



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2004–2005–2006–2007**

**MINUTES OF PROCEEDINGS**

**No. 94**

**TUESDAY, 13 MARCH 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** **LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 39—STATEMENT BY CHAIR**

Ms MacDonald (Acting Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 39, dated 12 March 2007, together with the relevant minutes of proceedings—

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

**3** **WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—INQUIRY—STATEMENT BY CHAIR**

Mr Gentleman (Chair), pursuant to standing order 246A, made a statement providing the Assembly with an update on the activities and future directions of the Committee in relation to issues concerning workers and their families.

**4** **FREEDOM OF INFORMATION AMENDMENT BILL 2006**

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

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*Detail Stage*

Remainder of Bill, as a whole—

Mr Corbell (Attorney-General), by leave, moved his amendments Nos. 1 to 4 together (*see* [Schedule 1](#)).

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

Debate continued.

Question—put.

The Assembly voted—

	AYES, 14		NOES, 1
Mr Barr	Mr Hargreaves	Dr Foskey	
Mr Berry	Ms MacDonald		
Mrs Burke	Mr Mulcahy		
Mr Corbell	Ms Porter		
Mrs Dunne	Mr Pratt		
Ms Gallagher	Mr Smyth		
Mr Gentleman	Mr Stefaniak		

And so it was resolved in the affirmative.

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.

**5 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2006 (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.

**6 ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2006**

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 Hargreaves (Minister for the Territory and Municipal Services), by leave, his amendments Nos. 1 to 4 (*see* [Schedule 2](#)) were made together, after debate.

*Paper:* Mr Hargreaves presented a supplementary explanatory statement to the Government amendments.

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

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

**7 QUESTIONS**

Questions without notice were asked.

**8 LEAVE OF ABSENCE TO MEMBER**

Mr Smyth moved—That leave of absence be given to Mr Seselja for this sitting week, 13 to 15 March 2007.

Question—put and passed.

**9 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Study trip—Report by Mr Pratt MLA—Menzies Research Centre Conference—Sydney, 8 and 9 September 2006.

**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—

Contract variations:

Anne Thomas, dated 16 January 2007.

Peter Ottesen, dated 26 February 2007.

Tony Brown, dated 29 January 2007.

Long-term contracts:

David Foot, dated 22 January 2007.

Gerard John Ryan, dated 23 February 2006.

Kate Nesor, dated 12 February 2007.

Liesl Centenara, dated 16 October 2006.

Pamela Davoren, dated 5 February 2007.

Short-term contracts:

Greg Kent, dated 1 February 2007.

Pam Davoren, dated 3 February 2007.

Peter Johns, dated 8 February 2007—

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

**11 PRESENTATION OF PAPERS**

Mr Stanhope (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Members of the ACT Legislative Assembly—Determination 1 of 2007, dated 28 February 2007.

Part-time Holders of Public Office—

ACT Skills Commission—Determination 3 of 2007, dated 28 February 2007.

Public Interest Monitor Panel—Determination 2 of 2007, dated 28 February 2007.

**12 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 9—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 7 OF 2005: 2004-05 FINANCIAL AUDITS—GOVERNMENT RESPONSE—PAPER NOTED**

Mr Stanhope (Treasurer) presented the following paper:

Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's Report No. 7 of 2005: 2004-05 Financial Audits*—Government response—

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

Question—put and passed.

**13 HELPING YOUNGER PEOPLE WITH DISABILITY IN RESIDENTIAL AGED CARE—BILATERAL AGREEMENT—STATEMENT BY MINISTER**

Ms Gallagher (Minister for Disability and Community Services) presented the following paper:

Helping Younger People with Disability in Residential Aged Care—Bilateral Agreement between the Commonwealth of Australia and the Australian Capital Territory, dated 25 January 2006—

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

**14 PRESENTATION OF PAPER**

Mr Hargreaves (Minister for the Territory and Municipal Services) presented the following paper:

National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual Report 2005-2006.

**15 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—SENIOR CITIZENS**

The Assembly was informed that Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt and Mr Smyth 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 Ms Porter be submitted to the Assembly, namely, "The importance of recognising the particular needs of senior citizens and the special role they play in the ACT community."

Discussion ensued.

Discussion concluded.

**16 STANDING ORDER 54—SPEAKER'S RULING AND PAPER**

Mr Stefaniak (Leader of the Opposition) took a point of order in relation to standing order 54 and statements made during the want of confidence motion in the Chief Minister on 28 February 2007.

*Paper:* The Speaker presented the following paper:

Standing order 54—Copy of letter from Mr Stefaniak to the Speaker, dated 9 March 2007.

The Speaker undertook to examine the matters raised by Mr Stefaniak and report back to the Assembly at a future time.

**17 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 5.06 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, except Mr Seselja\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### FREEDOM OF INFORMATION AMENDMENT BILL 2006

Amendments circulated by the Attorney-General

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1

**Clause 13**

**Proposed new section 37A (3)**

**Page 9, line 8**

*omit*

may

*substitute*

must

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2

**Clause 16**

**Proposed new section 69A heading**

**Page 11, line 4**

*omit*

**affairs**

*substitute*

**information**

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3

**Proposed new clause 15A**

**Page 10, line 20—**

*insert*

<b>15A</b>	<b>Powers of tribunal Section 62 (6)</b>
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*substitute*

- (6) If application is made to the tribunal for review of a decision refusing to grant access to a document in relation to which a certificate is in force under section 34 (4) or section 37A (4), the tribunal must, if the applicant requests, determine whether reasonable grounds exist for the claim that information about the existence or non-existence of the document would cause the document to be an exempt document under section 34 (1) or section 37A (1).
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4

**Proposed new clause 17****Page 12, line 3—***insert***17 Further amendments, mentions of section 34 etc**

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 omit</b>	<b>column 4 substitute</b>
1	section 24 (1) and (2)	section 34 or 37 (1)	section 34, section 37 (1) or section 37A
2	section 58 (a)	section 34 (4) or 35 (5)	section 34 (4), section 35 (5) or section 37A (4)
3	section 58 (b)	section 34 or 35	section 34, section 35 or section 37A
4	section 62 (3)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
5	section 62 (4)	section 34 or 35	section 34, section 35 or section 37A
6	section 63 (2) (a)	section 34 (2) or 35 (3) or (5)	section 34 (2), section 35 (3), section 35 (5) or section 37A (2)
7	section 63 (2) (b)	section 34 (4)	section 34 (4) or section 37A (4)
8	section 63 (5)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
9	section 63 (6)	section 34 or 35	section 34, section 35 or section 37A
10	section 63 (8)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
11	section 63 (9) (a)	section 34 or 36	section 34, section 36 or section 37A
12	section 65 (2) (a) (iv)	section 34 (2) or 35	section 34 (2), section 35 or section 37A (2)
13	section 65 (2) (a) (vi)	section 34 (4)	section 34 (4) or section 37A (4)
14	section 65 (2) (a) (vi)	section 34	section 34 or section 37A
15	sections 67 (1) and 74 (5) (a)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
16	section 74 (5) (b)	section 34 (4)	section 34 (4) or section 37A (4)

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 omit</b>	<b>column 4 substitute</b>
17	section 74 (6)	section 35 (4) or 36 (4)	section 35 (4), section 36 (4) or section 37A (3)
18	section 75	section 34, 35 c	section 34, section 35, section 36 or section 37A



**Schedule 2****ANIMAL WELFARE LEGISLATION AMENDMENT BILL  
2006**

Amendments circulated by the Minister for the Territory and Municipal Services

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**1**

**Clause 2**  
**Page 2, line 4—**

*substitute*

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**2 Commencement**

- (1) This Act, other than section 15, commences on the day after its notification day.
- (2) Section 15 commences on a day fixed by the Minister by written notice.

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

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

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**2**

**Clause 9**  
**Proposed new section 19A (1) (d)**  
**Page 7, line 24—**

*omit*

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**3**

**Clause 9**  
**Proposed new section 19A (1A)**  
**Page 8, line 2—**

*insert*

- (1A) A veterinary surgeon must not remove a dog's dewclaws more than 4 days after the day the dog was born for a purpose other than a prophylactic purpose or a therapeutic purpose.

Maximum penalty: 50 penalty units.

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4

**Clause 11**

**Proposed new section 42 (2) (b)**

**Page 18, line 22—**

*omit*

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