

2004

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 1

SIXTH ASSEMBLY

THURSDAY, 4 NOVEMBER 2004

The Legislative Assembly for the Australian Capital Territory convened at 2.00 p.m. in the Legislative Assembly Chamber, Canberra on Thursday, 4 November 2004.

- 1 On which day, being the first day of the meeting of the Sixth Assembly for the despatch of business pursuant to a Notice of the Speaker, Thomas Duncan, Clerk of the Legislative Assembly, Maximilian Michael Kiermaier, Deputy Clerk and Serjeant-at-Arms and Janice Margaret Rafferty, Clerk Assistant, attending in the Assembly according to their duty, the said Notice was read at the Table by the Clerk:

**NOTICE CONVENING THE FIRST MEETING OF THE SIXTH LEGISLATIVE
ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

Pursuant to subsection 17(2) of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth), I, Wayne Bruce Berry, Speaker of the Legislative Assembly for the Australian Capital Territory, do by this Notice convene the first meeting of the Sixth Legislative Assembly for the Australian Capital Territory at 2.00 p.m. on Thursday, 4 November 2004, in the Chamber of the Legislative Assembly, Canberra, in the Australian Capital Territory.

Dated 29 October 2004

WAYNE BRUCE BERRY
Speaker, Legislative Assembly
for the Australian Capital Territory

- 2 **OATH OR AFFIRMATION OF ALLEGIANCE**

The Clerk informed the Assembly of the requirements under section 9 of the *Australian Capital Territory (Self-Government) Act 1988* and section 6A of the *Oaths and Affirmations Act 1984* for Members to make and subscribe an oath and/or affirmation before the Chief Justice of the Supreme Court of the Australian Capital Territory.

The Honourable Terence John Higgins, Chief Justice of the Supreme Court of the Australian Capital Territory, entered the Chamber and was escorted by the Serjeant-at-Arms to the Chair.

3 NOTIFICATION OF CANDIDATES ELECTED

The Clerk laid on the Table the instrument, dated 29 October 2004, notifying the names of candidates elected to the Legislative Assembly for the Australian Capital Territory at the general election held on 16 October 2004, which showed that the following had been elected:

Electorate of Brindabella:

Brendan Smyth
John Hargreaves
Karin MacDonald
Mick Gentleman
Steve Pratt

Electorate of Ginninderra:

Jon Stanhope
Bill Stefaniak
Vicki Dunne
Wayne Berry
Mary Porter

Electorate of Molonglo:

Katy Gallagher
Ted Quinlan
Simon Corbell
Deb Foskey
Richard Mulcahy
Jacqui Burke
Zed Seselja

4 OATHS OR AFFIRMATIONS OF ALLEGIANCE BY MEMBERS

The Members whose names are set out above made and subscribed an oath and/or affirmation of allegiance as required by law.

His Honour Mr Justice Higgins, retired.

5 ELECTION OF SPEAKER

Ms MacDonald, addressing herself to the Clerk, proposed Mr Berry to the Assembly for its Speaker, and moved—That Mr Berry take the Chair of the Assembly as Speaker.

Mr Berry informed the Assembly that he accepted the nomination.

There being no further proposal, the time for proposals expired.

Mr Berry was declared elected as Speaker, and he was escorted to the Chair.

Mr Berry returned his acknowledgments to the Assembly for the honour it had conferred on him.

6 ELECTION OF CHIEF MINISTER

Mr Quinlan proposed Mr Stanhope to the Assembly as Chief Minister, and moved—That Mr Stanhope be elected Chief Minister for the Territory.

Mr Stefaniak proposed Mr Smyth to the Assembly as Chief Minister, and moved—That Mr Smyth be elected Chief Minister for the Territory.

There being no further proposal, the time for proposals expired.

The Assembly proceeded to ballot; and the ballot being concluded, the Speaker reported the result, as follows:

Mr Stanhope—10 votes

Mr Smyth—7 votes

Mr Stanhope was declared elected as Chief Minister.

Mr Stanhope (Chief Minister), by leave, made a statement concerning his election as Chief Minister.

7 LEADER OF THE OPPOSITION—CONSENT—STATEMENT BY MEMBER

Mr Smyth gave his consent to his appointment as Leader of the Opposition and, by leave, made a statement concerning his appointment.

8 MEMBERSHIP OF THE A.C.T. GREENS—STATEMENT BY MEMBER

Dr Foskey, by leave, informed the Assembly that she would be sitting in the Assembly as a member of the ACT Greens and made a statement.

9 ELECTION OF DEPUTY SPEAKER

Mr Stefaniak proposed Mr Pratt to the Assembly as Deputy Speaker, and moved—That Mr Pratt be elected Deputy Speaker.

Mr Pratt informed the Assembly that he accepted the nomination.

There being no further proposal, the time for proposals expired.

Mr Pratt was declared elected as Deputy Speaker.

10 PRESENTATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report—

No. 6 2004—Workers Compensation Supplementation Fund, dated 14 September 2004.

11 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers.

12 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Performance reports

Financial Management Act, pursuant to section 30A—Quarterly departmental performance reports for the September quarter 2004-2005 for the following departments or agencies:

ACT Emergency Services Authority, dated October 2004.

ACT Health.

ACT Workcover, dated October 2004.

Attorney-General's Portfolio within Department of Justice and Community Safety.

Chief Minister's, dated October 2004.

Disability, Housing and Community Services, dated October 2004.

Economic Development, Business and Tourism and Sport Portfolios within the Chief Minister's Department, dated October 2004.

Education and Training, dated October 2004.

Environment Portfolio within Urban Services.

Office for Children, Youth and Family Support, dated October 2004.

Planning Portfolio within ACT Planning and Land Authority.

Planning Portfolio within Urban Services.

Police and Emergency Services' Portfolio within Department of Justice and Community Safety.

Treasury, dated October 2004.

Urban Services Portfolio.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act—

Agents Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-49 (LR, 13 September 2004).

Agents (Qualifications for Auditors) Determination 2004 (No. 1)—Disallowable Instrument DI2004-202 (LR, 2 September 2004).

Building Act 1972 (repealed) and *Building Act 2004*—

Building (Fees) Determination 2004 (No. 2)—Disallowable Instrument DI2004-193 (LR, 30 August 2004).

Building (Government Building Certification) (Fees) Determination 2004—Disallowable Instrument DI2004-192 (LR, 30 August 2004).

Building Act—Building Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-46 (LR, 8 September 2004).

Civil Law (Sale of Residential Property) Act—Civil Law (Sale of Residential Property) Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-48 (LR, 9 September 2004).

Community Based Sentences (Transfer) Act—Community Based Sentences (Transfer) Regulation 2004—Subordinate Law SL2004-51 (LR, 2 November 2004).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-44 (LR, 8 September 2004).

Construction Practitioners Registration Act (repealed) and Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2004—Disallowable Instrument DI2004-194 (LR, 30 August 2004).

Dangerous Substances Act—Dangerous Substances (General) Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-39 (LR, 30 August 2004).

Domestic Animals Act—Domestic Animals (Cat Curfew Area) Declaration 2004 (No. 1)—Disallowable Instrument DI2004-201 (LR, 3 September 2004).

Domestic Violence Agencies Act—Domestic Violence Prevention Council Appointment 2004 (No. 2)—Disallowable Instrument DI2004-243 (LR, 30 September 2004).

Education Act—Education (Constitution of School Boards of School-Related Institutions and Other Schools in Special Circumstances) Determination 2004 (No. 1)—Disallowable Instrument DI2004-247 (LR, 18 October 2004).

Electricity Safety Act—Electricity Safety (Fees) Determination 2004 (No. 2)—Disallowable Instrument DI2004-195 (LR, 30 August 2004).

Gaming Machine Act—Gaming Machine (Fees) Determination 2004—Disallowable Instrument DI2004-181 (LR, 2 September 2004).

Gene Technology (GM Crop Moratorium) Act –

Gene Technology (GM Crop Moratorium) Moratorium Order 2004 (No. 1)—Disallowable Instrument DI2004-234 (LR, 23 September 2004).

Gene Technology (GM Crop Moratorium) Moratorium Order 2004 (No. 2)—Disallowable Instrument DI2004-235 (LR, 23 September 2004).

Gungahlin Drive Extension Authorisation Act—Gungahlin Drive Extension Authorisation 2004 (No. 2)—Disallowable Instrument DI2004-242 (LR, 28 September 2004).

Health Professionals Act—Health Professionals Regulations 2004—Subordinate Law SL2004-41 (LR, 6 September 2004).

Health Professions Boards (Procedures) Act—Health Professions Boards (Procedures) Podiatrists Board Appointment 2004 (No. 1)—Disallowable Instrument DI2004-180 (LR, 2 September 2004).

Hotel School Act—Hotel School Appointment 2004 (No. 5)—Disallowable Instrument DI2004-248 (LR, 25 October 2004).

Land (Planning and Environment) Act—

Land (Planning and Environment) ACT Heritage Council Appointment 2004 (No. 1)—Disallowable Instrument DI2004-249 (LR, 28 October 2004).

Land (Planning and Environment) ACT Heritage Council (Members) Appointment 2004 (No. 1)—Disallowable Instrument DI2004-250 (LR, 27 October 2004).

Land (Planning and Environment) Amendment Regulations 2004 (No. 2)—Subordinate Law SL2004-43 (LR, 8 September 2004).

Land (Planning and Environment) (Fees) Determination 2004 (No. 4)—Disallowable Instrument DI2004-228 (without explanatory statement) (LR, 16 September 2004).

Land (Planning and Environment) Regulations—

Land (Planning and Environment) (Change of Use Charge Remission—Prohibition of Smoking) Policy Direction 2004 (No. 1)—Disallowable Instrument DI2004-207 (LR, 8 September 2004).

Land (Planning and Environment) (Remission of Change of Use Charge) Policy Direction 2004 (No. 1)—Disallowable Instrument DI2004-209 (LR, 8 September 2004).

Land (Planning and Environment) (Remission of Change of Use Charge) Policy Direction 2004 (No. 2)—Disallowable Instrument DI2004-210 (LR, 8 September 2004).

Legal Aid Act—Legal Aid (Commissioner (Law Society Nominee)) Appointment 2004—Disallowable Instrument DI2004-244 (LR, 7 October 2004).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2004 (No. 1)—Disallowable Instrument DI2004-230 (LR, 23 September 2004).

Legislative Assembly (Members' Staff) Office-Holders' Hiring Arrangements Approval 2004 (No. 1)—Disallowable Instrument DI2004-231 (LR, 23 September 2004).

Liquor Act—Liquor Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-42 (LR, 9 September 2004).

Long Service Leave (Building and Construction Industry) Act—

Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 1)—Disallowable Instrument DI2004-213 (LR, 9 September 2004).

Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 2)—Disallowable Instrument DI2004-214 (LR, 9 September 2004).

Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 3)—Disallowable Instrument DI2004-215 (LR, 9 September 2004).

Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 4)—Disallowable Instrument DI2004-218 (LR, 9 September 2004).

Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 5)—Disallowable Instrument DI2004-241 (LR, 23 September 2004).

Long Service Leave (Contract Cleaning Industry) Act –

Long Service Leave (Contract Cleaning Industry) Board Appointment 2004 (No. 1)—Disallowable Instrument DI2004-237 (LR, 23 September 2004).

Long Service Leave (Contract Cleaning Industry) Board Appointment 2004 (No. 2)—Disallowable Instrument DI2004-233 (LR, 23 September 2004).

Long Service Leave (Contract Cleaning Industry) Board Appointment 2004 (No. 4)—Disallowable Instrument DI2004-239 (LR, 23 September 2004).

Long Service Leave (Contract Cleaning Industry) Board Appointment 2004 (No. 5)—Disallowable Instrument DI2004-240 (LR, 23 September 2004).

Magistrates Court Act—

Magistrates Court (Construction Occupations Infringement Notices) Regulations 2004—Subordinate Law SL2004-38 (LR, 31 August 2004).

Magistrates Court (Litter Infringement Notices) Regulations 2004—Subordinate Law SL2004-50 (LR, 23 September 2004).

Nature Conservation Act –

Nature Conservation (Flora and Fauna Committee) Appointment 2004 (No. 1)—Disallowable Instrument DI2004-220 (LR, 13 September 2004).

Nature Conservation (Flora and Fauna Committee) Appointment 2004 (No. 2)—Disallowable Instrument DI2004-221 (LR, 13 September 2004).

Occupational Health and Safety Act—

Occupational Health and Safety (Codes of Practice for Noise) Approval 2004—Disallowable Instrument DI2004-178 (LR, 17 August 2004).

Occupational Health and Safety Council Appointment 2004 (No. 7)—Disallowable Instrument DI2004-211 (LR, 13 September 2004).

Plumbers, Drainers and Gasfitters Board Act—Plumbers, Drainers and Gasfitters Board (Fees) Revocation 2004—Disallowable Instrument DI2004-190 (LR, 30 August 2004).

Public Place Names Act—

Public Place Names (Belconnen) Determination 2004 (No. 1)—Disallowable Instrument DI2004-216 (LR, 9 September 2004).

Public Place Names (Greenway) Determination 2004 (No. 2)—Disallowable Instrument DI2004-217 (LR, 9 September 2004).

Public Sector Management Act—Public Sector Management Amendment Standard 2004 (No. 7)—Disallowable Instrument DI2004-229 (LR, 16 September 2004).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2004 (No. 1)—Disallowable Instrument DI2004-246 (LR, 21 October 2004).

Racing Act—Racing Appeals Tribunal Appointment 2004 (No. 2)—Disallowable Instrument DI2004-199 (LR, 30 August 2004).

Radiation Act—Radiation (Fees) Determination 2004 (No. 1)—Disallowable Instrument DI2004-198 (LR, 30 August 2004).

Rehabilitation of Offenders (Interim) Act –

Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2004 (No. 2)—Disallowable Instrument DI2004-226 (LR, 16 September 2004).

Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2004 (No. 3)—Disallowable Instrument DI2004-227 (LR, 16 September 2004).

Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2004 (No. 4)—Disallowable Instrument DI2004-236 (LR, 23 September 2004).

Residential Tenancies Act—

Residential Tenancies Tribunal Appointment 2004 (No. 1)—Disallowable Instrument DI2004-224 (LR, 16 September 2004).

Residential Tenancies Tribunal Appointment 2004 (No. 2)—Disallowable Instrument DI2004-225 (LR, 16 September 2004).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Safety and Traffic Management) Act and Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-47 (LR, 9 September 2004).

Road Transport (General) Act –

Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 9)—Disallowable Instrument DI2004-208 (LR, 8 September 2004).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 10)—Disallowable Instrument DI2004-223 (LR, 13 September 2004).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 11)—Disallowable Instrument DI2004-245 (LR, 14 October 2004).

Road Transport (General) (Fees) Determination 2004 (No. 2)—Disallowable Instrument DI2004-186 (LR, 26 August 2004).

Road Transport (General) Nominal Defendant Revocation and Appointment 2004 (No. 1)—Disallowable Instrument DI2004-222 (LR, 13 September 2004).

Road Transport (General) (Parking Ticket Fees) Determination 2004 (No. 1)—Disallowable Instrument DI2004-205 (LR, 2 September 2004).

Road Transport (Third-Party Insurance) Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-40 (LR, 3 September 2004).

Security Industry Act—Attorney General (Fees) Amendment Determination 2004 (No. 1)—Disallowable Instrument DI2004-185 (without explanatory statement) (LR, 6 September 2004).

Supreme Court Act—Attorney General (Fees) Amendment Determination 2004 (No. 2)—Disallowable Instrument DI2004-206 (without explanatory statement) (LR, 9 September 2004).

University of Canberra Act –

University of Canberra Council Appointment 2004 (No. 4)—Disallowable Instrument DI2004-196 (LR, 26 August 2004).

University of Canberra Council Appointment 2004 (No. 5)—Disallowable Instrument DI2004-197 (LR, 30 August 2004).

University of Canberra (Courses and Awards) Amendment Statute 2004 (No. 2)—Disallowable Instrument DI2004-232 (LR, 23 September 2004).

Utilities Act –

Utilities (Variation of Industry Code) Approval 2004 (No. 1)—Disallowable Instrument DI2004-203 (LR, 2 September 2004).

Utilities (Variation of Industry Code) Approval 2004 (No. 2)—Disallowable Instrument DI2004-204 (LR, 2 September 2004).

Utilities (Water Restriction Scheme) Approval 2004 (No. 1)—Disallowable Instrument DI2004-191 (LR, 31 August 2004).

Victims of Crime Act and Victims of Crime Regulations—Victims of Crime (Victims Assistance Board) Appointment 2004 (No. 4)—Disallowable Instrument DI2004-212 (LR, 13 September 2004).

Water and Sewerage Act—Water and Sewerage Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-45 (LR, 8 September 2004).

Workers Compensation Supplementation Fund Act –

Workers Compensation Supplementation Fund Appointment 2004 (No. 2)—Disallowable Instrument DI2004-200 (LR, 27 August 2004).

Workers Compensation Supplementation Fund Appointment 2004 (No. 3)—Disallowable Instrument DI2004-219 (LR, 9 September 2004).

13 DAYS AND TIMES OF NEXT MEETINGS

Mr Stanhope (Chief Minister) moved—That the Assembly, at its rising, adjourn until 10.30 a.m. on Tuesday, 7 December 2004 and fix Wednesday, 8 December 2004 and Thursday, 9 December 2004 as sitting days of the Assembly, commencing at 10.30 a.m.

Question—put and passed.

14 ADJOURNMENT

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

Question—put and passed.

And then the Assembly, at 2.55 p.m., adjourned until Tuesday, 7 December at 10.30 a.m.

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

T Duncan
Clerk of the Legislative Assembly