



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007–2008

MINUTES OF PROCEEDINGS

No. 130

TUESDAY, 4 MARCH 2008

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional owners. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITION

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

Mr Mulcahy, from 145 residents, requesting that the Assembly notes the intended withdrawal of the ACTION bus Curtin express route 37 and requests that the Assembly notes that the service has a high level of usage and plays a valuable role as an alternative to car/carparking in Civic, and reaffirms its support for the environmental and social value of this service by calling for its retention.

**3 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 5—
REPORT ON ANNUAL AND FINANCIAL REPORTS 2006-2007—
PUBLICATION OF REPORT—REPORT NOTED**

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 5—*Report on Annual and Financial Reports 2006-2007*, dated 27 February 2008, together with a copy of the extracts of the relevant minutes of proceedings—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Ms MacDonald moved—That the report be noted.

Debate ensued.

Question—put and passed.

**4 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—INQUIRY—
WATER USE AND MANAGEMENT—AMENDMENT TO RESOLUTION**

Mr Gentleman (Chair), by leave, moved—That the resolution of the Assembly of 7 June 2007, which referred the issue of water use and management to the Standing Committee on Planning and Environment for inquiry and report, be amended by omitting “March 2008” and substituting “August 2008”.

Question—put and passed.

**5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE
DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION
COMMITTEE)—SCRUTINY REPORT 51—STATEMENT BY CHAIR**

Mr Stefaniak (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 51, dated 3 March 2008, together with the relevant minutes of proceedings—

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

6 PAYROLL TAX AMENDMENT BILL 2007

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.

7 HUMAN RIGHTS AMENDMENT BILL 2007

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 agreed to.

Clause 2—

Mr Seselja (Leader of the Opposition) moved his amendment No. 1 (*see* [Schedule 1](#)).

Debate continued.

Amendment negatived.

Clause 2 agreed to.

Clauses 3 to 6, by leave, taken together and agreed to.

Clause 7 debated—

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

8 QUESTIONS

Questions without notice were asked.

9 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Study trips—Reports by—

Mr Pratt MLA—Menzies Research Centre delegates—Sydney, 1-3 June 2007.

Mr Seselja MLA—Meeting of all State and Territory Liberal Leaders—Melbourne, 21 January 2008.

Mr Smyth MLA—Thailand, Malaysia and Singapore, 27 October to 7 November 2007.

Mr Stefaniak MLA—Meeting of State and Territory Shadow Ministers for the Environment, Water and Climate Change—Melbourne, 21-22 January 2008.

10 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Anthony John Polinelli.

Daniel James Stewart, dated 25 January 2008.

Gary Byles, dated 29 January 2008.

Helen Child, dated 6 February 2008.

James Henry, dated 30 January 2008.

Neale Desmond Guthrie, dated 29 January 2008.

Nina Helen Churchward, dated 29 January 2008.

Phillip Tardif, dated 30 January 2008.

Russell Watkinson, dated 29 January 2008.

Simonne Shepherd, dated 30 January 2008.

Tom Elliott, dated 29 January 2008.

Tracy Hicks, dated 30 January 2008.

Short-term contracts:

Andrew Paul Townsley, dated 24 January 2008.

Conrad Barr, dated 5 February 2008.

Floyd Kennedy, dated 16 December 2007.

Gregory John Kent, dated 5 February 2008.

Kaye Maree O'Hara, dated 7 January 2008.

Leanne Cover, dated 7 January 2008.
 Luke McAlary, dated 30 January 2008.
 Malcolm Prentice, dated 8 February 2008.
 Peter Kowald, dated 7 January 2008.
 Philippa De Veau, dated 25 January 2008.
 Ross McKay, dated 31 January 2008.
 Sandra Kennedy, dated 9 January 2008.
 Shane Breynard, dated 18 January 2008.
 Thomas Kevin Bell, dated 22 January 2008.

Contract variations:

Barry Folpp, dated 14 and 21 December 2007.
 David Matthews, dated 7 January 2008.
 Greg Kent, dated 9 January 2008.
 Howard Douglas Wren, dated 4 February 2008.
 Neil Brian Bulless, dated 19 December 2007.
 Philip Mitchell, dated 14 December 2007.
 Shane Breynard, dated 21 January 2008.
 Stephen Miners, dated 8 November 2007.
 Steve Ryan, dated 29 January 2008.
 Stuart William Friend, dated 4 January 2008.
 Thomas Kevin Bell, dated 4 February 2008.
 Tony Gill, dated 9, 21 and 29 January 2008—

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

**11 TRANS-TASMAN MUTUAL RECOGNITION ACT—TRANS-TASMAN
 MUTUAL RECOGNITION (COMMONWEALTH REGULATIONS)
 ENDORSEMENT 2008 (NO. 1)—NOTIFIABLE INSTRUMENT NI2008-54—
 PAPER AND STATEMENT BY MINISTER**

Mr Stanhope (Chief Minister) presented the following paper:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2008 (No. 1)—Notifiable Instrument NI2008-54, dated 11 February 2008—

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

12 CRACE—DEVELOPMENT—STATEMENT BY MINISTER

Mr Stanhope (Chief Minister), by leave, made a statement concerning the development of Crace.

13 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Freedom of Information Act, pursuant to subsection 63(3)—Notice of decision relating to school closures, dated 14 January 2008.

14 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 12—APPROPRIATION BILL 2007-2008 (NO. 2)—GOVERNMENT RESPONSE—PAPER NOTED

Mr Stanhope (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 12—*Appropriation Bill 2007-2008 (No. 2)*—Government response, dated March 2008—

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

Question—put and passed.

15 PRESENTATION OF PAPERS

Mr Corbell (Attorney-General) presented the following papers:

Respite support service—Consideration of a complaint—Final report by the Health Services Commissioner, under the *Human Rights Commission Act 2005*.

Administration of Justice—ACT Criminal Justice—Statistical Profile—December quarter 2007.

16 PRESENTATION OF PAPER

Mr Barr (Minister for Education and Training) presented the following paper:

Freedom of Information Act, pursuant to subsection 63(3)—Statement of reasons of decision relating to school closures, dated 4 February 2008.

Mrs Dunne sought leave to make a statement concerning the paper.

Objection being raised, leave not granted.

17 SUSPENSION OF STANDING ORDERS MOVED—STATEMENT BY MEMBER

Mrs Dunne moved—That so much of the standing orders be suspended as would prevent Mrs Dunne from making a statement concerning the statement of reasons of the decision relating to school closures presented by Mr Barr (Minister for Education and Training) under the Freedom of Information Act.

Debate ensued.

Papers: Mrs Dunne, by leave, presented the following papers:

Freedom of information request—School closures—Copies of:

Email from Wendy Jones, Ministerial and Communication, ACT Department of Education and Training concerning comments due Draft Cabinet Submissions, dated 26 May 2006.

Diary entry.

Page with “Conclusion”

Question—put.

The Assembly voted—

| AYES, 8 | | NOES, 9 | |
|------------|--------------|--------------|---------------|
| Mrs Burke | Mr Seselja | Mr Barr | Mr Hargreaves |
| Mrs Dunne | Mr Smyth | Mr Berry | Ms MacDonald |
| Dr Foskey | Mr Stefaniak | Mr Corbell | Ms Porter |
| Mr Mulcahy | | Ms Gallagher | Mr Stanhope |
| Mr Pratt | | Mr Gentleman | |

And so it was negatived.

18 PRESENTATION OF PAPERS

Mr Corbell (Manager of Government Business) presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Auditor-General Act—Auditor-General Acting Appointment 2007—Disallowable Instrument DI2007-323 (without explanatory statement) (LR, 20 December 2007).

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2007 (No. 10)—Disallowable Instrument DI2007-310 (LR, 20 December 2007).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) Amendment Regulation 2008 (No. 1)—Subordinate Law SL2008-1 (LR, 23 January 2008).

Health Act—

Health (Fees) Determination 2007 (No. 3)—Disallowable Instrument DI2007-321 (LR, 20 December 2007).

Health (Interest Charge) Determination 2007 (No. 1)—Disallowable Instrument DI2007-322 (LR, 20 December 2007).

Health Professionals Act and Health Professionals Regulation—Health Professionals (Podiatrists Board) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-309 (LR, 20 December 2007).

Public Place Names Act—Public Place Names (Macgregor) Determination 2007 (No. 2)—Disallowable Instrument DI2007-316 (LR, 20 December 2007).

Radiation Protection Act—

Radiation Protection (Council Member) Appointment 2007 (No. 1)—Disallowable Instrument DI2007-317 (LR, 20 December 2007).

Radiation Protection (Council Member) Appointment 2007 (No. 2)—Disallowable Instrument DI2007-318 (LR, 20 December 2007).

Radiation Protection (Council Member) Appointment 2007 (No. 3)—Disallowable Instrument DI2007-319 (LR, 20 December 2007).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No. 7)—Disallowable Instrument DI2007-314 (LR, 20 December 2007).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No. 8)—Disallowable Instrument DI2007-315 (LR, 20 December 2007).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2007 (No. 2)—Disallowable Instrument DI2007-320 (LR, 20 December 2007).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2007 (No. 1)—Disallowable Instrument DI2007-312 (LR, 20 December 2007).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2007 (No. 2)—Disallowable Instrument DI2007-313 (LR, 21 December 2007).

Training and Tertiary Education Act—Training and Tertiary Education (Accreditation and Registration Council) Appointment 2007 (No. 2)—Disallowable Instrument DI2007-311 (LR, 20 December 2007).

Petition—Out of order

Petition which does not conform with the standing orders—ACTION bus route 769—Mr Smyth (302 signatures).

19 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CANBERRA—PLANNING FOR THE FUTURE

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Seselja (Leader of the Opposition), Mr Smyth and Mr Stefaniak had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Gentleman be submitted to the Assembly, namely, “The importance of planning for the future of Canberra.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

20 HUMAN RIGHTS AMENDMENT BILL 2007

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

Detail Stage

Clause 7—

Question—put.

The Assembly voted—

AYES, 11

| | |
|--------------|---------------|
| Mr Barr | Mr Hargreaves |
| Mr Berry | Ms MacDonald |
| Mr Corbell | Mr Mulcahy |
| Dr Foskey | Ms Porter |
| Ms Gallagher | Mr Stanhope |
| Mr Gentleman | |

NOES, 6

| |
|--------------|
| Mrs Burke |
| Mrs Dunne |
| Mr Pratt |
| Mr Seselja |
| Mr Smyth |
| Mr Stefaniak |

And so it was resolved in the affirmative—Clause 7 agreed to.

Clause 8 debated and agreed to.

Clause 9 debated and agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

Question—That this Bill be agreed to—put and passed.

21 REGULATORY SERVICES LEGISLATION AMENDMENT BILL 2007

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 24, by leave, taken together and agreed to.

Clause 25—

Debate continued.

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

Regulatory Services Legislation Amendment Bill 2007—Briefing note prepared by Keren Davies, Legal Counsel, Telstra, dated Monday, 3 March 2008.

Mrs Dunne moved—That debate be adjourned.

Question—put.

The Assembly voted—

AYES, 6

Mrs Burke
Mrs Dunne
Mr Pratt
Mr Seselja
Mr Smyth
Mr Stefaniak

NOES, 11

Mr Barr
Mr Berry
Mr Corbell
Dr Foskey
Ms Gallagher
Mr Gentleman
Mr Hargreaves
Ms MacDonald
Mr Mulcahy
Ms Porter
Mr Stanhope

And so it was negatived.

Debate continued.

Clause 25 agreed to.

Clause 26 debated and agreed to.

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

Debate interrupted in accordance with standing order 34 and the resumption of the debate made an order of the day for the next sitting.

22 ADJOURNMENT

It being approximately 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.29 p.m., adjourned until tomorrow at 10.30 a.m.

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

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Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

HUMAN RIGHTS AMENDMENT BILL 2007

Amendments circulated by Mr Seselja

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2

Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 7

Page 4, line 10—

[oppose the clause]

3

Clause 8

Page 8, line 15—

[oppose the clause]

4

Clause 9

Page 8, line 18—

[oppose the clause]
