



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2004–2005–2006–2007**

**MINUTES OF PROCEEDINGS**

**No. 103**

**TUESDAY, 5 JUNE 2007**

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**1** The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 SUSPENSION OF STANDING ORDERS—APPROPRIATION BILL 2007-2008**

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2007-2008;
- (2) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—“That debate on the Appropriation Bill 2007-2008 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed to;
- (3) at 3 p.m. on Thursday, 7 June 2007, the order of the day for resumption of debate on the question that the Appropriation Bill 2007-2008 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion—That this Bill be agreed to in principle; and
- (4) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

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

**3 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 42—STATEMENT BY CHAIR**

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 42, dated 4 June 2007, together with the relevant minutes of proceedings—

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

**4 LEGAL AFFAIRS—STANDING COMMITTEE—REPORT 6—POLICE POWERS OF CROWD CONTROL—PUBLICATION OF REPORT—REPORT NOTED**

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee—Report 6—*Police Powers of Crowd Control*, dated 15 May 2007, 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.

Mr Seselja moved—That the report be noted.

Debate ensued.

Question—put and passed.

**5 LEGAL AFFAIRS—STANDING COMMITTEE—INQUIRY—A.C.T. FIRE AND EMERGENCY SERVICES ARRANGEMENTS—STATEMENT BY CHAIR**

Mr Seselja (Chair), by leave, informed the Assembly that the Standing Committee on Legal Affairs had resolved to conduct an inquiry into fire and emergency services arrangements.

**6 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 26—REPORT ON ANNUAL AND FINANCIAL REPORTS 2005-06—CORRIGENDUM—STATEMENT BY CHAIR**

Mr Gentleman (Chair), by leave, made a statement concerning errors contained in Report 26—*Report on Annual and Financial Reports 2005-06*, and presented the following paper:

Planning and Environment—Standing Committee—Report 26—*Report on Annual and Financial Reports 2005-06—Corrigendum*, dated 10 May 2007.

**7 LAND TAX (INTEREST AND PENALTY) AMENDMENT BILL 2007**

Mr Stanhope (Treasurer), by leave, presented a Bill for an Act to amend the *Land Tax Act 2004*, and for other purposes.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2007.

Title read by Clerk.

Mr Stanhope moved—That this Bill be agreed to in principle.

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

## **8 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, Executive business, relating to the Water Resources Bill 2007, be postponed until the next day of sitting.

## **9 STATUTE LAW 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.

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### *Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Attorney-General), his amendment No. 1 (*see* [Schedule 1](#)) was made.

*Paper:* Mr Corbell presented a supplementary explanatory statement to the Government amendment.

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

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

## **10 ENVIRONMENT PROTECTION (FUEL SALES DATA) 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.

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### *Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Stanhope (Minister for the Environment, Water and Climate Change), his amendment No. 1 (*see* [Schedule 2](#)) was made.

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

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

**11 QUESTIONS**

Questions without notice being asked—

It being approximately 3 p.m., questions were interrupted pursuant to the order of the Assembly.

**12 APPROPRIATION BILL 2007-2008**

Mr Stanhope (Treasurer) presented a Bill for an Act to appropriate money for the purposes of the Territory for the financial year beginning on 1 July 2007, and for other purposes.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 June 2007.

Budget 2007-2008—Financial Management Act, pursuant to section 10—

Speech (Budget paper No. 1).

Taking the Territory Forward (Budget paper No. 2).

Budget overview (Budget paper No. 3).

Budget estimates (Budget paper No. 4).

CD—Budget 2007-2008.

Title read by Clerk.

Mr Stanhope moved—That this Bill be agreed to in principle.

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

**13 PRESENTATION OF PAPERS**

Mr Stanhope (Treasurer) presented the following papers:

**Statements of Intent—2007-2008**

Financial Management Act, pursuant to subsection 62(1)—

ACT Building and Construction Industry Training Fund Authority, dated 23 and 29 May 2007.

ACT Cleaning Industry Long Service Leave Authority, dated 17 May 2007.

ACT Construction Industry Long Service Leave Authority, dated 17 May 2006, including corrigendum, dated 17 and 28 May 2007.

ACT Gambling and Racing Commission, dated 21 May 2007.

ACT Insurance Authority, dated 25 May 2006, including corrigendum, dated May 2007.

ACT Public Cemeteries Authority, dated 22 and 29 May 2007.

Canberra Institute of Technology.

Cultural Facilities Corporation, dated 23 May 2007.

Exhibition Park Corporation, dated 22 and 29 May 2007.

Independent Competition and Regulatory Commission, dated 22 May 2007.

Land Development Agency, dated 21 May 2007.

Legal Aid Commission (ACT).

Public Trustee for the Australian Capital Territory (PTACT).

**14 ACT YOUNG PEOPLE'S PLAN 2004-2008—PROGRESS REPORT—PAPER AND STATEMENT BY MINISTER—MOTION TO TAKE NOTE OF PAPER**

Ms Gallagher (Minister for Children and Young People) presented the following paper:

ACT Young People's Plan 2004-2008—Progress report, dated May 2007—

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

Ms Gallagher moved—That the Assembly takes note of the paper.

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

**15 LAND (PLANNING AND ENVIRONMENT) ACT—LEASES—PAPER AND STATEMENT BY MINISTER**

Mr Barr (Minister for Planning) presented the following paper:

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 January to 31 March 2007—

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

**16 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—

Legal Profession Act—Legal Profession (Barristers and Solicitors Practising Fees) Determination 2007 (No. 1)—Disallowable Instrument DI2007-107 (LR, 17 May 2007).

Public Place Names Act—

Public Place Names (Forde) Determination 2007 (No. 1)—Disallowable Instrument DI2007-105 (LR, 10 May 2007).

Public Place Names (Franklin) Determination 2007 (No. 1)—Disallowable Instrument DI2007-106 (LR, 10 May 2007).

Public Place Names (Kingston) Determination 2007 (No. 1)—Disallowable Instrument DI2007-109 (LR, 25 May 2007).

Public Place Names (Lyons) Determination 2007 (No. 1)—Disallowable Instrument DI2007-110 (LR, 24 May 2007).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No. 1)—Disallowable Instrument DI2007-108 (LR, 18 May 2007).

**17 ADJOURNMENT**

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

Question—put and passed.

And then the Assembly, at 3.53 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

# SCHEDULES OF AMENDMENTS

## Schedule 1

### STATUTE LAW AMENDMENT BILL 2007

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Amendment circulated by the Attorney-General

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#### Schedule 1

#### Amendment 1.1

Page 4, line 5—

*omit amendment 1.1, substitute*

#### **[1.1] Section 23 (1) (b) and (c)**

*substitute*

(b) the person is not authorised to exhume the remains.

#### **Explanatory note**

This amendment relates to the amendment below.

#### **[1.1A] New section 23 (1A)**

*insert*

(1A) For this section, a person is *authorised* to exhume human or foetal remains if—

- (a) a warrant under the *Coroners Act 1997* authorises the exhumation; or
- (b) the chief health officer has given written permission under this section for the exhumation.

#### **Explanatory note**

This amendment clarifies the type of authority that is necessary to exhume human or foetal remains buried in a cemetery. It is not an offence to exhume remains if there is either—

- a warrant under the *Coroners Act 1997*; or
  - written permission from the chief health officer.
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**Schedule 2****ENVIRONMENT PROTECTION (FUEL SALES DATA)  
AMENDMENT BILL 2007**

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Amendment circulated by the Minister for the Environment, Water and  
Climate Change

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**1**  
**Clause 2**  
**Page 2, line 5—**

*omit the clause, substitute*

**2 Commencement**

This Act commences on 1 July 2007.

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

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