



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006

MINUTES OF PROCEEDINGS

No. 61

THURSDAY, 4 MAY 2006

1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) ordered the bells to be rung. A quorum having been formed, the Speaker 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 STATUTE LAW AMENDMENT BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain legislation for the purpose of statute law revision.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 May 2006.

Title read by Clerk.

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

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

3 LEGAL PROFESSION BILL 2006

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act about the legal profession and legal services.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 May 2006.

Title read by Clerk.

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

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

4 EDUCATION AMENDMENT BILL 2006

Mr Barr (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Education Act 2004*, and for other purposes.

Papers: Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 1 May 2006.

Title read by Clerk.

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

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

5 ESTIMATES 2006-2007—SELECT COMMITTEE—APPOINTMENT

Mr Smyth (Leader of the Opposition), pursuant to notice, moved—That:

- (1) a Select Committee on Estimates 2006-2007 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2006-2007 and any revenue estimates proposed by the Government in the 2006-2007 Budget;
- (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;
 to be notified in writing to the Speaker by 4 p.m. today;
- (3) the Committee report by 15 August 2006;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Corbell (Manager of Government Business) moved the following amendment: Subparagraph 2(a), omit “two Members”, substitute “three Members”.

Debate continued.

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Question—That Mr Corbell’s amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Gentleman	Mrs Burke	Mr Seselja
Mr Berry	Mr Hargreaves	Mrs Dunne	Mr Smyth
Mr Corbell	Ms MacDonald	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Pratt	

And so it was resolved in the affirmative.

Mr Corbell, who had already spoken, by leave, again addressed the Assembly and moved the following amendment: Insert new paragraph 4A:

“(4A) The Committee Chair shall be held by a Government Member.”.

The extended time for Assembly business having expired, debate was interrupted.

Suspension of standing orders—Extension of Assembly business: Mr Corbell moved—That so much of the standing orders be suspended as would prevent Assembly business continuing until 12.30 p.m. today.

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

Debate continued.

Dr Foskey moved the following amendment to Mr Corbell’s proposed amendment: Proposed new paragraph 4A, omit all words after “Committee”, substitute “will have co-chairs, one held by the Government as decided by the Assembly, the other to be chosen by the Committee.”.

Debate continued.

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.

6 QUESTIONS

Questions without notice were asked.

7 PAPER

Mr Stefaniak, during a personal explanation, by leave, presented the following paper:

Police numbers—Extract from the 2004-2005 Annual Report of the Australian Federal Police.

8 STATEMENT BY MEMBER—LEAVE NOT GRANTED

Dr Foskey sought leave to make a statement.

Objection being raised, leave not granted.

Suspension of standing orders moved—Statement by Member: Dr Foskey moved—That so much of the standing orders be suspended as would prevent Dr Foskey from making a statement concerning the Greens vote at the 2004 election.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
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 Pratt		Mr Gentleman	Mr Stanhope

And so it was negated.

9 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT—NO. 2/2006—PUBLIC HOUSING—PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 2/2006—Public Housing, dated 3 May 2006.

Mr Corbell (Manager of Government Business), by leave, moved—That the Assembly authorises the publication of the Auditor-General's Report No. 2/2006.

Question—put and passed.

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

Mr Corbell (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 2006—

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

11 PRESENTATION OF PAPER

The Speaker presented the following paper:

Quarterly travel report—Non-Executive MLAs—1 January to 31 March 2006.

12 PRESENTATION OF PAPER

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

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2005, including financial statements, dated April 2006.

13 MINISTERIAL STATEMENT—LEAVE NOT GRANTED

Mr Stanhope (Treasurer) sought leave to make a ministerial statement concerning a review of ownership agreements.

Objection being raised, leave not granted.

14 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the appointment of a Select Committee on Estimates 2006-2007, being called on forthwith.

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

15 ESTIMATES 2006-2007—SELECT COMMITTEE—APPOINTMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Smyth (Leader of the Opposition) and on the amendment moved by Mr Corbell (Manager of Government Business) and on the amendment moved by Dr Foskey to Mr Corbell's proposed amendment (*see* [Entry 5](#))—

Debate resumed.

Question—That Dr Foskey's amendment to Mr Corbell's proposed amendment be agreed to—put and negatived.

Point of order: Mr Smyth took a point of order concerning the proposed amendment moved by Mr Corbell.

Speaker's ruling: The Speaker ruled that the proposed amendment was in order.

Dissent from Speaker's ruling moved: Mr Smyth, by leave, moved—That the Speaker's ruling be dissented from.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
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 Pratt		Mr Gentleman	Mr Stanhope

And so it was negatived.

Question—That Mr Corbell's amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Pratt	

And so it was resolved in the affirmative.

Mr Smyth, by leave, moved the following amendment: Paragraph (2), omit “4 p.m.”, substitute “5 p.m.”.

Question—That Mr Smyth’s amendment be agreed to—put and passed.

Question—That the motion, as amended, viz:

“That:

- (1) a Select Committee on Estimates 2006-2007 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2006-2007 and any revenue estimates proposed by the Government in the 2006-2007 Budget;
- (2) the Committee be composed of:
 - (a) three Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;
 to be notified in writing to the Speaker by 5 p.m. today;
- (3) the Committee report by 15 August 2006;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;
- (5) the Committee Chair shall be held by a Government Member; and
- (6) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.”—

be agreed to—put and passed.

16 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—A.C.T. BUDGET—FUNCTIONAL REVIEW

The Assembly was informed that Mrs Burke, Mrs Dunne, Dr Foskey, Mr Pratt, Mr Seselja, Mr Smyth (Leader of the Opposition) 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 Mrs Burke be submitted to the Assembly, namely, “The Functional and Strategic Review of Government Structures and Programs, also known as the Functional Review of the ACT Budget, and its effect on the ACT Government, business and community.”.

Discussion ensued.

Discussion concluded.

17 REVENUE LEGISLATION AMENDMENT BILL 2005 (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.

Detail Stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9 debated and negatived.

Proposed new clauses—

Dr Foskey moved her amendment No. 1 (*see* Schedule 2), which inserts new clauses 9A and 9B in the Bill.

Debate continued.

Amendment negatived.

Clauses 10 to 23, by leave, taken together and agreed to.

Clause 24 debated and agreed to.

Clause 25 agreed to.

Clause 26—

Mr Smyth, by leave, moved his amendments Nos. 3 to 5 together (*see* Schedule 1).

Debate continued.

Question—put.

The Assembly voted—

<p style="text-align: center;">AYES, 6</p> <p>Mrs Burke Mr Stefaniak Mrs Dunne Mr Pratt Mr Seselja Mr Smyth</p>	<p style="text-align: center;">NOES, 9</p> <p>Mr Barr Mr Hargreaves Mr Berry Ms MacDonald Mr Corbell Ms Porter Dr Foskey Mr Stanhope Mr Gentleman</p>
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And so it was negatived.

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

18 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.27 p.m., adjourned until Tuesday, 9 May 2006 at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Mulcahy*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

REVENUE LEGISLATION AMENDMENT BILL 2005 (NO. 2)

Amendments circulated by Mr Smyth (Leader of the Opposition)

1

Clause 9

Page 4, line 15—

omit clause 9, substitute

9

Section 203

substitute

203 Meaning of *dutiable value* for pt 9.1

(1) In this part:

dutiable value, of a motor vehicle, means the consideration (in money or money's worth) given for the acquisition of the vehicle.

(2) The *dutiable value* of a motor vehicle does not include a premium paid for extended warranty insurance.

2

Clause 24

Page 15, line 4

[oppose the clause]

3

Clause 26

Proposed new section 16 (1)

Page 17, line 18

omit proposed new section 16 (1), substitute

(1) This section applies to an employer if the total of all taxable wages paid or payable in Australia by the employer in a month exceeds the amount determined for this section under the *Taxation Administration Act 1999*, section 139.

4

Clause 26

Proposed new section 16 (2), note

Page 17, line 26

omit

5

Clause 26

Proposed new section 16 (3) (b)

Page 18, line 3

omit

7 days

insert

21 days

Schedule 2**REVENUE LEGISLATION AMENDMENT BILL 2005
(NO. 2)**

Amendment circulated by Dr Foskey

1**Proposed new clauses 9A and 9B****Page 6, line 16—***insert***9A Section 208 (1)***omit*

Subject to subsection (2) and section 208AA,

substitute

Subject to subsection (2), section 208AA and section 208AB,

9B New section 208AB*in part 9.1, insert***208AB Partial exemption—low emission vehicles**

- (1) This section applies to an application to register a motor vehicle if—
- (a) the vehicle has not previously been registered under the Vehicle Registration Act or any other territory law; and
 - (b) the vehicle has a carbon dioxide emission level of less than the level determined by the Minister for this section.
- (2) Duty for the application is payable at the prescribed percentage of the amount that would, apart from this section, be payable for the application.
- (3) A determination under subsection (1) (b) is a disallowable instrument.

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

- (4) In this section:

carbon dioxide emission level, for a vehicle, means the amount of emissions of carbon dioxide generated by the vehicle per hundred kilometres.

prescribed percentage means the percentage determined under the Taxation Administration Act, section 139 for this section.
