

**1998-1999-2000-2001**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 125**

**THURSDAY, 3 MAY 2001**

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- 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 DEATH OF MR ROBERT BEATTY**

Ms Tucker moved - That the Assembly expresses its deep regret at the death of Robert (Bob) Beatty, who made a significant contribution to the causes of sustainable energy, socially responsible industry, and mental health services and advocacy, and tenders its profound sympathy to his family and friends in their bereavement.

Mr Moore (Minister for Health, Housing and Community Services), Mr Quinlan and Mr Rugendyke addressed the Assembly in support of the motion and all Members present having stood, in silence -

Question - passed.

- 3 FINANCIAL MANAGEMENT LEGISLATION AMENDMENT BILL 2001**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996* and the *Territory Superannuation Provision Protection Act 2000*.

*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 FIRST HOME OWNER GRANT AMENDMENT BILL 2001**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *First Home Owner Grant Act 2000*.

*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 GAMING MACHINE AMENDMENT BILL 2001**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 1987*.

*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.

## **6 RATES AND LAND TAX AMENDMENT BILL 2001**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Rates and Land Tax Act 1926*.

*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.

## **7 UTILITIES (TELECOMMUNICATIONS INSTALLATIONS) BILL 2001**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act about the installation of telecommunications facilities on utility network facilities.

*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.

## **8 COMMUNITY TITLE BILL 2001**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to provide for the establishment and administration of community title schemes, 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 Quinlan) and the resumption of the debate made an order of the day for the next sitting.

**9 LONG SERVICE LEAVE (CLEANING, BUILDING AND PROPERTY SERVICES) AMENDMENT BILL 2001**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Long Service Leave (Cleaning, Building and Property Services) Act 1999*.

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

**10 LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2001 (NO 2)**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*, and for another purpose.

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

**11 WASTE MINIMISATION BILL 2001**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act relating to the management, regulation and reduction of waste, 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 Corbell) and the resumption of the debate made an order of the day for the next sitting.

**12 GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2001**

Mr Moore (Minister for Health, Housing and Community Services) on behalf of Mr Stefaniak (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Guardianship and Management of Property Act 1991*.

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

**13 DRUGS OF DEPENDENCE AMENDMENT BILL 2001**

Mr Moore (Minister for Health, Housing and Community Services), pursuant to notice, presented a Bill for an Act to amend the *Drugs of Dependence Act 1989*.

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

**14 TOBACCO AMENDMENT BILL 2001**

Mr Moore (Minister for Health, Housing and Community Services), pursuant to notice, presented a Bill for an Act to amend the *Tobacco Act 1927*.

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

**15 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – VARIATIONS TO THE TERRITORY PLAN INQUIRIES – REPRESENTATION FOR WITNESSES**

Mr Hird (Chair), by leave, moved – That this Assembly orders that, during the remaining term of the Fourth Assembly, witnesses appearing before the Standing Committee on Planning and Urban Services, in relation to inquiries concerning variations to the Territory Plan, may be represented by counsel or advisers.

Debate ensued.

Question – put and passed.

**16 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 2 – VICTIMS OF CRIME (FINANCIAL ASSISTANCE) (AMENDMENT) BILL 1998 – REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Osborne (Chair) – That the report be noted (*presented 30 June 1999*) –

Justice and Community Safety – Standing Committee – Report No. 2 – The Victims of Crime (Financial Assistance) (Amendment) Bill 1998, dated 29 June 1999 –

Question – put and passed.

**17 CHIEF MINISTER'S PORTFOLIO – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 19 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 10, 1998 – MANAGEMENT OF SCHOOLS REPAIRS AND MAINTENANCE – REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Chair) – That the report be noted (*presented 1 July 1999*) –

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 19 - Review of Auditor-General's Report No. 10, 1998 - Management of schools repairs and maintenance, dated June 1999 –

Question – put and passed.

**18 CHIEF MINISTER'S PORTFOLIO – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 20 – REVIEW OF AUDITOR-GENERAL'S REPORT NO. 7, 1998 – MAGISTRATES COURT BAIL PROCESSES – REPORT NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Chair) – That the report be noted (*presented 1 July 1999*) –

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 20 - Review of Auditor-General's Report No. 7, 1998 - Magistrates Court Bail Processes, dated June 1999 –

Question – put and passed.

**19 URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 7 – CANBERRA NATURE PARK – FINAL DRAFT MANAGEMENT PLAN – GOVERNMENT RESPONSE AND PAPERS – PAPERS NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Smyth (Minister for Urban Services) – That the Assembly takes note of the papers (*presented 2 July 1999*) –

Urban Services – Standing Committee – Report No. 7 – Final draft management plan for Canberra Nature Park – Government response:

Canberra Nature Park –

Horse riding – Management principles and policies, dated April 1999;

Horse riding in Canberra Nature Park – A report to Environment ACT, prepared by Jill Landsberg, Wildlife and Ecology, CSIRO, dated March 1999 –

Question – put and passed.

**20 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 6 OF 2001 – STATEMENT BY DEPUTY CHAIR**

Mr Hargreaves (Deputy Chair), by leave, 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. 6 of 2001, dated 3 May 2001 –

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

**21 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 69 – DRAFT VARIATION (NO 152) TO THE TERRITORY PLAN – COMMUNITY FACILITY LAND USE POLICIES – FORREST SECTION 24 BLOCKS 1 AND 3 (PART OF ST CHRISTOPHER’S PRECINCT – MANUKA) – REPORT NOTED**

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee - Report No. 69 – Draft variation to the Territory Plan No 152 – Community Facility Land Use Policies – Forrest section 24 blocks 1 and 3 (Part of St Christopher’s Precinct – Manuka) dated 27 April 2001, together with a copy of the extracts of the minutes of proceedings –

and moved – That the report be noted.

Question – put and passed.

**22 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – INQUIRIES – STATEMENT BY CHAIR**

Mr Hird (Chair), pursuant to standing order 246A, informed the Assembly that on 6 April 2001 the Standing Committee on Planning and Urban Services resolved to inquire into and report on three issues:

- the proposed development at South Bruce Section 21 Blocks 1, 3 and 4 and traffic arrangements on Haydon Drive;
- Section Master Planning for Turner Sections 46, 47, 48 and 62; and
- the proposed Amaroo Community Precinct.

**23 EXECUTIVE BUSINESS - PRECEDENCE**

Ordered - That Executive business be called on.

**24 SUSPENSION OF STANDING ORDER 77 – ROUTINE OF BUSINESS**

Mr Moore (Manager of Government Business), pursuant to notice, moved – That standing order No 77 be suspended to allow:

- (1) Executive business to have precedence over other business on Wednesday, 13 June 2001;

- (2) Private Members' business to have precedence over other business on Thursday, 14 June 2001; and
- (3) the routine of business for a sitting Thursday to apply to the sitting of the Assembly on Friday, 15 June 2001.

Question – put and passed.

## **25 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2001 (NO 2)**

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.

## **26 APPROPRIATION BILL 2000-2001 (NO 2)**

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.

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### *Detail stage*

Bill, by leave, taken as a whole –

*Papers:* Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to Government amendments to the Bill and a supplementary Budget Paper together with an amendment.

On the motion of Mr Humphries (Treasurer), by leave, his amendments Nos 1 to 4 (*see* Schedule 1) were made together.

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

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

## **27 ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2000 (NO 2)**

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.

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### *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 35 (*see* Schedule 2) were made together, after debate.

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

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

## **28 QUESTIONS**

Questions without notice being asked –

*Paper:* Mr Stanhope (Leader of the Opposition), by leave, presented the following paper:

Impulse Airlines – Copy of letter from Steve Bracks MP, Premier of Victoria to Mr J Stanhope, Leader of the Opposition, dated 8 June 2000.

Questions continued.

It being 3.00 p.m., questions were interrupted pursuant to the order of the Assembly of 1 May 2001.

## **29 APPROPRIATION BILL 2001-2002**

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 Wood addressing the Assembly –

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*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.

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Debate continued.

Mr Humphries (Treasurer), by leave, was granted an extension of time.

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

*Estimates 2001-2002 – Select Committee – Reference – Appropriation Bill 2001-2002:* Mr Humphries (Treasurer), pursuant to standing order 174, moved – That the Appropriation Bill 2001-2002 be referred to the Select Committee on Estimates 2001-2002 –

Question – put and passed.

## **30 LEAVE OF ABSENCE TO MEMBER**

Mr Moore (Manager of Government Business) moved – That leave of absence be given to Mr Stefaniak (Attorney-General) for today, 3 May 2001.

Question – put and passed.



**31 LEAVE OF ABSENCE TO MEMBERS**

Mr Moore (Manager of Government Business) moved – That leave of absence be given from 5 May to 12 June 2001 inclusive to all Members.

Question – put and passed.

**32 ABSENCE OF SPEAKER**

The Clerk, pursuant to standing order 6, informed the Assembly that the Speaker would be absent for the period 15 May to 4 June 2001 inclusive and in that period the Deputy Speaker, Mr Wood would, as Acting Speaker, perform the duties of Speaker.

**33 STUDY TRIP - PAPER**

The Speaker presented the following paper:

Study trip - Report by Mr Hird, MLA – Sydney, NSW – 19 April 2001.

**34 ANNUAL REPORTS (GOVERNMENT AGENCIES) ACT – ANNUAL REPORTS – DIRECTIONS FOR 2000-2001 – PAPERS AND STATEMENT BY MINISTER**

Mr Humphries (Chief Minister) presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15 – Annual Reports, 2001-2002 – Chief Minister's Directions for 2000-2001, together with an instrument revoking, declaring, directing, and fixing matters as set out in the schedule to the instrument –

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

**35 CORONIAL INQUEST INTO DEATH OF KATIE BENDER – SECOND REPORT OF ASSESSMENT OF A.C.T. GOVERNMENT'S RESPONSE – PAPER AND STATEMENT BY MINISTER**

Mr Humphries (Chief Minister) presented the following paper:

Coronial inquest into the death of Katie Bender – Second report of an assessment of the ACT Government's response to the Coroner's Report on the inquest into the death of Katie Bender at the demolition of the Royal Canberra Hospital on 13 July 1997 prepared by Tom Sherman AO, dated 1 March 2001 –

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

**36 PRESENTATION OF PAPER**

Mr Humphries (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 26 – Consolidated Financial Management Report for the month and financial year to date ending 31 March 2001.

**37 PRESENTATION OF PAPER**

Mr Humphries (Treasurer) presented the following paper:

*Utilities Act 2000* – Exemption from requirement for a relevant licence for electricity, gas, water and sewerage services, dated 3 May 2001, together with an explanatory statement (unnumbered).

**38 LAND (PLANNING AND ENVIRONMENT) ACT – DIRECTION RELATING TO RED HILL HOUSING PRECINCT – PAPER AND STATEMENT BY MINISTER**

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

Land (Planning and Environment) Act, pursuant to subsection 37 (3) – Direction relating to Red Hill Housing Precinct, dated 2 May 2001 -

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

Mr Corbell, by leave, also made a statement relating to the matter.

**39 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 67 – GUNGAHLIN DRIVE EXTENSION (JOHN DEDMAN PARKWAY) PROPOSALS – GOVERNMENT RESPONSE – PAPER NOTED**

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

Planning and Urban Services – Standing Committee - Report No. 67 – Proposals for the Gungahlin Drive Extension (John Dedman Parkway) (*presented 8 March 2001*) – Government response –

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

Debate ensued.

Question – put and passed.

**40 LAND (PLANNING AND ENVIRONMENT) ACT – LEASES – PAPERS AND STATEMENT BY MINISTER**

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

Land (Planning and Environment) Act –

Pursuant to section 216A – Schedules – Leases granted, lease variations and change of use charges for the period 1 January to 30 March 2001, together with:

A copy of a lease granted to the Canberra Southern Cross Club Limited for block 7, section 15, Greenway, dated 17 January 2001 -

and, by leave, make a statement in relation to the papers.

**41 PRESENTATION OF PAPERS**

Mr Smyth (Minister for Urban Services) on behalf of Mr Moore (Minister for Health, Housing and Community Services) presented the following papers:

Health Regulation (Maternal Health Information) Act – Quarterly reports for approved facilities for October 2000 to December 2000, including a corrigendum for the period July 2000 – September 2000.

Hepatitis C – Lookback program and financial assistance scheme – Report as at 31 March 2001.

Information bulletins –

Calvary Public Hospital – Patient Activity Data – February 2001.

The Canberra Hospital – Patient Activity Data – February 2001.

**42 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 11 – THIRD INTERIM REPORT IN THE PRISON SERIES – GOVERNMENT RESPONSE – STATEMENT BY MINISTER**

Mr Smyth (Minister for Urban Services) on behalf of Mr Moore (Minister for Health, Housing and Community Services) presented the following paper:

Justice and Community Safety – Standing Committee – Report No. 11 – Committee visit to Western Australia, the Northern Territory and South Australia: Third interim report in the prison series (*presented 7 December 2000*) – Government response –

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

Mr Hargreaves, by leave, also made a statement on the matter.

**43 GOVERNMENT PROCUREMENT BILL 2001**

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

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*Detail stage*

Clause 1 agreed to.

Remainder of Bill, by leave, taken as a whole -

*Paper:* Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Humphries, by leave, his amendments Nos 1 and 2 (*see* Schedule 3) were made together.

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

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

**44 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT 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.

The Assembly voted –

Ayes, 10

Noes, 1

Mr Cornwell  
Mr Hargreaves  
Mr Hird  
Mr Humphries  
Mr Moore

Mr Quinlan  
Mr Rugendyke  
Mr Smyth  
Mr Stanhope  
Mr Wood

Ms Tucker

And so it was resolved in the affirmative – Bill agreed to in principle.

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*Detail stage*

Bill, by leave, taken as a whole –

Mr Hargreaves, by leave, moved his amendments Nos 1 to 3 (*see* Schedule 4).

Debate ensued.

The Assembly voted –

Ayes, 6

Noes, 5

Mr Hargreaves

Mr Wood

Mr Cornwell

Mr Moore

Mr Hird

Mr Quinlan

Mr Humphries

Mr Stanhope

Mr Rugendyke

Ms Tucker

Mr Smyth

And so it was resolved in the affirmative.

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

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

#### **45 BUILDING 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.

#### **46 ADJOURNMENT**

Mr Smyth (Minister for Urban Services) moved – That the Assembly do now adjourn.

Debate ensued.

Question – put and passed.

And then the Assembly, at 7.00 p.m., adjourned until Wednesday, 13 June 2001 at 10.30 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Mr Kaine (on leave) and Mr Stefaniak (on leave).

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**M J McRAE**

Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### **Schedule 1**

#### **APPROPRIATION BILL 2000-2001 (NO 2)**

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Amendments circulated by Treasurer

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**1**

**Clause 6**

**Heading**

**Page 2, line 18—**

Omit “\$43 244 000”, substitute “\$31 819 000”.

**2**

**Clause 6**

**Subclause (4)**

**Page 3, line 5—**

Omit “\$7 758 000”, substitute “\$3 258 000”.

**3**

**Clause 6**

**Subclause (6)**

**Page 3, line 13—**

Omit “\$410 000”, substitute “\$2 410 000”.

**4**

**Clause 6**

**Subclause (14)**

**Page 4, line 14—**

Omit the subclause.

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## **Schedule 2**

### **ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2000 (NO 2)**

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Amendments circulated by Minister for Urban Services

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#### **1**

##### **Clause 2**

###### **Page 2, line 1—**

Omit the clause, substitute the following clause:

#### **2 Commencement**

- (1) Section 8 and schedule 6 commence on the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register).
- (2) The remaining provisions of this Act commence on the day this Act is notified in the Gazette.

#### **2**

##### **Clause 6**

###### **Page 2, line 11—**

Insert after clause 6 the following new clauses:

#### **7 Road Transport (Safety and Traffic Management) Act—sch 5**

Schedule 5 amends the *Road Transport (Safety and Traffic Management) Act 1999*.

#### **8 Motor Omnibus Services legislation—sch 6**

Schedule 6 amends the Act and regulations mentioned in the schedule.

#### **3**

##### **Schedule 1**

###### **Page 3, line 3—**

Omit “*Motor Omnibus Services Act 1955* No 12”.

#### **4**

##### **Schedule 2**

###### **Page 4, line 4—**

Omit “• 1955 No 14”.

**5**

**Schedule 2**

**Page 4, line 19—**

Omit “*Road Transport (Bus Services) Regulations 2000*

- 2000 No 9”.

**6**

**Schedule 3**

**Amendments 3.1 to 3.3 and the headings to the amendments**

**Page 5, line 3—**

Omit the amendments and the headings.

**7**

**Schedule 3**

**Amendment 3.5**

**Page 6, line 11—**

Omit the amendment.

**8**

**Schedule 3**

**Amendment 3.7**

**Page 6, line 16—**

Omit the amendment.

**9**

**Schedule 3**

**Amendment 3.21**

**Page 8, line 15—**

Omit the amendment.

**10**

**Schedule 3**

**Amendment 3.26**

**Page 9, line 20—**

Omit the amendment.

**11**

**Schedule 3**

**Amendments 3.28 to 3.31**

**Page 9, line 24—**

Omit the amendments.

**12****Schedule 3****Amendment 3.34****Page 10, line 11—**

Omit the amendment.

**13****Schedule 3****Amendment 3.36****Page 10, line 16—**

Omit the amendment.

**14****Schedule 3****Amendment 3.47****Page 12, line 2—**

Omit the amendment.

**15****Schedule 3****Amendments 3.49 to 3.51****Page 12, line 7—**

Omit the amendments.

**16****Schedule 3****Proposed new amendments 3.52A and 3.52B****Page 12, line 15—**

After amendment 3.52, insert the following new amendments:

**[3.52A] Section 19 (1)—**

Omit “authorise”, substitute “appoint”.

**[3.52B] Section 19 (3)—**

Omit “authorised”, substitute “appointed”.

**17****Schedule 3****Amendment 3.56****Page 12, line 22—**

Omit the amendment, substitute the following amendment:

**[3.56] Section 63 (1) (aa) to (c)—**

Renumber as section 63 (1) (a) to (e).



18

**Schedule 3****Amendments 3.62 to 3.70****Page 13, line 11—**

Omit the amendments, substitute the following amendments:

**[3.62] Section 158, definition of *issue*—**

Omit “or public vehicle policy”.

**[3.63] Section 158, definition of *public vehicle policy*—**

Omit the definition, substitute the following definition:

*public vehicle policy*—see section 218.

**[3.64] Section 161 (2)—**

Omit the subsection, substitute the following subsection:

- (2) However, the Territory, the Commonwealth or a Territory or Commonwealth authority is—
- (a) in relation to a motor vehicle for which a third-party policy is not in force—under the same liabilities, and has the same rights, as an authorised insurer would be under, or have, if the insurer had issued a third-party policy for the vehicle; and
  - (b) in relation to a public vehicle for which a public vehicle policy is not in force—under the same liabilities, and has the same rights, as an insurer would be under, or have, if the insurer had issued a public vehicle policy for the vehicle.

**[3.65] Section 167 (2) (c)—**

Omit “is taken”, substitute “is taken not”.

**[3.66] Section 205—**

Omit the section, substitute the following section:

**205 Offence—unapproved insurer (MAA s 100, MACA s 157)**

- (1) A person other than an authorised insurer must not issue a certificate or policy of insurance under section 164 (Issue of certificates of third-party insurance).  
Maximum penalty: 100 penalty units.
- (2) If a certificate or policy of insurance is issued by a person in contravention of this section—
- (a) the policy of insurance or indemnity issued by the person is not annulled or affected by the contravention; and
  - (b) the person is liable to anyone who would be an insured person if the certificate or policy had been issued by an authorised insurer.

**[3.67] Section 212 (1)—**

Omit the subsection, substitute the following subsection:

- (1) The regulations may require an authorised insurer to provide returns to the road transport authority about—
  - (a) premiums received for insurance under third-party policies; and
  - (b) claims paid in relation to third-party policies; and
  - (c) the persons insured under third-party policies; and
  - (d) any other matters relevant to third-party policies or this part.

**[3.68] Division 10.12—**

Omit the division, substitute the following division:

**Division 10.12      Additional insurance for public vehicles****217    Public vehicle insurance compulsory (MTA s 83 (1), (3))**

The owner of a public vehicle must, at all times, maintain for the vehicle a public vehicle policy for at least \$5 000 000.

Maximum penalty: 50 penalty units.

*Note*      The Territory, the Commonwealth or a Territory or Commonwealth authority is not required to hold a public vehicle policy (see s 161 (1)).

**218    Public vehicle policies (MTA s 83 (1), (1A))**

- (1) A public vehicle policy is a policy—
  - (a) that is issued (or renewed) by a corporation authorised under the *Insurance Act 1973* (Cwlth); and
  - (b) that insures the owner of the public vehicle to which the policy applies against liability in relation to damage to property caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).
- (2) It is irrelevant that the policy also insures the owner against other risks.

**[3.69] Section 223 (3) and (4)—**

Omit the subsections.

**[3.70] Section 223 (5) and (6)—**

Re-number as section 223 (3) and (4).

**[3.70A] New section 293A—**

Insert after section 293 the following section:

**293A Appointment of authorised persons**

An authorisation of a person under section 19 (1) (Authorised persons) in force immediately before the commencement of this section is taken, after the commencement, to be an appointment of the person as an authorised person under the section.

**19****Schedule 3****Amendments 3.72 and 3.73****Page 14, line 14—**

Omit the amendments, substitute the following amendments:

**[3.72] Dictionary, definition of *issue*—**

Omit “or public vehicle policy”.

**[3.73] Dictionary, definition of *public vehicle policy*—**

Omit the definition, substitute the following definition:

*public vehicle policy*—see section 218.

**20****Schedule 3****Amendments 3.74 to 3.78 and the heading to the amendment****Page 15, line 2—**

Omit the amendments and the heading.

**21****Schedule 3****Amendment 3.79****Page 15, line 18—**

Omit the amendment.

**22****Schedule 3****Amendment 3.90 and the heading to the amendment****Page 16, line 19—**

Omit the amendment and the heading.

**23****Schedule 4****Amendment 4.1 and the heading to the amendment****Page 17, line 3—**

Omit the amendment and the heading.

**24****Schedule 4****Amendments 4.10 and 4.11****Page 18, line 4—**

Omit the amendments.

**25****Schedule 4****Amendments 4.13 and 4.14****Page 18, line 19—**

Omit the amendments, substitute the following amendment:

**[4.13] Regulation 4, note—**

Omit the note, substitute the following note:

*Note* For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviations:

- MTA: *Motor Traffic Act 1936*, as in force immediately before the commencement of this Act
- MTR: *Motor Traffic Regulations 1934*, as in force immediately before the commencement of this Act
- NSW (DL): *Road Transport (Driver Licensing) Regulation 1999* (NSW)
- NSW (Gen): *Road Transport (General) Regulation 1999* (NSW)
- NSW (SD): *Road Transport (Short Descriptions and Penalty Notice Offences) Regulation 1999* (NSW)
- NSW (VR): *Road Transport (Vehicle Registration) Regulation 1999* (NSW).

**26****Schedule 4****Amendment 4.16****Page 19, line 3—**

Omit the amendment, substitute the following amendment:

**[4.16] New section 16 (1) (b)—**

Insert after section 16 (1) (a) the following paragraph:

- (b) a fee, charge or other amount payable in relation to a driving instructor's accreditation;

**27****Schedule 4****Amendments 4.18 to 4.23****Page 19, line 25—**

Omit the amendments.

**28****Schedule 4****Amendment 4.26****Page 20, line 19—**

Omit the amendment.

**29****Schedule 4****Amendments 4.28 to 4.41****Page 21, line 3—**

Omit the amendments, substitute the following amendments:

**[4.28] Regulations 8, 16 and 17—**

Omit “the Schedule”, substitute “schedule 1”.

**[4.29] Regulation 20—**

Omit “the schedule”, substitute “schedule 1”.

**[4.30] Regulation 24 (1) and (2)—**

Omit the subregulations, substitute the following subregulations:

- (1) This part expires on 1 June 2001.
- (2) To remove any doubt, regulation 22 (as renumbered by Subordinate Law 2000 No 57) is taken not to have ceased to have effect on 1 June 2000.

**[4.31] Dictionary, note—**

Omit “the schedule”, substitute “schedule 1”.

**[4.29] Schedule—**

Renumber as schedule 1.

**[4.30] Schedule, part 7, item 62, col 3—**

Omit “/public vehicle policies”.

**[4.31] Schedule, part 7, item 64, col 2—**

Omit “217 (1)”, substitute “217”.

**30****Schedule 4****Amendments 4.43 to 4.45****Page 24, line 4—**

Omit the amendments.

**31****Schedule 4****Amendments 4.47 and 4.48****Page 24, line 16—**

Omit the amendments.

**32****Schedule 4****Proposed new amendment 4.49A****Page 25, line 3—**

After amendment 4.49, insert the following new amendment:

**[4.49A] Regulation 13 (4)—**

Omit the subregulation, substitute the following subregulation:

(4) In this regulation:

*public vehicle policy*—see the Act, section 218.

**33****Schedule 4****Amendment 4.51****Page 25, line 7—**

Omit the amendment, substitute the following new amendments:

**[4.51] Regulation 6—**

Omit the regulation.

**[4.51A] Regulation 8—**

Omit the regulation, substitute the following regulation:

**8 Lost, stolen etc certificates of insurance**

(TPI reg 9, 10)

If the insurer that issued a certificate of insurance to a person is satisfied that the certificate has been lost, stolen, damaged or destroyed, the insurer must, on application by the person, give the person a replacement certificate.

**[4.51B] Dictionary, definition of *issue*—**

Omit “or public vehicle policy”.

**[4.51C] Dictionary, definitions of *public vehicle* and *public vehicle policy***

Omit the definitions.

34

New schedules 5 and 6

Page 25, line 22—

Insert after schedule 4 the following schedules:

## **Schedule 5—Amendments of Road Transport (Safety and Traffic) Management Act**

(see s 7)

### **[5.1] Section 2—**

Omit the section.

### **[5.2] Section 23—**

Omit the section, substitute the following sections:

#### **22A Meaning of *relevant information* for pt 6**

- (1) In this part, *relevant information*, for an image of a vehicle taken by a camera detection device, is—
  - (a) the date and time when, and place where, the image was taken; and
  - (b) the person responsible for the use of the device when the image was taken; and
  - (c) if the vehicle is being driven in contravention of a provision of the regulations about traffic lights at an intersection—
    - (i) the general direction and lane in which the vehicle is being driven; and
    - (ii) the time a red traffic light or red traffic arrow facing the driver of the vehicle at the intersection had been showing before the driver entered the intersection; and
  - (d) if the vehicle is being driven in contravention of a provision of the regulations about obeying the speed limit—
    - (i) the speed measuring device component of the camera detection device; and
    - (ii) the speed limit applying to the driver of the vehicle for the length of road where the driver was driving when the image is taken; and
    - (iii) the speed at which the driver of the vehicle was driving when the image is taken.

#### **23 Use of camera detection devices (MTA s 180ZE)**

- (1) A *camera detection device* is a device designed to do either or both of the following:
  - (a) take complying images of vehicles being driven in contravention of the regulations about traffic lights at intersections;

- (b) measure the speed at which vehicles are being driven and take complying images of vehicles being driven in contravention of a provision of the regulations about obeying the speed limit.
- (2) A photographic or electronic image of a vehicle taken by an approved camera detection device is a complying image if—
  - (a) the image shows the vehicle and its numberplate; and
  - (b) the relevant information for the image is indicated on the image; and
  - (c) for an electronic image—
    - (i) the device creates an electronic file that contains the image and the relevant information for the image; and
    - (ii) the file is recorded in accordance with the regulations; and
    - (iii) if the regulations require the accuracy of the file to be verified—the file is verified in accordance with the regulations.
- (3) This section does not—
  - (a) limit the matters that may be indicated on or shown by an image taken by an approved camera detection device; or
  - (b) limit the information included in an electronic file created by an approved camera detection device; or
  - (c) require an approved camera detection device to be operated by a person.

*Note* Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the dict, def of **indicated on**).

**[5.3] Section 24 (2)—**

Omit “produced”, substitute “taken”.

**[5.4] Section 25 (2)—**

Omit the subsection, substitute the following subsection:

- (2) A certificate that appears to be signed by a police officer or the road transport authority, and states a matter relevant to any of the following, is evidence of the matter:
  - (a) the use of a traffic offence detection device in relation to the vehicle;
  - (b) anything done or not done in relation to a traffic offence detection device under the regulations made for this part;
  - (c) the recording or verification of an electronic file created by an approved camera detection device.

**[5.5] Section 25 (3) (a) (ii)—**

Omit “or”.



**[5.6] Section 25 (3) (a) (iii)—**

Omit the paragraph.

**[5.7] Section 25 (4) and (5)—**

Omit the subsections, substitute the following subsections:

- (4) An image stated by a certificate given under subsection (2) to be an accurate copy of an image taken by an approved camera detection device is evidence of everything indicated on or shown by the image.

*Note* Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the dict, def of *indicated on*).

- (5) Without limiting subsection (4), the information indicated on or shown by the image is evidence of the following matters:
- (a) that the vehicle shown in the image was being driven when and the place where (the *relevant time and place*) the image was taken by the device;
  - (b) if the information indicates a speed limit—that the speed limit applied to the driver of the vehicle for the length of road where the driver was driving at the relevant time and place;
  - (c) if the information indicates the speed of the vehicle—that the driver was driving the vehicle at that speed at the relevant time and place;
  - (d) if the information indicates the lane and the general direction in which the vehicle was travelling—that the vehicle was travelling in that lane in the general direction indicated;
  - (e) if the information indicates the length of time a red traffic light or red traffic arrow facing the driver of the vehicle at the intersection concerned had been showing—that the light or arrow shown in the image had been showing for the stated time before the driver entered the intersection.

**[5.8] Section 26 (c)—**

Omit “produced by”, substitute “taken or created by”.

**[5.9] Section 27 (heading)—**

Omit the heading, substitute the following heading:

**27 Inspection and purchase of images taken by camera detection devices**  
(MTA s 180ZI)**[5.10] Section 27 (2)—**

Omit the subsection, substitute the following subsection:

- (2) The road transport authority must—
- (a) make a copy of the image (including the information indicated on the image) available for inspection by the person; and

- (b) give a copy to the person if the person asks for a copy.

*Note* A fee may be determined under the *Road Transport (General) Act 1999*, s 96 (Determination of fees, charges and other amounts) for this section.

#### [5.11] Section 50—

Omit “ceases to have effect 15 months after it commences”, substitute “expires on 1 June 2001”.

#### [5.12] Dictionary—

Insert the following definitions in the dictionary:

***indicated on***, an image of a vehicle taken by an approved camera detection device, includes accompanying or reasonably associated with the image.

***red traffic arrow*** includes a flashing red traffic arrow.

***red traffic light*** includes a flashing red traffic light.

***relevant information***, for an image of a vehicle, for part 6 (Traffic offence detection devices)—see section 22A (Meaning of ***relevant information*** for pt 6).

***traffic lights*** includes any traffic arrows installed with or near the lights.

## Schedule 6—Amendments of Motor Omnibus Services legislation

(see s 8)

### Part 6.1 Motor Omnibus Services Act 1955

#### [6.1] Section 2 (1)

Omit “(1) In this Act, unless the contrary intention appears—”, substitute “In this Act:”.

#### [6.2] Section 2 (1), definitions of ***bus stop sign*** and ***child***

Omit the definitions.

#### [6.3] Section 2 (1), definition of ***fare***

Omit the definition, substitute the following definition:

***fare*** means the amount payable by a person for travel on an omnibus.

#### [6.4] Section 2 (1), definition of ***motor omnibus service***

Omit the definition, substitute the following definition:

***motor omnibus service*** means a motor omnibus service under this Act.

**[6.5] Section 2 (1), definitions of *section sign*, *stopping place*, *ticket* and *zone sign***

Omit the definitions.

**[6.6] Section 2 (2)**

Omit the subsection, substitute the following section:

**3 Purchase of tickets for someone else**

For this Act, a ticket purchased by a person for someone else is taken to have been purchased by the other person.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and a determination made by the Minister under s 23 (see *Legislation Act 2001*, s 104).

**[6.7] Section 3**

Omit the section, substitute the following section:

**4 Establishment etc of motor omnibus services**

The Minister may establish, maintain and conduct such motor omnibus services within the ACT as the Minister considers appropriate.

**[6.8] Sections 4 and 4A**

Omit the sections.

**[6.9] Section 4BA (2)**

Omit “he or she shall, by notice published in the *Gazette*”, substitute “the Minister must, in writing”.

**[6.10] New section 4BA (5)**

Insert after section 4BA (4) the following subsection:

- (5) A notification or determination under subsection (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**[6.11] Section 4D**

Omit the section.

**[6.12] Section 6 (3)**

Omit “or the regulations”.

**[6.13] Section 6 (3), new note**

Insert the following note:

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

**[6.14] Sections 8 (1), 9 (1) and 11**

Omit “or the regulations”.

**[6.15] Section 12 (2)**

Omit “shall be in a form approved by the Chief Executive and”.

**[6.16] Section 12 (2), new note**

Insert the following note:

*Note* If a form is approved under s 24 (Approved forms) for a notice, the form must be used.

**[6.17] Section 22**

Omit “or the regulations”.

**[6.18] Sections 23 and 24**

Omit the sections, substitute the following sections:

**23 Determination of fees and charges**

- (1) The Minister may, in writing, determine fees and charges for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (which includes charges and other amounts) (see pt 6.3).

- (2) A determination is a disallowable instrument.

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

**24 Approved forms**

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**25 Regulation-making power**

- (1) The Executive may make regulations for this Act.

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

- (2) The regulations may make provision in relation to—

- (a) the conduct of drivers employed on a motor omnibus service; and
- (b) the conditions under which passengers are carried on a motor omnibus service; and
- (c) the behaviour of people intending to enter, and passengers in, an omnibus.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

## Part 6.2 Motor Omnibus Services Regulations 1955

### [6.19] Regulation 3, definition of *charges determination*

Omit the definition, substitute the following definition:

*charges determination* means the determination of fares in force from time to time under section 23 (Determination of fees and charges) of the Act.

### [6.20] Regulation 3, definitions of *smoking offence* and *the Act*

Omit the definitions.

### [6.21] Regulation 3, new note

Insert the following note:

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

### [6.22] Regulation 17 (3)

Omit the subregulation.

### [6.23] Regulation 25A

Omit the regulation.

### [6.24] Regulation 28, new note

Insert the following note:

*Note* A person may not smoke in an omnibus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

### [6.25] Regulation 36A

Omit the regulation.

### [6.26] Schedule, part 2, items for regulations 25A and 36A

Omit the items.

35

Title

Page 1—

Omit the title, substitute the following title:

**An Act to amend various Acts relating to road transport, and for other purposes**

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## **Schedule 3**

### **GOVERNMENT PROCUREMENT BILL 2001**

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#### **Amendments circulated by Treasurer**

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#### **1**

##### **Clause 3, note 1**

##### **page 2, line 8—**

Omit the note, substitute the following note:

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or other legislation.

For example, the signpost definition '*responsible chief executive*—see the *Auditor-General Act 1996*, section 3 (1).' means that the expression 'responsible chief executive' is defined in that subsection and the definition applies to this Act.

#### **2**

##### **Dictionary, definition of *Territory entity***

##### **Page 13, line 14—**

Omit the definition, substitute the following definition:

*Territory entity* means—

- (a) an administrative unit; or
  - (b) a Territory entity under the *Auditor-General Act 1996*.
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## **Schedule 4**

### **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2000**

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Amendments circulated by Mr Hargreaves

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**1**

**Clause 6**

**Paragraph (a)**

**Page 5, line 4—**

Omit the paragraph, substitute the following paragraph:

(a) by omitting subsection (1) (a); and

**2**

**Clause 6**

**Paragraph (b)**

**Proposed new paragraph 10B (1) (b)**

**Page 5, line 8—**

Omit the proposed new paragraph.

**3**

**Clause 6**

**Paragraph (d)**

**Page 5, line 20—**

Omit the paragraph.

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