

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 9

WEDNESDAY, 9 MARCH 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 **PETITIONS**

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Stefaniak, from 81 residents, requesting that the Assembly call on the Minister for Urban Services to immediately take all necessary steps to have a traffic engineering assessment and upgrade of the intersection of Kingsford Smith Drive and Kuringa Drive, Spence.

Mr Stanhope, from 1722 residents, requesting that the Assembly require the QIC to create additional temporary surface car parking and/or take other measures to alleviate the current parking situation in the Bunda Street area, until the Precinct B underground parking is open.

3 **LOWER COTTER CATCHMENT—RESTORATION**

Mrs Dunne, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) that Environment ACT last week halted forestry operations in the Lower Cotter catchment; and
- (b) the statement by the Minister for the Environment that he will continue with the current planting in the Lower Cotter catchment; and

(2) calls on the ACT Government to:

- (a) immediately halt all forestry operations until the matter has been reviewed by the Legislative Assembly; and
- (b) table, before the adjournment of the Legislative Assembly on Thursday, 10 March 2005, all advice provided to the Shaping Our Territory Group and all advice tendered to the Government concerning the restoration of land in the Lower Cotter catchment.

Debate ensued.

Mr Stanhope (Minister for Environment) moved the following amendment: Omit all words after “That this Assembly”, substitute “commends the Government for its Cotter catchment restoration work.”.

Debate continued.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, be agreed to—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

4 SMOKING IN PUBLIC PLACES

Dr Foskey, pursuant to notice, moved—That this Assembly:

- (1) recognises the passage of the *Smoking (Prohibition in Enclosed Public Places) Amendment Act 2005* removed the definition of “enclosed public place” in the *Smoking (Prohibition in Enclosed Public Places) Act 2003* and replaced it with a reference to “a public place, or part of a public place, that is enclosed as prescribed by regulation”; and
- (2) calls on the ACT Government to ensure that the consequent regulation:
 - (a) is based on the precautionary principle;
 - (b) makes workers’ and patrons’ health the first priority;
 - (c) ensures that risk to the public is the primary consideration in determining the degree of enclosure permitted in smoking places;
 - (d) is consistent with the analysis of the Government’s own Regulatory Impact Statements on smoking prohibition legislation;
 - (e) complies with ACT Occupational Health and Safety law and is consistent with National Occupational Health and Safety Commission recommendations; and
 - (f) in the interest of the health and well being of people with gambling problems, does not permit smoking in the same place as, or in sight of, gaming machines.

Debate ensued.

Mr Corbell (Minister for Health) moved the following amendment: Omit paragraph (2), substitute:

“(2) further recognises that:

- (a) the ACT will become the third jurisdiction in Australia to implement a complete prohibition on smoking in all indoor areas when the *Smoking (Prohibition in Enclosed Public Places) Act 2003* takes effect on 1 December 2006;
- (b) the Regulatory Impact Statement (RIS) on the proposed prohibition identified long-term benefits to the Canberra community of over \$241 million;
- (c) the RIS concluded that “There is no agreed definition across Australia (and overseas) jurisdictions as to how to differentiate between spaces where environmental tobacco smoke is and is not likely to be a problem.”;
- (d) the RIS further identified “There is no definitive scientific study which provides the basis for comparison of (tobacco smoke) exposure of a three-sided room versus a one-sided room, and so on.”;
- (e) the ACT Government continues to actively promote tobacco cessation programs and other initiatives including:
 - (i) the banning of cigarette vending machines;
 - (ii) \$439 000 on a range of tobacco cessation programs over the past two financial years; and
 - (iii) pursuing a national approach to smoking health warnings in cinema advertising prior to the screening of films; and
- (f) the ACT has one of the lowest adult smoking prevalence rates in Australia, at less than 19%. This includes the nation’s lowest smoking prevalence rate for the 30-39 age group (at just under 20%) and for the 50-59 age group (at less than 15%).”.

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.

5 QUESTIONS

Questions without notice were asked.

6 PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Non-Urban Report Implementation Needs—Cultural Revolution—Extract from Canberra Liberals web page—News, 5 November 2003.

Extract from *Hansard* Edited Proof Transcript, 8 March 2005.

7 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—CANBERRAN WOMEN—CONTRIBUTION TO COMMUNITIES

The Assembly was informed that Dr Foskey and Ms Porter 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 outstanding contributions which Canberran women regularly make to both the local and global communities. This is particularly important during the period of celebration and reflection surrounding International Women’s Day.”.

Discussion ensued.

Discussion concluded.

8 SMOKING IN PUBLIC PLACES

The order of the day having been read for the resumption of the debate on the motion of Dr Foskey and on the amendment moved by Mr Corbell (Minister for Health) ([see Entry 4](#), page 90)—

Debate resumed.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) recognises the passage of the *Smoking (Prohibition in Enclosed Public Places) Amendment Act 2005* removed the definition of “enclosed public place” in the *Smoking (Prohibition in Enclosed Public Places) Act 2003* and replaced it with a reference to “a public place, or part of a public place, that is enclosed as prescribed by regulation”; and
- (2) further recognises that:
 - (a) the ACT will become the third jurisdiction in Australia to implement a complete prohibition on smoking in all indoor areas when the *Smoking (Prohibition in Enclosed Public Places) Act 2003* takes effect on 1 December 2006;
 - (b) the Regulatory Impact Statement (RIS) on the proposed prohibition identified long-term benefits to the Canberra community of over \$241 million;
 - (c) the RIS concluded that “There is no agreed definition across Australia (and overseas) jurisdictions as to how to differentiate between spaces where environmental tobacco smoke is and is not likely to be a problem.”;
 - (d) the RIS further identified “There is no definitive scientific study which provides the basis for comparison of (tobacco smoke) exposure of a three-sided room versus a one-sided room, and so on.”;
 - (e) the ACT Government continues to actively promote tobacco cessation programs and other initiatives including:
 - (i) the banning of cigarette vending machines;
 - (ii) \$439 000 on a range of tobacco cessation programs over the past two financial years; and

- (iii) pursuing a national approach to smoking health warnings in cinema advertising prior to the screening of films; and
- (f) the ACT has one of the lowest adult smoking prevalence rates in Australia, at less than 19%. This includes the nation's lowest smoking prevalence rate for the 30-39 age group (at just under 20%) and for the 50-59 age group (at less than 15%).” —`

be agreed to—put and passed.

9 POSTPONEMENT OF NOTICE

Ordered—That notice No. 3, Private Members' business, relating to the Canberra Plan, be postponed until a later hour this day.

10 NEIGHBOURHOOD WATCH—ISAACS

Mr Mulcahy, pursuant to notice, moved—That this Assembly:

- (1) recognises the important work of the Isaacs Neighbourhood Watch and commends them on their achievements during their first year of operation; and
- (2) notes the efforts of committee members for their efforts, (a) Deborah Todd (Area Coordinator), (b) Lorrie Daley (Secretary), (c) Margaret Weir (Public Relations), (d) Dianna Marshall (Treasurer), (e) Wal Hick (General Committee Member), (f) Jane Hick (General Committee Member), (g) Nevill Howarth (Committee Member and News Distributor), and (h) Anne Huffam (Committee Member).

Debate ensued.

Question—put and passed.

11 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 6.28 p.m., adjourned until tomorrow at 10.30 a.m.

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

*On leave

Tom Duncan
Clerk of the Legislative Assembly