

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 43

THURSDAY, 17 NOVEMBER 2005

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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 **PETITION**

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

Mr Corbell, from 101 residents, requesting that the Assembly ensure that land adjacent to Glebe Park be developed for the benefit of the community and of Glebe Park and not for private residential accommodation purposes, to oppose the development application and to take all steps to ensure that the development application is not approved.

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

Mr Quinlan (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*, the *Land Tax Act 2004*, the *Payroll Tax Act 1987* and the *Rates Act 2004*.

*Papers:* Mr Quinlan presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 15 November 2005.

Title read by Clerk.

Mr Quinlan 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.

**4 SMOKING (PROHIBITION IN ENCLOSED PUBLIC PLACES) ACT—  
SMOKING (PROHIBITION IN ENCLOSED PUBLIC PLACES) REGULATION  
2005—SUBORDINATE LAW SL2005-21—MOTION TO DISALLOW**

Dr Foskey, pursuant to notice, moved—That Subordinate Law SL2005-21, being the Smoking (Prohibition in Enclosed Public Places) Regulation 2005, made pursuant to the Smoking (Prohibition in Enclosed Public Places) Act, be disallowed.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 1	NOES, 14
Dr Foskey	Mr Berry            Ms Porter
	Mr Corbell        Mr Pratt
	Mrs Dunne        Mr Quinlan
	Mr Gentleman    Mr Seselja
	Mr Hargreaves   Mr Smyth
	Ms MacDonald    Mr Stanhope
	Mr Mulcahy       Mr Stefaniak

And so it was negatived.

**5 PLANNING AND ENVIRONMENT—STANDING COMMITTEE—REPORT 16—  
TENTH ANNUAL CONFERENCE OF PARLIAMENTARY ENVIRONMENT AND  
PUBLIC WORKS COMMITTEES—REPORT ON THE SUSTAINABILITY AND  
BUSHFIRE RECOVERY CONFERENCE, 28-30 SEPTEMBER 2005—MOTION  
THAT REPORT BE NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman (Chair)—That the report be noted (*presented 15 November 2005*):

Planning and Environment—Standing Committee—Report 16—Tenth Annual Conference of Parliamentary Environment and Public Works Committees—*Report on the Sustainability and Bushfire Recovery Conference, 28-30 September 2005*—

Debate resumed.

Mr Pratt addressing the Assembly—

It being 45 minutes after the commencement of Assembly business, debate interrupted in accordance with standing order 77—

Mr Pratt moved—That the time allotted to Assembly business be extended by 30 minutes.

Question—put.

The Assembly voted—

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

And so it was negatived—Resumption of the debate made an order of the day for the next sitting.

**6 PUBLIC ACCOUNTS—STANDING COMMITTEE—INQUIRY—AUDITOR-GENERAL'S REPORT NO. 4 2005—STATEMENT BY CHAIR**

Mr Mulcahy (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts had resolved to conduct an inquiry into and report on Auditor-General's Report No. 4 2005—Courts Administration.

**7 EMERGENCIES AMENDMENT BILL 2005**

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—

Mr Pratt, by leave, moved his amendments Nos. 1 to 3 (*see* [Schedule 1](#)) together.

Debate continued.

Amendments negatived.

Bill, as a whole, agreed to.

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

**8 DOMESTIC ANIMALS (CAT CONTAINMENT) AMENDMENT BILL 2005**

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.

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.

**9 MINISTERIAL ARRANGEMENTS**

Mr Quinlan (Deputy Chief Minister) informed the Assembly of the absence of Mr Stanhope (Chief Minister) and advised the Assembly that questions without notice normally directed to Mr Stanhope could be directed to Mr Quinlan.

**10 QUESTIONS**

Questions without notice were asked.

**11 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Study trip—Report by Mr Pratt MLA—Sydney, 28 and 29 April 2005.

Quarterly travel report—Non-Executive MLAs—1 July to 30 September 2005.

**12 PRESENTATION OF PAPER**

Mr Quinlan (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent—Rhodium Asset Solutions, dated June 2005.

**13 PRESENTATION OF PAPER**

Mr Quinlan (Minister for Racing and Gaming) presented the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Eighth report by the ACT Gambling and Racing Commission—1 July 2004 to 30 June 2005, dated 17 October 2005.

**14 SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM—MULTILATERAL AGREEMENT—PAPER AND STATEMENT BY MINISTER**

Mr Hargreaves (Minister for Disability, Housing and Community Services) presented the following paper:

Supported Accommodation Assistance Program—Multilateral Agreement between the Commonwealth, States and Territories—

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

**15 PRESENTATION OF PAPER**

Mr Hargreaves (Minister for Police and Emergency Services) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—ACT Emergency Services Authority—Revised Annual Report 2004-2005.

**16 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—TIDBINBILLA NATURE RESERVE**

The Assembly was informed that Mrs Burke, Dr Foskey, Ms MacDonald, Ms Porter and Mr Pratt 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 MacDonald be submitted to the Assembly, namely, “The importance of the Tidbinbilla Nature Reserve and its place as an integral part of the ACT.”.

Discussion ensued.

Discussion concluded.

**17 CABINET-IN-CONFIDENCE DOCUMENTS—ORDER TO TABLE**

Mr Quinlan (Treasurer), by leave, moved—That:

- (1) any non-executive Member of the Assembly holding or having access to cabinet-in-confidence documents or parts thereof without authorisation of the Cabinet Office table such documents by the close of business today; and
- (2) notwithstanding anything contained in the standing orders, the document not be approved for publication nor distributed to Members, and upon presentation be returned to the Cabinet Office by the Speaker.

Question—put and passed.

**18 DOMESTIC ANIMALS (CAT CONTAINMENT) AMENDMENT BILL 2005**

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 Urban Services), his amendment No. 1 (see [Schedule 2](#)) was made.

*Paper:* Mr Hargreaves 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.

**19 ADJOURNMENT**

Mr Quinlan (Treasurer) moved—That the Assembly do now adjourn.

Debate ensued.

*Paper:* Mrs Dunne, by leave, presented the following paper:

Malarial mosquitoes—A declaration of the informed and concerned.

Debate continued.

Question—put and passed.

And then the Assembly, at 4.59 p.m., adjourned until Tuesday, 22 November 2005 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

### EMERGENCIES AMENDMENT BILL 2005

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Amendments circulated by Mr Pratt

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**1**

**Clause 10**

**Section 75 (1) (b)**

**Page 4, line 24—**

*omit*

section 75 (1) (b)

*substitute*

- (b) inviting interested people to give written comments about the draft plan to the authority at a stated address during a stated period ending at least 28 days after the end of the period mentioned in paragraph (a).
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**2**

**Clause 12**

**Sections 78 and 79**

**Page 5, line 26—**

*omit*

subsections 78 (2), (3) and (4)

*substitute*

- (2) The person must give the authority a draft bushfire operational plan for the area in accordance with the strategic bushfire management plan by no later than 1 June of the year required for submission or review.
- (3) The authority is required to—
- (a) approve the draft bushfire operational plan for the area; or
  - (b) approve the draft plan for the area with stated amendments; or
  - (c) decide not to approve the draft plan.
- (4) The authority is required to approve or reject in writing a draft bushfire operational plan with or without amendments within 90 working days of its submission to the authority.
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**Proposed new Clause 12A**

**Section 84**

**Page 6, line 12—**

**12A Fire Fuel Reduction**  
**Section 84**

*insert*

- (2) The Authority may, at any time in accordance with the strategic bushfire management plan and the Environment Protection Act 1997, direct the land manager of unleased Territory land and/or owners of land within a bushfire abatement zone to allow the relevant authorities to light a controlled fire and take other appropriate clearing actions for the purpose of reducing the risk of bushfire or the spread of bushfire.
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**Schedule 2****DOMESTIC ANIMALS (CAT CONTAINMENT)  
AMENDMENT BILL 2005**

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Amendment circulated by the Minister for Urban Services

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**1**

**Clause 2**

**Page 2, line 5—**

*omit clause 2, substitute*

**2 Commencement**

This Act 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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