

2004–2005

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 16

THURSDAY, 7 APRIL 2005

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 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker made a statement concerning an alleged breach of privilege raised by Mrs Dunne in relation to improper interference in the proposed chairmanship and membership of a Select Committee on Estimates.

Paper: The Speaker presented the following paper:

Alleged breach of privilege—Letter from Mrs Dunne to the Speaker, dated 6 April 2005.

Having considered the matter, the Speaker stated that he did not believe the matter warranted precedence under standing order 71(e).

Mrs Dunne sought leave to move a motion concerning the decision of the Speaker not to give precedence to the matter of privilege.

Objection being raised, leave not granted.

Suspension of standing orders moved—Decision of Speaker not to give precedence: Mrs Dunne moved—That so much of the standing orders be suspended as would prevent Mrs Dunne moving that the decision of the Speaker not to give precedence to the matter of privilege be disagreed with.

Debate ensued.

The time allotted for the debate having expired—

Question—put.

The Assembly voted—

AYES, 7

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

NOES, 10

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

And so it was negatived.

3 MINISTER FOR HEALTH, MINISTER FOR PLANNING AND MANAGER OF GOVERNMENT BUSINESS—PROPOSED MOTION OF WANT OF CONFIDENCE

Mr Smyth (Leader of the Opposition), by leave, moved—That the Assembly expresses a lack of confidence in Mr Corbell (Minister for Health, Minister for Planning and Manager of Government Business).

Debate ensued.

Closure: Mr Stanhope (Chief Minister) moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 10		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

The Assembly voted—

AYES, 7		NOES, 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negated.

4 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 7—PUBLICATION OF REPORT—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 7, dated 6 April 2005—

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

Question—put and passed.

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

5 CRIMES (CHILD SEX OFFENDERS) BILL 2005

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act about registration and reporting requirements for certain offenders who commit sexual offences against children, 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 April 2005.

Title read by Clerk.

Mr Stanhope 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.

6 CRIMES (SENTENCING) BILL 2005

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to consolidate and reform the law about sentencing offenders, 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 April 2005.

Title read by Clerk.

Mr Stanhope 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.

7 HUMAN RIGHTS COMMISSION BILL 2005

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to establish the Human Rights Commission, 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 April 2005.

Title read by Clerk.

Mr Stanhope 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.

8 HUMAN RIGHTS COMMISSION LEGISLATION AMENDMENT BILL 2005

Mr Stanhope (Attorney-General), pursuant to notice, presented a Bill for an Act to amend various laws because of the establishment of the Human Rights Commission, 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 April 2005.

Title read by Clerk.

Mr Stanhope 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.

9 HEALTH LEGISLATION AMENDMENT BILL 2005

Mr Corbell (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the law relating to health, and for other purposes.

Papers: Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 April 2005.

Title read by Clerk.

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

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

10 ESTIMATES 2005-2006—SELECT COMMITTEE—APPOINTMENT

Mr Mulcahy, pursuant to notice, moved—That:

- (1) a Select Committee on Estimates 2005-2006 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2005-2006 and any revenue estimates proposed by the Government in the 2005-2006 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 21 June 2005;
- (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.

Debate ensued.

Question—put and passed.

11 HEALTH AND DISABILITY—STANDING COMMITTEE—INQUIRY—RELATIONSHIP BETWEEN THE HEALTH AND SCIENCE SECTORS IN THE A.C.T.—STATEMENT BY CHAIR

Ms MacDonald (Chair), by leave, informed the Assembly that the Standing Committee on Health and Disability had resolved to conduct an inquiry into and report on the relationship between the health and science sectors in the ACT.

12 QUESTIONS

Questions without notice being asked—

Paper: The Speaker presented the following paper:

Statement by Speaker—Privilege.

Questions continued.

13 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT—NO. 1/2005—MANAGEMENT OF GOVERNMENT GRANTS TO THE A.C.T. MULTICULTURAL COUNCIL INC.—PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No. 1/2005—Management of Government Grants to the ACT Multicultural Council Inc., dated 6 April 2005.

Mr Corbell (Manager of Government Business), by leave, moved—That the Assembly authorises the publication of the Auditor-General's Report No. 1/2005.

Question—put and passed.

14 PRESENTATION OF PAPER

Ms Gallagher (Minister for Industrial Relations) presented the following paper:

Workers Compensation Amendment Bill 2005—Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 April 2005.

15 SPEAKER'S RULING—MATTERS OF PUBLIC IMPORTANCE

The Speaker informed the Assembly that Mrs Burke, Mrs Dunne, Mr Mulcahy, Mr Pratt, Mr Seselja, Mr Smyth (Leader of the Opposition) and Mr Stefaniak had lodged matters of public importance for discussion. Having considered the matters, the Speaker had ruled them out of order as they were not within the scope of ministerial action.

16 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—LIFELINE CANBERRA

The Assembly was informed that Dr Foskey and Ms MacDonald 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 recognising the valuable contribution Lifeline Canberra makes to the ACT community".

Discussion ensued.

Discussion concluded.

17 ESTIMATES 2005-2006—SELECT COMMITTEE—MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that he had been notified, in writing, of the nominations of Dr Foskey, Ms MacDonald, Mr Mulcahy, Ms Porter and Mr Seselja to be members of the Select Committee on Estimates 2005-2006.

Mr Hargreaves (Minister for Urban Services) moved—That the Members so nominated be appointed as members of the Select Committee on Estimates 2005-2006.

Question—put and passed.

18 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

19 WORKERS COMPENSATION 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.

Leave granted to dispense with the detail stage.

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

20 GAMING MACHINE 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.

Discharge of order of the day—Private Members' business: Mr Stefaniak, by leave, moved—That order of the day No. 2, Private Members' business, relating to the Gaming Machine Amendment Bill 2004 (No. 4), be discharged from the *Notice Paper*.

Question—put and passed.

Debate continued.

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.

Clauses 9 to 11, by leave, taken together and agreed to, after debate.

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

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

21 ANIMAL DISEASES 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.

Detail Stage

Clause 1—

Mrs Dunne moved—That debate be adjourned.

Question—put.

The Assembly voted—

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

And so it was negatived.

Clause 1 agreed to.

Clauses 2 to 32, by leave, taken together and agreed to.

Clause 33 debated and agreed to.

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

Mrs Dunne, by leave, moved her amendments Nos. 2 to 7 together (*see* [Schedule 1](#)).

Debate continued.

Amendments negatived.

Remainder of Bill, as a whole, agreed to.

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

22 STOCK 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.

Detail Stage

Clauses 1 to 38, by leave, taken together and agreed to.

Clause 39—

Mrs Dunne moved her amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 39 agreed to.

Clause 40—

Mrs Dunne moved her amendment No. 2 (*see* [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 40 agreed to.

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

Mrs Dunne, by leave, moved her amendments Nos. 3 to 5 together (*see* [Schedule 2](#)).

Amendments negatived.

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

Question—put and negatived.

Remainder of Bill, as a whole, agreed to.

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

23 ADJOURNMENT

Mr Stanhope (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

The time allotted for the debate having expired—The Speaker, at 6.30 p.m., adjourned the Assembly until Tuesday, 3 May 2005 at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

ANIMAL DISEASES BILL 2005

Amendments circulated by Mrs Dunne

1
Clause 33
Page 18, line 21—

[oppose the clause]

2
Clause 46 (2)
Page 23, line 17—

omit

3
Clause 51 (2)
Page 25, line 23—

omit

4
Clause 65 (4)
Page 35, line 21—

omit

5
Clause 70 (5)
Page 40, line 19—

omit

6
Clause 71 (6)
Page 41, line 24—

omit

7
Clause 72 (4)
Page 42, line 16—

omit

Schedule 2**STOCK BILL 2005**

Amendments circulated by Mrs Dunne

1

Proposed new clause 39 (1A)

Page 19, line 7—

insert

- (1A) However, if the owner requests the chief executive not to offer the stock for sale until a further reasonable time, the chief executive must comply with the request.
-

2

Clause 40 (3)

Page 19, line 27—

omit

1 year

substitute

5 years

3

Clause 47 (4)

Page 23, line 15—

omit

4

Clause 52 (5)

Page 27, line 4—

omit

5

Clause 53 (6)

Page 28, line 9—

omit
