The Assembly voted -

Ayes, 7		Noes, 10	
Mr Berry	Ms Tucker	Mrs Burke	Mr Moore
Mr Corbell	Mr Wood	Mr Cornwell	Mr Osborne
Mr Hargreaves		Mr Hird	Mr Rugendyke
Mr Quinlan		Mr Humphries	Mr Smyth
Mr Stanhope		Mr Kaine	Mr Stefaniak

And so it was negatived.

Ms Tucker moved her amendment No. 2 (*see* Schedule 6).

Amendment negatived.

Clause 10 agreed to.

Clauses 11 and 12, by leave, taken together and agreed to.

Clause 13 –

Mr Stanhope (Leader of the Opposition) moved his amendment No. 3 (*see* Schedule 4, Part 1).

Debate continued.

Question – put.

The Assembly voted –

Ayes, 11

Noes, 6

Mr Berry	Mr Quinlan	Mrs Burke	Mr Stefaniak
Mr Corbell	Mr Rugendyke	Mr Cornwell	
Mr Hargreaves	Mr Stanhope	Mr Hird	
Mr Kaine	Ms Tucker	Mr Humphries	
Mr Moore	Mr Wood	Mr Smyth	
Mr Osborne			

And so it was resolved in the affirmative.

Clause 13, as amended, agreed to.

Clauses 14 and 15, by leave, taken together and agreed to.

Clause 16 –

Mr Stanhope (Leader of the Opposition) moved his amendment No. 4 (*see* Schedule 4, Part 1).

Debate continued.

Mr Moore (Minister for Health, Housing and Community Services) moved his amendment (*see* Schedule 7) to Mr Stanhope's amendment No. 4.

Debate ensued.

Mr Moore, by leave, addressed the Assembly.

Debate continued.

Question – That Mr Moore's amendment to Mr Stanhope's amendment No. 4 be agreed to – put and passed.

On the motion of Mr Osborne his amendment (*see* Schedule 8) to Mr Stanhope's amendment No. 4 was made.

The Assembly continuing to sit until after 12 midnight –

FRIDAY, 10 AUGUST 2001

Question – Mr Stanhope's amendment No. 4, as amended, be agreed to – put and passed.

Ms Tucker moved her amendment No. 3 (*see* Schedule 6).

Debate continued.

The Assembly voted –

Ayes, 10

Noes, 7

Mr Berry	Mr Osborne	Mrs Burke	Mr Smyth
Mr Corbell	Mr Quinlan	Mr Cornwell	Mr Stefaniak
Mr Hargreaves	Mr Stanhope	Mr Hird	
Mr Kaine	Ms Tucker	Mr Humphries	
Mr Moore	Mr Wood	Mr Rugendyke	

And so it was resolved in the affirmative.

Ms Tucker moved her amendment No. 4 (*see* Schedule 6).

Amendment negatived.

Clause 16, as amended, agreed to.

Clause 17 agreed to.

Clauses 18 and 19, by leave, taken together –

Debate continued.

On the motion of Mr Stefaniak (Attorney-General) his amendment (*see* Schedule 5, Part 2) was made.

The Speaker, having ascertained that it was the wish of the Assembly, put the question *seriatim* –

Clause 18, as amended, negatived.

Suspension of sitting: At 12.25 a.m. the Speaker left the Chair

Resumption of sitting: At 12.35 a.m. the Speaker resumed the Chair.

New clause –

On the motion of Mr Stefaniak new clause 18A (*see* Schedule 5, Part 3) was inserted in the Bill.

Question – That clause 19 be agreed to – put.

The Assembly voted -

Ayes, 5

Noes, 4

Mrs Burke
Mr Cornwell
Mr Hird
Mr Rugendyke
Mr Stefaniak

Mr Berry
Mr Quinlan
Mr Stanhope
Ms Tucker

And so it was resolved in the affirmative – Clause 19 agreed to.

Clause 20 agreed to.

Clause 19 – Reconsideration –

The Speaker having ascertained that it was the wish of the Assembly to reconsider clause 19 –

Clause 19 debated –

Question – put.

The Assembly voted -

Ayes, 9

Noes, 8

Mrs Burke	Mr Osborne	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Rugendyke	Mr Corbell	Ms Tucker
Mr Hird	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Humphries	Mr Stefaniak	Mr Kaine	
Mr Moore		Mr Quinlan	

And so it was resolved in the affirmative.

Clauses 21 and 22, by leave, taken together, debated and agreed to.

Clause 23 agreed to.

Clauses 24 to 27, by leave, taken together –

Debate continued.

The Speaker, having ascertained that it was the wish of the Assembly, put the question *seriatim* –

That clause 24 be agreed to – put and passed.

That clause 25 be agreed to – put and passed.

That clause 26 be agreed to – put.

The Assembly voted -

Ayes, 9

Noes, 8

Mrs Burke	Mr Osborne	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Rugendyke	Mr Corbell	Ms Tucker
Mr Hird	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Humphries	Mr Stefaniak	Mr Moore	
Mr Kaine		Mr Quinlan	

And so it was resolved in the affirmative.

Clause 27 –

On the motion of Mr Stefaniak (Attorney-General) his amendment (*see* Schedule 5, Part 4) was made.

Clause 27, as amended, agreed to.

Clauses 28 to 37, by leave, taken together and agreed to.

New clause –

On the motion of Mr Stefaniak new clause 37A (his amendment No. 1) (*see* Schedule 5, Part 1)) was inserted in the Bill, after debate.

Clause 38 agreed to.

Clause 39 –

On the motion of Ms Tucker her amendment No. 6 (*see* Schedule 6) was made, after debate.

Clause 39, as amended, agreed to.

Clause 40 agreed to.

Clause 41 –

Mr Stanhope moved his amendment No. 15 (*see* Schedule 4, Part 1).

Amendment negatived.

On the motion of Mr Stanhope his amendment No. 16 (*see* Schedule 4, Part 1) was made.

Clause 41, as amended, agreed to.

Clause 42 agreed to.

New Part –

On the motion of Mr Stefaniak new Part 4 A (his amendment No. 2) (*see* Schedule 5, Part 1)) was inserted in the Bill.

Clauses 43 to 53, by leave, taken together and agreed to.

Clause 54 agreed to.

Clauses 55 to 62, by leave, taken together and agreed to.

Clauses 63 and 64, by leave, taken together –

On the motion of Mr Stefaniak, by leave, his amendments Nos 3, 4 and 5 (*see* Schedule 5, Part 1) were made together.

Clauses 63 and 64, as amended, agreed to.

Clauses 65 to 67, by leave, taken together, debated and agreed to.

Clause 68 –

Debate continued.

On the motion of Ms Tucker her amendment No. 8 (*see* Schedule 6) was made, after debate.

Question – That clause 68, as amended, be agreed to – put.

The Assembly voted -

Ayes, 8

Noes, 9

Mrs Burke

Mr Rugendyke

Mr Berry

Mr Quinlan

Mr Cornwell

Mr Smyth

Mr Corbell

Mr Stanhope

Mr Hird

Mr Stefaniak

Mr Hargreaves

Ms Tucker

Mr Humphries

Mr Moore

Mr Wood

Mr Kaine

Mr Osborne

And so it was negatived.

Title agreed to.

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

36 STATEMENT BY SPEAKER – PRIVILEGE

The Speaker made a statement concerning a possible breach of privilege in respect of the release to the public of confidential information discussed at a meeting of the Standing Committee on Planning and Urban Services on 7 August 2001 in relation to its report on Draft Variation No. 138.

The Speaker also referred to a further matter which had been brought to his attention by the Chair in respect of the publication of the deliberations of the Standing Committee on Planning and Urban Services on the timing of the presentation of its proposed report on the duplication of Fairbairn Avenue.

The Speaker informed the Assembly he was prepared to give precedence to a motion to refer the first matter to a select committee in accordance with standing order 71.

Mr Hird addressed the Assembly on the matter.

Mr Kaine and Mr Smyth (Minister for Urban Services) also addressed the Assembly on the matter.

37 CRIMINAL CODE 2001

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.

38 PROTECTION ORDERS BILL 2001

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 -

Ms Tucker moved – That the debate be now adjourned and the resumption of the debate be made an order of the day for the third sitting day following the presentation to the Assembly of a report by the Attorney-General on consultation he has undertaken on the Bill with stakeholders in the domestic violence sector including (a) the Domestic Violence Prevention Council; (b) the Domestic Violence Crisis Service; and (c) the Women’s Legal Centre regarding (i) possible impacts of the legislation on victims of domestic violence, (ii) the Bill’s consistency with model domestic violence laws and (iii) any proposals in relation to the legislation.

Statements by Member and Minister: Ms Tucker and Mr Moore (Minister for Health, Housing and Community Services), by leave, made statements in relation to the matter.

Question – That the debate be adjourned – put and passed.

The question on the resumption of the debate having been proposed –

Mr Moore moved the following amendment.

Omit all words after “day” and substitute the words “for the next day of sitting.”.

Question – put.

The Assembly voted –

Ayes, 9

Noes, 8

Mrs Burke

Mr Osborne

Mr Berry

Mr Stanhope

Mr Cornwell

Mr Rugendyke

Mr Corbell

Ms Tucker

Mr Hird

Mr Smyth

Mr Hargreaves

Mr Wood

Mr Humphries

Mr Stefaniak

Mr Kaine

Mr Moore

Mr Quinlan

And so it was resolved in the affirmative.

Question – That the motion, as amended, viz:

That the debate be now adjourned and the resumption of the debate be made an order of the day for the next day of sitting –

be agreed to – put and passed.

39 PROTECTION ORDERS (CONSEQUENTIAL AMENDMENTS) BILL 2001

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 adjourned (Mr Stanhope – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

40 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2001

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.

41 WORKERS COMPENSATION AMENDMENT BILL 2001

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 Berry) and the resumption of the debate made an order of the day for the next sitting.

42 NEW TEMPORARY STANDING ORDER

Mr Berry, by leave, moved – That the following temporary order be adopted:

STANDING ORDER 118A

- (i) omit “(including a question taken on notice during questions without notice)”;
- (ii) add “If a Minister takes a question on notice, that answer, or an explanation why there is no answer, must be provided prior to the adjournment of the Assembly on 30 August 2001”.

Question – put and passed.

43 ADJOURNMENT

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

Debate ensued.

Question – put and passed.

And then the Assembly, at 3.26 a.m., adjourned until Tuesday, 21 August 2001 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

ACTION CORPORATION BILL 1999

Amendments circulated by the Mr Quinlan

1

Clause 1

Page 1, line 5—

Omit “*Corporation*”, substitute “*Authority*”.

2

Clause 3

Definition of *appointed director*

Page 2, line 8—

Omit “corporation”, substitute “authority”.

3

Clause 3

Proposed new definition of *authority*

Page 2, line 9—

Insert the following definition:

authority means ACTION authority.

4

Clause 3

definition of *board*

Page 2, line 9—

Omit “corporation”, substitute “authority”.

5

Clause 3

Definition of *corporation*

Page 2, line 13—

Omit the definition.

6

Clause 3

Definition of *director*

Page 2, line 14—

Omit “corporation”, substitute “authority”.

7

Heading to Part 2

Page 3, line 1—

Omit “CORPORATION”, substitute “AUTHORITY”.

8

Clause 4

Subclause (1)

Page 3, line 4—

Omit “Corporation”, substitute “Authority”.

9

Clause 4

Subclause (2)

Page 3, line 5—

Omit “corporation”, substitute “authority”.

10

Clause 5

Page 3, line 9—

Omit “corporation”, substitute “authority”.

11

Clause 5

Paragraphs (a) and (b)

Page 3, line 10—

Omit the paragraphs, substitute the following paragraphs:

- (a) to provide an effective, affordable and accessible public transport network within its area of operation; and
- (b) without prejudice to paragraph (a), to operate on a sound commercial basis; and

12

Clause 5

Paragraph (c)

Page 3, line 14—

Omit “corporation”, substitute “authority”.

13

Clause 5

Paragraph (e)

Page 3, line 18—

Omit “corporation”, substitute “authority”.

14

Clause 5**Paragraph (g)****Page 3, line 20—**

Omit “corporation”, substitute “authority”.

15

Clause 6**Subclause (1)****Page 3, line 25—**

Omit “corporation”, substitute “authority”.

16

Clause 6**Subclause (2)****Page 3, line 27—**

Omit “corporation”, substitute “authority”.

17

Clause 7**Subclause (1)****Page 3, line 30—**

Omit “The corporation or any company that, under the Corporations Law, is a subsidiary of the corporation,”, substitute “The authority or a company that, for the Corporations Act, is a subsidiary of the authority,”.

18

Clause 7**Paragraph (1) (b)****Page 4, line 1—**

Omit the paragraph.

19

Clause 7**Subclause (2)****Page 4, line 7—**

Omit “corporation”, substitute “authority”.

20

Clause 7**Proposed new subclauses (3) and (4)****Page 4, line 9—**

After subclause (2), insert the following new subclauses:

(3) The authority or a company mentioned in subsection (1) must not dispose of any of its main undertakings unless the Legislative Assembly has, by resolution, approved the disposal.

(4) A purported disposal in contravention of subsection (3) is void.

21

Clause 8

Page 4, line 12—

Omit “corporation”, substitute “authority”.

22

Clause 9

Subclause (1)

Page 4, line 16—

Omit “corporation”, substitute “authority”.

23

Clause 9

Paragraph (2) (a)

Page 4, line 19—

Omit “corporation”, substitute “authority”.

24

Clause 9

Paragraph (2) (b)

Page 4, line 20—

Omit “corporation”, substitute “authority”.

25

Clause 10

Subclause (2)

Page 4, line 24—

Omit “corporation”, substitute “authority”.

26

Clause 11

Subclause (1)

Page 5, line 1—

Omit the subclause, substitute the following subclauses:

(1) The Minister may appoint a person to be director of the authority.

(1A) The number of appointed directors must be not less than 4 nor more than 6.

27

Clause 12**Subclause (1)****Page 5, line 6—**

Omit “, by instrument,”.

28

Clause 12**Page 5, line 15—**

[Oppose the clause.]

29

Clause 15**Paragraph (1) (b)****Page 5, line 25—**

Omit “corporation”, substitute “board”.

30

Clause 15**Paragraph (3) (c)****Page 6, line 11—**

Omit “corporation”, substitute “authority”.

31

Clause 16**Proposed new subclauses (4), (5) and (6)****Page 6, line 26—**

After subclause (3), insert the following new subclauses:

- (1) The chairperson of the board must, within 7 days after the end of each financial year, give to the Minister a statement that sets out the details of all disclosures under this section made during the financial year.
- (2) The Minister must give to the relevant committee of the Legislative Assembly a copy of a statement received under subsection (4) within 14 days after receiving the statement.
- (3) In this section:

relevant committee means—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker for this section; or

- (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.

32

Clause 17

Paragraph (1) (a)

Page 6, line 33—

Omit “corporation”, substitute “authority”.

33

Clause 20

Subclause (1)

Page 8, line 4—

Omit “corporation”, substitute “authority”.

34

Clause 20

Subclause (2)

Page 8, line 5—

Omit “corporation”, substitute “authority”.

35

Clause 20

Subclause (3)

Page 8, line 10—

Omit “corporation”, substitute “authority”.

36

Clause 20

Subclause (4)

Page 8, line 11—

Omit “corporation”, substitute “authority”.

37

Clause 20

Subclause (5)

Page 8, line 13—

Omit “corporation”, substitute “authority”.

38

Clause 21

Paragraph (1) (a)

Page 8, line 18—

Omit “corporation’s”, substitute “authority’s”.

39

Division 3.2**Heading****Page 8, line 25—**

Omit “*and consultants*”.

40

Clause 22**Page 8, line 26—**

Omit the clause, substitute the following clause:

22 Staff

- (1) The authority may employ the staff it considers necessary to exercise its functions.
- (2) The terms and conditions of employment of staff employed by the authority are as set out in a negotiated industrial agreement under the *Workplace Relations Act 1996* (Cwth).
- (3) Subsection (2) does not apply to staff at an executive level.

41

Clause 23**Subclause (1)****Page 8, line 32—**

Omit “corporation”, substitute “Minister”.

42

Clause 23**Subclause (2)****Page 9, line 7—**

Omit “changed—”, substitute “changed by a negotiated industrial agreement—”.

43

Clause 24**Page 9, line 25—**

[Oppose the clause.]

44

Clause 25**Page 10, line 2—**

Omit the clause, substitute the following clause:

25 Requests for information

The authority must provide the Minister with all the information about the affairs of the authority that the Minister requests.

45

Clause 26

Page 10, line 6—

Omit “corporation”, substitute “authority”.

46

Clause 26

Paragraph (a)

Page 10, line 8—

Omit “corporation”, substitute “authority”.

47

Clause 26

Paragraph (c)

Page 10, line 10—

Omit “corporation”, substitute “authority”.

48

Clause 26

Paragraph (d)

Page 10, line 11—

Omit “corporation”, substitute “authority”.

49

Clause 27

Subclause (1)

Page 10, line 13—

Omit “corporation”, substitute “authority”.

50

Clause 27

Paragraph (2) (a)

Page 10, line 16—

Omit “corporation”, substitute “authority”.

51

Clause 27

Paragraph (2) (b)

Page 10, line 17—

Omit “corporation”, substitute “authority”.

52

Clause 27**Paragraph (2) (c)****Page 10, line 19—**

Omit “corporation”, substitute “authority”.

53

Clause 27**Subclause (4)****Page 10, line 22—**

Omit “corporation”, substitute “authority”.

54

Clause 27**Subclause (5)****Page 10, line 24—**

Omit “corporation”, substitute “authority”.

55

Clause 27**Paragraph (6) (a)****Page 10, line 27—**

Omit “corporation”, substitute “authority”.

56

Clause 27**Paragraph (6) (b)****Page 10, line 31—**

Omit “if the direction requires the corporation to perform an activity in a way that is different from the manner in which the corporation”, substitute “if the direction requires the authority to perform an activity in a way that is different from the way in which the authority”.

57

Clause 27**Paragraph (6) (c)****Page 11, line 1—**

Omit “corporation”, substitute “authority”.

58

Clause 27**Subclause (7)****Page 11, line 6—**

Omit “corporation”, substitute “authority”.

59

Clause 28

Subclause (1)

Page 11, line 9—

Omit “corporation”, substitute “authority”.

60

Clause 28

Subclause (2)

Page 11, line 13—

Omit “corporation”, substitute “authority”.

61

Clause 28

Paragraph (2) (g)

Page 11, line 26—

Omit “corporation”, substitute “authority”.

62

Clause 28

Subparagraph (2) (i) (i)

Page 11, line 32—

Omit “corporation”, substitute “authority”.

63

Clause 29

Subclause (1)

Page 12, line 2—

Omit “corporation”, substitute “authority”.

64

Clause 29

Subclause (2)

Page 12, line 6—

Omit “corporation”, substitute “authority”.

65

Clause 29

Subclause (3)

Page 12, line 12—

Omit “corporation”, substitute “authority”.

66

Clause 30**Subclause (1)****Page 12, line 16—**

Omit “corporation”, substitute “authority”.

67

Clause 30**Subclause (2)****Page 12, line 18—**

Omit “corporation”, substitute “authority”.

68

Clause 31**Subclause (1)****Page 12, line 30—**

Omit the subclause, substitute the following subclause:

- (1) In addition to any other reports that the authority is required by this Act or any other law to make, the authority must give to the Treasurer the reports that the Treasurer requires.

69

Heading to Division 5.1**Page 13, line 2—**

Omit “*corporation*”, substitute “*authority*”.

70

Clause 32**Definition of *relevant person*, paragraph (b)****Page 13, line 7—**

Omit “corporation”, substitute “authority”.

71

Clause 32**Definition of *relevant person*, paragraph (c)****Page 13, line 8—**

Omit “corporation”, substitute “authority”.

72

Clause 33**Page 13, line 13—**

Omit “corporation”, substitute “authority”.

73

Clause 34

Page 13, line 19—

Omit “corporation”, substitute “authority”.

74

Clause 35

Page 13, line 22—

Omit the clause, substitute the following clause:

35 Power to bind authority

Anything done on behalf of the authority by the board or the chief executive is taken to have been done by the authority.

75

Clause 36

Page 13, line 26—

Omit “corporation”, substitute “authority”.

76

Clause 36

Paragraph (b)

Page 13, line 31—

Omit “corporation”, substitute “authority”.

77

Clause 37

Page 14, line 3—

Omit “corporation as if the corporation”, substitute “authority as if the authority”.

78

Clause 38

Page 15, line 2—

Omit the clause, substitute the following clause:

38 Transfer of assets, rights and liabilities

- (1) The Minister may, in writing, declare that assets, rights or liabilities of the Territory vest in the authority.
- (2) If an asset, right or liability that is transferred to the authority under this section is mentioned in a contract, agreement or arrangement, the reference to the Territory in the contract, agreement or arrangement is to be read (except in relation to matters that occurred before the vesting) as a reference to the authority.

- (3) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) Unless a declaration is disallowed by the Legislative Assembly, the declaration commences—
- (a) on the day after the last day when it could have been disallowed; or
 - (b) if the declaration provides for a later date or time of commencement—on that date or time.

79

Clause 39

Subclause (1)

Page 15, line 20—

Omit “corporation”, substitute “authority”.

80

Title

Page 1—

Omit “**Corporation**”, substitute “**Authority**”.

Schedule 2

ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) BILL 2000

Amendments circulated by the Minister for Urban Services

1

Part 1

note

Page 2, line 2—

Omit “, and the regulations made under it, form”, substitute “(including the regulations) forms”.

2

Proposed new clauses 6A to 6C

Page 3, line 30—

After clause 6, insert the following new clauses:

6A Register of accredited people

- (1) The accredited bus operators register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

Note Section 6 (b) requires a register of accredited bus service operators to be kept.

- (2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (3) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (4) This section does not limit the functions of the road transport authority in relation to the register.

6B Disclosure of information in registers

The road transport authority must ensure that information in the accredited bus operators register that is of a personal nature or has commercial sensitivity for a person about whom it is kept is released only in accordance with this Act or another law in force in the Territory.

6C Trade Practices Act authorisation

For the *Trade Practices Act 1974* (Cwlth) and the Competition Code of the Australian Capital Territory, the following are authorised by this Act:

- (a) everything done under this Act;
- (b) all service contracts made under this Act;
- (c) everything done under a service contract, or a provision of a service contract, authorised by this Act.

Note 1 For the Competition Code of the Australian Capital Territory, see the *Competition Policy Reform Act 1996*, s 5 and s 10.

Note 2 A reference to an Act includes a reference to statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

3

Clause 12

Page 5, line 22—

Omit the clause, substitute the following clause:

12 Bus operators—purposes of accreditation (NSW s 7 (2))

The purpose of accreditation under the regulations to operate a bus service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and
- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
 - (i) the safety of passengers and the public; and
 - (ii) the maintenance of public buses.

4

Clauses 13 and 14

Page 6, line 7—

[Oppose the clauses.]

5

Clause 15

Paragraphs (1) (d) and (e)

Page 7, line 1—

Omit the paragraphs, substitute the following new paragraphs:

- (d) matters relating to the giving, refusal or surrender of accreditations; and

- (e) the action that may be taken in relation to accreditations in circumstances prescribed under the regulations, including—
 - (i) the suspension or cancellation of an accreditation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
 - (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5,000; or
 - (B) for a corporation—\$25,000; and
 - (iv) the reprimanding of an accredited person.

6

Clause 15

Proposed new subclause (1A)

Page 7, line 5—

After subclause (1), insert the following new subclause:

- (1A) The regulations may make provision in relation to the accreditation of people to operate bus services, including, for example—
 - (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the network; and
 - (b) capacity to meet service standards; and
 - (c) financial viability.

7

Clause 16

Page 7, line 11—

[Oppose the clause.]

8

Clause 17

Subclause (3)

Page 8, line 27—

Omit the subclause.

9

Clause 23

Subclause (2)

Proposed new note

Page 11, line 18—

After the subclause, insert the following new note:

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

10**Proposed new clause 23A****Page 11, line 18—**

After clause 23, insert the following new clause:

23A Regulations about operation of bus services by accredited people

The regulations may make provision in relation to the operation of bus services by accredited bus service operators, including, for example—

- (a) the conduct of bus services, including, for example—
 - (i) the safety of passengers and the public; and
 - (ii) the qualifications, training and experience of bus drivers and other people providing services on behalf of accredited bus service operators; and
 - (iii) maximum driving times and minimum rest times of bus drivers; and
 - (iv) insurance; and
 - (v) the issue of tickets; and
 - (vi) customer complaints and inquiries; and
- (b) the preparation and publication of, and compliance with, timetables for regular route services; and
- (c) the obligations of drivers of public buses and other people providing services on behalf of accredited bus service operators; and
- (d) the requirements that public buses, and their equipment and fittings (internal and external), must comply with; and
- (e) the maintenance and cleaning of public buses; and
- (f) maintenance, parking and other facilities for public buses; and
- (g) the making and keeping of records and their inspection; and
- (h) the auditing of records and systems; and
- (i) the provision of information and reports to the road transport authority.

11**Clause 24****Page 11, line 20—**

Omit “for or with respect to”, substitute “in relation to”.

12**Clause 28****Subclause (1)****Proposed new note****Page 13, line 3—**

After the subclause, insert the following new note:

Note Regulations must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

13**Clause 29****Page 13, line 7—**

Omit the clause, substitute the following clause:

29 Regulations may apply certain documents etc

The regulations may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

14**Clause 30****Subclause (1)****Page 13, line 13—**

After “The Minister may”, insert “, in writing,”.

15**Clause 30****Subclause (2)****Page 13, line 15—**

Omit the subclause, substitute the following subclause and note:

(2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

16**Clause 35****Page 16, line 2—**

Omit “on 1 April 2002”, substitute “18 months after it commences”.

17**Clause 36****Subclause (5)****Page 16, line 18—**

Omit “on 30 June 2001”, substitute “12 months after this section commences”.

18**Clause 38****Page 17, line 2—**

Omit “on 30 June 2001”, substitute “12 months after it commences”.

19**Clause 44****Page 18, line 8—**

Omit “on 30 June 2001”, substitute “6 months after it commences”.

20**Clause 45****Subclause (4)****Page 18, line 24—**

Omit “on 31 December 2001”, substitute “12 months after this section commences”.

21**Clause 46****Page 18, line 26—**

Omit “on 31 December 2001”, substitute “12 months after it commences”.

22**Clause 47****Subclause (5)****Page 19, line 21—**

Omit “on 30 June 2001”, substitute “12 months after this section commences”.

23**Clause 47****Subclause (7)****Page 19, line 27—**

Omit “on 30 June 2001”, substitute “12 months after this section commences”.

24**Clause 48****Page 19, line 29—**

Omit “on 30 June 2001”, substitute “12 months after it commences”.

25**Clause 49****Subclause (4)****Page 20, line 14—**

Omit “on 31 December 2002”, substitute “18 months after it commences”.

26**Clause 50****Page 20, line 16—**

Omit “on 31 December 2002”, substitute “18 months after it commences”.

27**Proposed new part 5 and schedule 1****Page 20, line 16—**

After clause 50, insert the following new part and schedule:

Part 5 Repeals and consequential amendments

51 Repeals

- (1) The *Motor Omnibus Services Act 1955* is repealed.
- (2) The following subordinate laws are repealed:
 - (a) the *Motor Omnibus Services Regulations* SL 1955 No 14;
 - (b) the *Road Transport (Bus Services) Regulations 2000* SL 2000 No 9.
- (3) If this section commences before the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register), the *Road Transport Legislation Amendment Act 2001* is repealed.

52 Schedule 1

Schedule 1 amends the Acts and subordinate laws mentioned in that schedule.

53 Expiry of pt 5 and schedule 1

This part and schedule 1 expire on 31 December 2001.

Schedule 1 Consequential amendments

(see s 52)

Part 1.1 Magistrates Court Act 1930

[1.1] Section 116AA (2), definition of *road transport legislation*, paragraphs (d) to (g)

renumber as paragraphs (e) to (h)

[1.2] Section 116AA (2), definition of *road transport legislation*, new paragraph (d)

insert

(d) the *Road Transport (Public Passenger Services) Act 2001*;

[1.3] Section 116AA (2), definition of *road transport legislation*, paragraph (g)

omit

(f)

substitute

(g)

Part 1.2 Road Transport (Alcohol and Drugs) Act 1977

[1.4] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

[1.5] Section 4B (1) (f) (iv)

substitute

(iv) a public vehicle within the meaning of the *Road Transport (General) Act 1999*, section 158;

Part 1.3 Road Transport (Dimensions and Mass) Act 1990

[1.6]..Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

Part 1.4 **Road Transport (Driver Licensing) Act 1999**

[1.7] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

[1.8] Section 4, note 1

omit all the words after

For example,

substitute

the signpost definition ‘**public vehicle**—see the *Road Transport (General) Act 1999*, section 158.’ means the expression ‘public vehicle’ is defined in section 158 of that Act and the definition applies to this Act

[1.9] Dictionary, definition **public vehicle**

substitute

public vehicle—see the *Road Transport (General) Act 1999*, section 158.

Part 1.5 **Road Transport (General) Act 1999**

[1.10] Part 1, note

after

the *Road Transport (Driver Licensing) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

[1.11] Section 6

insert

(da) the *Road Transport (Public Passenger Services) Act 2001*;

[1.12] Section 6

renumber paragraphs when Act next republished under Legislation Act 2001

[1.13] Section 100, definition of *private hire car*

omit

bus

substitute

public bus

[1.14] Section 100, definition of *public vehicle*

omit

bus,

[1.15] Section 100, definition of *restricted hire vehicle*

omit

bus

substitute

public bus

[1.16] Section 100, definition of *taxi*

omit

bus

substitute

public bus

[1.17] Section 100, definitions of *bus*, *bus operator's licence*, *bus service licence*, *visiting bus* and *visiting bus operator's licence*

omit

[1.18] Divisions 9.6 to 9.8

omit

[1.19] Section 155

omit

A person

substitute

(1) A person

[1.20] Section 155

insert

(2) This section does not apply to a public bus.

[1.21] Section 156*omit*

, bus operator's licence

[1.22] Section 158*insert**public vehicle* means a private hire car, public bus, restricted hire vehicle, restricted taxi or taxi.**[1.23] Dictionary, definitions of *bus*, *bus operator's licence*, *bus service licence*, *visiting bus* and *visiting bus operator's licence****omit***[1.24] Dictionary, definition of *public vehicle****substitute**public vehicle*—

- (a) for part 9 (Public vehicles)—see section 100; and
- (b) for part 10 (Compulsory vehicle insurance)—see section 158.

[1.25] Dictionary, new definition of *public bus**insert**public bus*—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

Part 1.6 Road Transport (Safety and Traffic Management) Act 1999

[1.26] Part 1, note*after*the *Road Transport (General) Act 1999*,*insert*the *Road Transport (Public Passenger Services) Act 2001*,

Part 1.7 Road Transport (Vehicle Registration) Act 1999

[1.27] Part 1, note*after*the *Road Transport (General) Act 1999*,*insert*

the *Road Transport (Public Passenger Services) Act 2001*,

Part 1.8 Victims of Crime (Financial Assistance) Act 1983

[1.28] Section 66 (3), definition of *infringement notice*, paragraph (d)

omit

, the *Motor Omnibus Services Act 1955*

Part 1.9 Dangerous Goods Regulations 1978

[1.29] Regulation 14 (8) (b) (vii) to (ix)

renumber as paragraphs 14 (8) (b) (viii) to (x)

[1.30] Regulation 14 (8), new paragraph (b) (vii)

insert

(vii) the *Road Transport (Public Passenger Services) Act 2001*; or

[1.31] Regulation 14 (8) (b) (ix)

omit

(viii)

substitute

(ix)

Part 1.10 Road Transport (Driver Licensing) Regulations 2000

[1.32] Dictionary, definitions of *public bus* and *public vehicle*

substitute

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

public vehicle—see the *Road Transport (General) Act 1999*, section 158.

[1.33] Dictionary, definition of *public vehicle regulations*, paragraphs (a) and (b)

substitute

(a) the *Road Transport (Hire Vehicle Services) Regulations 2000*;

- (b) the *Road Transport (Public Passenger Services) Regulations 2001*;

Part 1.11 Road Transport (General) Regulations 2000

[1.34] Regulation 14 (1) (e) and (f)

after

a driving instructor's accreditation

insert

or accreditation to operate a bus service

[1.35] Regulation 14 (3) (d)

omit

if the driving instructor surrenders the accreditation

substitute

or accreditation to operate a bus service if the accreditation is surrendered

[1.36] Regulation 16 (1) (b)

after

driving instructor's accreditation

insert

or accreditation to operate a bus service

[1.37] Dictionary, new definition of *bus service*

insert

bus service—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

Part 1.12 Road Transport (Safety and Traffic Management) Regulations 2000

[1.38] Regulation 33 (1), definition of *public bus*

substitute

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

[1.39] Regulation 57A (1) (b)

substitute

(b) is stopping for a regular route service.

[1.40] Regulation 57A (3) (c)

substitute

(c) is stopping for a regular route service.

[1.41] Regulation 57A (4)

insert

regular route service—see the *Road Transport (Public Passenger Services) Act 2001*, section 9 (What is a **regular route service**?).

[1.42] Dictionary, definition of *public bus*

substitute

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

28

Dictionary

Definition of *accredited*

Page 21, line 2—

Omit “these regulations”, substitute “the regulations”.

29

Dictionary

Definitions of *director* and *executive officer*

Page 21, line 11—

Omit the definitions.

30

Dictionary

Definitions of *standard*, *the regulations* and *this Act*

Page 23, line 15—

Omit the definitions.

Schedule 3

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2000

Amendment circulated by the Minister for Urban Services

1

Proposed new clauses 3A to 3E

Page 2, line 9—

After clause 3, insert the following new clauses:

3A Section 10B (1) (b) and (c)

renumber as paragraphs 10B (1) (a) and (b)

3B Section 10B

renumber subsections under Legislation Act 2001 when Act next republished

3C Section 10C, 10D, 10F and 10G

omit

3D Section 10I

omit

section 10B (1) (a), (b) or (c)

substitute

section 10B (1) (a)

3E Sections 10AA, 10A, 10B, 10E, 10H, 10I and 10J

renumber sections under Legislation Act 2001 when Act next republished

Schedule 4**CRIMES LEGISLATION AMENDMENT BILL 2001**

Amendment circulated by the Leader of the Opposition

PART 1**1****Clause 5****Page 3, line 15—***[Oppose the clause.]***2****Part 3****Page 6, line 2—**

Omit the part.

3**Clause 13****Proposed new subsection 107A (2)****Page 9, line 10—**

Omit the subsection, substitute the following subsection:

- (2) In the prosecution of a person for an offence against this section, the prosecution must establish beyond reasonable doubt that the defendant—
- (a) did not have reasonable grounds for believing that the cheque would be paid in full on presentation; or
 - (b) had an intention to defraud.

4**Clause 16****Proposed new subsection 349SA (1)****Page 10, line 22—**

Omit the subsection, substitute the following subsection:

- (1) This section applies if a police officer believes, on reasonable grounds, that—
- (a) a person is carrying, or otherwise has in his or her possession, a thing (the *relevant thing*) relevant to an indictable offence; and
 - (b) it is necessary to exercise a power under subsection (2) to prevent the thing from being concealed, lost or destroyed; and

- (c) it is necessary to exercise the power without the authority of a search warrant because the circumstances are serious and urgent.

5

Clause 18

Page 12, line 1—

[Oppose the clause.]

6

Clause 19

Page 12, line 9—

[Oppose the clause.]

7

Clause 21

Page 12, line 20—

[Oppose the clause.]

8

Clause 22

Page 13, line 1—

[Oppose the clause.]

9

Clause 24

Page 13, line 8—

[Oppose the clause.]

10

Clause 25

Page 13, line 14—

[Oppose the clause.]

11

Clause 26

Page 13, line 21—

[Oppose the clause.]

12

Clause 27

Page 14, line 1—

[Oppose the clause.]

13**Clause 39****Proposed new subsection 546C (5A)****Page 18, line 13—**

After proposed new subsection (5), insert the following new subsection:

- (5A) A thing may be seized under subsection (5) only from residential premises.

14**Proposed new clause 40A****Page 19, line 8—**

After clause 40, insert the following new clause:

40A New section 546CA

insert

546CA Compensation because of seizure under s 546C (5)

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of seizure of anything under section 546C (5) by a police officer.
- (2) Compensation may be claimed and ordered in a proceeding for—
 - (a) compensation brought in a court of competent jurisdiction; or
 - (b) an offence against this Act brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.

15**Clause 41****Proposed new paragraph 557B (1) (c)****Page 20, line 11—**

Omit the paragraph.

16**Clause 41****Proposed new paragraph 557J (2) (ba)****Page 24, line 2—**

After proposed new paragraph 557J (2) (b), insert the following paragraph:

(ba) quash the conviction; or

17

Clause 54

Page 30, line 7—

[Oppose the clause.]

18

Part 10

Page 34, line 2—

Omit the part.

PART 2 – Leader of the Opposition

1

Clause 68

Proposed new subsection 37R (2A)

Page 34, line 20—

After subsection (2), insert the following subsection:

- (2A) If the director of public prosecutions makes an application under subsection (2), the Territory must meet all reasonable legal costs the defendant incurs in opposing the application.

2

Clause 68

Proposed new subsection 37R (3)

Page 35, line 1—

Omit the subsection, substitute the following subsection:

- (3) The Court of Appeal may make an order to review an acquittal only if the court considers that—
- (a) the trial judge made an error of law in the course of the trial;
and
 - (b) the error affected the decision to acquit the defendant.

Example (par (a))

George is acquitted of an offence in a jury trial in the Supreme Court. During the trial, the judge decided to exclude certain evidence sought to be admitted by the prosecution. The director of public prosecutions applies for an order to review the acquittal. The Court of Appeal decides that the judge made an error of law in excluding the evidence and that its exclusion affected the decision to acquit the defendant. The Court of Appeal may accordingly make an order to review George's acquittal.

Schedule 5**CRIMES LEGISLATION AMENDMENT BILL 2001**

Amendment circulated by the Attorney-General

PART 1**1****Proposed new clause 37A****Page 17, line 23—**

After clause 37, insert the following new clause:

**37A Indecent exposure
Section 546B**

omit

is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000

substitute

commits an offence.

Maximum penalty: 20 penalty units, imprisonment for 1 year or both.

2**Proposed new part 4A****Page 24, line 24—**

After part 4, insert the following new part:

**Part 4A Crimes (Forensic Procedures)
Act 2000****42A Act amended in pt 4A**

This part amends the *Crimes (Forensic Procedures) Act 2000*.

42B New section 94

substitute

94 Definitions relating to DNA database system

In this Act:

corresponding DNA index means an index of DNA profiles established, kept or maintained under a law, or a provision of a law,

of the Commonwealth or a State, whether or not the law or provision is a corresponding law.

Note *State* includes the Northern Territory (see *Legislation Act 2001*, dict).

corresponding statistical index means an index of information obtained from the analysis of forensic material that is established, kept or maintained under a law, or a provision of a law, of the Commonwealth or a State, whether or not the law or provision is a corresponding law.

crime scene index means—

- (a) an index of DNA profiles derived from forensic material found—
 - (i) at any place (whether in or outside Australia) where a serious offence was, or is reasonably suspected of having been, committed; or
 - (ii) on or within the body of the victim, or a person reasonably suspected of being a victim, of a serious offence; or
 - (iii) on anything worn or carried by the victim when a serious offence was, or is reasonably suspected of having been, committed; or
 - (iv) on or within the body of anyone, on anything, or at any place, associated with the commission of a serious offence; or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

DNA database system means a database (whether in computerised or other form and however described) containing—

- (a) the following indexes of DNA profiles:
 - (i) a crime scene index;
 - (ii) a missing persons index;
 - (iii) an unknown deceased persons index;
 - (iv) a serious offenders index;
 - (v) a volunteers (unlimited purposes) index;
 - (vi) a volunteers (limited purposes) index;
 - (vii) a suspects index;

and information that may be used to identify the person from whose forensic material each DNA profile was derived; and
- (b) a statistical index; and

- (c) any other index prescribed under the regulations.

missing persons index means—

- (a) an index of DNA profiles derived from forensic material of—
 - (i) persons who are missing; and
 - (ii) volunteers who are relatives by blood of missing persons;
or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

serious offenders index means—

- (a) an index of DNA profiles derived from forensic material taken—
 - (i) under part 2.7 (Carrying out of certain forensic procedures after conviction of serious offenders) from serious offenders; or
 - (ii) under part 2.3 (Forensic procedures by consent of suspect), part 2.4 (Non-intimate forensic procedures on suspect by order of a police officer) or part 2.5 (Forensic procedures on suspect by order of a magistrate) from suspects who have been convicted of a serious offence; or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

statistical index means—

- (a) an index of information that—
 - (i) is obtained from the analysis of forensic material taken from people under this Act; and
 - (ii) has been compiled for statistical purposes; and
 - (iii) cannot be used to discover the identity of people from whom the forensic material was taken; or
- (b) a corresponding statistical index prescribed under the regulations for this definition.

suspects index means—

- (a) an index of DNA profiles derived from forensic material taken from suspects under part 2.3 (Forensic procedures by consent of suspect), part 2.4 (Non-intimate forensic procedures on suspect by order of a police officer) or part 2.5 (Forensic procedures on suspect by order of a magistrate); or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

unknown deceased persons index means—

- (a) an index of DNA profiles derived from forensic material of dead people whose identities are unknown; or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

volunteers (limited purposes) index means—

- (a) an index of DNA profiles derived from forensic material taken under part 2.8 (Carrying out of forensic procedures on volunteers and certain other people) from volunteers who (or whose parents or guardians) have been informed that information obtained will be used only for the purpose of a criminal investigation or any other purpose for which the DNA system may be used under this part; or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

volunteers (unlimited purposes) index means—

- (a) an index of DNA profiles derived from material taken—
 - (i) under part 2.8 (Carrying out of forensic procedures on volunteers and certain other people) from volunteers who (or whose parents or guardians) have been informed under section 80 (2) (c) (Informed consent of volunteer or parent or guardian of volunteer) that information obtained may be used for the purpose of a criminal investigation or any other purpose for which the DNA database system may be used; or
 - (ii) from dead people whose identity is known; or
- (b) a corresponding DNA index prescribed under the regulations for this definition.

42C Supply of forensic material for purposes of DNA database Section 95 (1) (a)

substitute

- (a) the person's conduct causes the supply of forensic material taken from anyone under this Act (or under a law of another jurisdiction prescribed for this subsection) to anyone for prohibited analysis; and

42D Section 95 (3)

substitute

- (3) In this section:

excluded forensic material means forensic material—

- (a) found at a crime scene; or
- (b) taken from a suspect in relation to a serious offence under part 2.3 (Forensic procedures by consent of suspect), part 2.4 (Non-intimate forensic procedures on suspect by order of a police officer) or part 2.5 (Forensic procedures on suspect by order of a magistrate); or
- (c) taken from a serious offender or volunteer under part 2.7 (Carrying out of certain forensic procedures after conviction of serious offenders) or part 2.8 (Carrying out of forensic procedures on volunteers and certain other people); or
- (d) taken from the body of a dead person; or
- (e) that is from the body of a missing person; or
- (f) taken from a volunteer who is a relative by blood of a dead or missing person; or
- (g) taken under a law of another jurisdiction prescribed for this definition.

law, of another jurisdiction, means a law, or a provision of a law, of the Commonwealth or a State, whether or not the law is a corresponding law.

prohibited analysis means analysis for the purpose of deriving a DNA profile for inclusion on an index of the DNA database system when the forensic material is required to be destroyed by this Act or a law of another jurisdiction prescribed for this definition.

42E Definitions relating to interstate enforcement

Section 100, definitions of *corresponding law* and *DNA database*

substitute

corresponding law means a law, or a provision of a law, of the Commonwealth or a State that is prescribed under the regulations for this definition, whether or not the law corresponds, or substantially corresponds, to this Act.

DNA database means—

- (a) for the Territory—the DNA database system; or
- (b) for another participating jurisdiction—a database (whether in computerised or other form and however described) established, kept or maintained under a corresponding law.

3

Part 9

Heading

Page 33, line 3—

Omit “2000”, substitute “2001”.

4

Clause 63

Page 33, line 5—

Omit “2000”, substitute “2001”.

5

Clause 64

Heading

Page 33, line 7—

Omit “Schedule, part 12”, substitute “Schedule 1, part 1.12”.

PART 2 – Attorney-General

Clause 18

Proposed section 349T (1) (a)

Page 12, line 6—

insert

a thing stolen or otherwise unlawfully obtained

PART 3 – Attorney-General

New clause 18A

Page 12, line 8—

insert in 349T (1) (a) after offence

or a thing stolen or otherwise unlawfully obtained,

PART 4 – Attorney-General

Clause 27

Page 14, line 15—

Omit

(4) (c) and (4) (d)

Schedule 6

CRIMES LEGISLATION AMENDMENT BILL 2001

Amendment circulated by Ms Tucker

1

Clause 10

Proposed new subsection 4 (4A)

Page 6, line 26—

After proposed new subsection (4), insert the following new subsection:

- (4A) As soon as possible after giving a direction to a person under subsection (2), the police officer must make a written record of—
- (a) the date, time and place of giving the direction; and
 - (b) details of the direction, including, for example, whether the direction was subject to a condition mentioned in subsection (3); and
 - (c) any details of the person known to the police officer; and
 - (d) the grounds for believing the relevant matter mentioned in subsection (1).

2

Clause 10

Proposed new subsections 4 (6), (7) and (8)

Page 7, line 8—

At the end of the section, add the following new subsections:

- (6) The Minister must commission an independent review of the operation of this section not later than 2 years after the commencement of this section.
- (7) The Minister must present a copy of the final report of the review to the Legislative Assembly within 3 months after the end of that 2-year period.
- (8) Subsections (6), (7) and this subsection expire 30 months after the commencement of this section.

3**Clause 16****Proposed new subsections 349SA (3A) and (3B)****Page 11, line 12—**

After proposed new subsection (3), insert the following new subsections:

- (3A) A frisk search under this section may only be carried out by a person of the same sex as the person being searched.
- (3B) As soon as possible after exercising a power under subsection (2), the police officer must make a written record of—
 - (a) the date, time and place of exercising the power; and
 - (b) details of its exercise; and
 - (c) any details of the person known to the police officer; and
 - (d) the grounds for suspecting the relevant matter mentioned in subsection (1).

4**Clause 16****Proposed new subsections 349SA (5), (6) and (7)****Page 11, line 13—**

At the end of the section, add the following new subsections:

- (5) The Minister must commission an independent review covering the operation of this section not later than 2 years after the commencement of this section.
- (6) The Minister must present a copy of the final report of the review to the Legislative Assembly within 3 months after the end of that 2-year period.
- (7) Subsections (5), (6) and this subsection expire 30 months after the commencement of this section.

5**Proposed new clause 37A to be inserted by an amendment by the Attorney-General****Proposed new section 546B, penalty provision****Page 17, line 23—**

Omit the penalty provision, substitute the following penalty provision:

Maximum penalty:

- (a) for a 1st offence—10 penalty units; or
- (b) for a 2nd or subsequent offence—20 penalty units, imprisonment for 1 year or both.

6**Clause 39****Proposed new subsection 546C (5A)****Page 18, line 13—**

After proposed new subsection 546C (5), insert the following new subsection:

- (5A) However, the police officer may seize the thing under subsection (5) only if the police officer has told the person, before the offence against subsection (2) or (3) was committed, that failure to comply with the direction, or resumption of conduct contrary to the direction within 6 hours after the direction was given, may lead to the thing being seized.

7**Clause 68****Proposed new paragraph 37R (3) (a)****Page 35, line 3—**

Omit the paragraph, substitute the following paragraph:

- (a) the trial judge made, in the course of the trial, an error of law that had a material effect on the outcome of the trial; or

8**Clause 68****Proposed new subsection 37R (4)****Page 35, line 12—**

At the end of the section, add the following new subsection:

- (4) If the Court of Appeal makes an order under subsection (2), the Territory must meet any reasonable legal costs the defendant incurs in relation to a new trial.
-

Schedule 7

CRIMES LEGISLATION AMENDMENT BILL 2001

Amendment to Mr Stanhope's amendment No. 4 circulated by the Minister
for Health, Housing and Community Services

Clause 16

Proposed new subsection 349SA (1)

Page 10, line 22, subsection (1)

omit

believes

substitute

suspects

Schedule 8**CRIMES LEGISLATION AMENDMENT BILL 2001**

Amendment to Mr Stanhope's amendment No. 4 circulated by Mr Osborne

Clause 16**Proposed new subsection 349SA (1)****Page 10, line 22, at end of paragraph (1) (a)**

insert

or a thing stolen or otherwise unlawfully obtained.
