1998

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 34

THURSDAY, 10 DECEMBER 1998

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1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Cornwell) 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 GAMING AND RACING CONTROL BILL 1998

Ms Carnell (Chief Minister), pursuant to notice, presented a Bill for an Act to provide for the administration of certain Acts relating to gaming and racing and to create the Gaming and Racing Commission.

Paper: Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

3 RACING BILL 1998

Ms Carnell (Chief Minister), pursuant to notice, presented a Bill for an Act to regulate thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes.

Paper: Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

4 DUTIES BILL 1998

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to create and charge various duties.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

5 DUTIES (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1998

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to make certain transitional provisions, and to amend certain Acts, in consequence of the enactment of the *Duties Act 1998*.

Paper: Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

6 TAXATION ADMINISTRATION BILL 1998

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to provide for the administration of certain Acts relating to the imposition and collection of taxes.

Paper: Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

7 TAXATION ADMINISTRATION (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1998

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to make certain transitional provisions, and to amend certain Acts, in consequence of the enactment of the *Taxation Administration Act 1998*.

Paper: Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

8 EMERGENCY MANAGEMENT BILL 1998

Mr Humphries (Minister for Justice and Community Safety), pursuant to notice, as amended, by leave, presented a Bill for an Act relating to emergencies and for related purposes.

Paper: Mr Humphries presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Humphries moved - That this Bill be agreed to in principle.

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

9 DRUGS OF DEPENDENCE (AMENDMENT) BILL (NO. 2) 1998

Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Drugs of Dependence Act 1989*.

Paper: Mr Moore presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Moore moved - That this Bill be agreed to in principle.

Mr Kaine, by leave, addressed the Assembly.

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

10 REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE - ALTERATION TO REPORTING DATE

Mr Osborne (Chair), pursuant to notice, moved - That the resolution of the Assembly of 28 April 1998, as amended on 25 June 1998, appointing a Select Committee on the Report of the Review of Governance be amended by omitting from paragraph (3) "first sitting day of 1999" and substituting "first sitting day of March 1999".

Question - put and passed.

11 GAMBLING - SELECT COMMITTEE - ALTERATION TO REPORTING DATE

Mr Kaine (Chairman), pursuant to notice, moved - That the resolution of the Assembly of 20 May 1998, as amended on 23 June 1998, appointing a Select Committee on Gambling be amended by omitting from paragraph (1) (aa) "the first sitting day of 1999" and substituting "16 February 1999".

Question - put and passed.

12 DISCHARGE OF ORDER OF THE DAY

Mr Osborne, pursuant to standing order 152, moved - That order of the day No. 1, Assembly business, relating to the discharge of a Member for the Select Committee on the Territory's Superannuation Commitments be discharged from the *Notice Paper*.

Question - put and passed.

13 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - REPORT NO. 1 - CHILDREN'S SERVICES (AMENDMENT) BILL 1998 - MOTION THAT REPORT BE NOTED

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee - Report No. 1 - Report on the inquiry into the Children's Services (Amendment) Bill 1998, dated 8 December 1998, including a dissenting report, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate adjourned (Mr Humphries - Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

14 HEALTH AND COMMUNITY CARE - STANDING COMMITTEE - INQUIRY - RESPITE CARE SERVICES - STATEMENT BY CHAIRMAN

Mr Wood (Chairman), by leave, informed the Assembly that on 4 December 1998, the Standing Committee on Health and Community Care resolved to inquire into and report on the provision of respite care services in the ACT, with particular reference to:

(1) the needs of people and their carers;

(2) the availability of services;

(3) the extent of unmet need;

(4) the co-ordination of services, the continuity of care and the choice and type of services (including post school options); and

(5) any other related matter.

15 EXECUTIVE BUSINESS - PRECEDENCE

Ordered - That Executive business be called on.

16 UNIVERSAL DECLARATION OF HUMAN RIGHTS - 50TH ANNIVERSARY

Ms Carnell (Chief Minister), pursuant to notice, moved - That this Assembly, on the occasion of the 50th Anniversary of the United Nations Declaration on Human Rights, affirms its commitment to uphold the principles annunciated in that Declaration.

Debate ensued.

Question - put and passed.

17 TERRITORY'S SUPERANNUATION COMMITMENTS - SELECT COMMITTEE - PRINTING, CIRCULATION AND PUBLICATION

Mr Quinlan (Chairman), by leave, moved - That:

(1) if the Assembly is not sitting when the Select Committee on the Territory's Superannuation Commitments 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, circulation and publication; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question - put and passed.

18 ABSENCE OF SPEAKER

The Clerk, pursuant to standing order 6, informed the Assembly that the Speaker would be absent for the period 31 December 1998 to 31 January 1999 and in that period the Deputy Speaker, Mr Wood would, as Acting Speaker, perform the duties of the Speaker.

19 QUESTIONS

Questions without notice being asked -

Ms Carnell (Chief Minister) answering a question -

Mr Berry, pursuant to standing order 213, moved - That the document quoted from by the Chief Minister be tabled.

Question - put.

The Assembly voted -

Ayes, 6		Noes, 10	
Mr Berry	Mr Wood	Ms Carnell	Mr Moore
Mr Corbell		Mr Cornwell	Mr Rugendyke

Mr Hargreaves	Mr Hird	Mr Smyth
Mr Quinlan	Mr Humphries	Mr Stefaniak
Mr Stanhope	Mr Kaine	Ms Tucker

And so it was negatived.

Questions continued.

Paper: Mr Berry, by leave, presented the following paper:

Alcohol & Drug Foundation, Australian Capital Territory Inc ("ADFACT") - Copy of contract between ADFACT and unspecified party, dated 3 and 18 November 1998.

20 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE - REPORT NO. 1 - COMPETITION POLICY - IMPLEMENTATION OF AN INDEPENDENT COUNCIL - GOVERNMENT RESPONSE - PAPER NOTED

Ms Carnell (Chief Minister) presented the following paper:

Chief Minister's Portfolio - Standing Committee - Report No. 1 - Report on an independent council on competition policy *(presented 29 October 1998)* - Government response, dated 10 December 1998 -

and moved - That the Assembly takes note of the paper.

Question - put and passed.

21 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 9 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 12, 1997 - FINANCIAL AUDITS WITH YEARS ENDING TO 30 JUNE 1997 - GOVERNMENT RESPONSE - PAPER NOTED

Ms Carnell (Chief Minister) presented the following paper:

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 9 - Review of Auditor-General's Report No. 12, 1997 - Financial audits with years ending to 30 June 1997 *(presented 24 September 1998)* - Government response -

and moved - That the Assembly takes note of the paper.

Question - put and passed.

22 A.C.T. GOVERNMENT DELEGATION TO JAPAN AND CHINA - OFFICIAL REPORT - PAPER NOTED

Ms Carnell (Chief Minister) presented the following paper:

ACT Government Delegation to Japan and China - Official Report - October-November 1998 -

and moved - That the Assembly takes note of the paper.

Question - put and passed.

23 PRESENTATION OF PAPER

Ms Carnell (Treasurer) presented the following paper:

Duties Bill 1998 - Explanatory memorandum to the Bill.

24 LEGISLATIVE ASSEMBLY (BROADCASTING OF PROCEEDINGS) ACT - AUTHORITY TO BROADCAST

The Speaker presented the following paper:

Legislative Assembly (Broadcasting of Proceedings) Act (pursuant to subsection 8 (4)) - Authority to broadcast proceedings for today, Thursday, 10 December 1998 concerning debate on:

The presentation of the Drugs of Dependence (Amendment) Bill (No. 2) 1998;

The debate on the motion relating to the scientific trial of a "safe injecting place"; and

The adjournment debate -

dated 10 December 1998.

25 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORTS - NO. 9, 1998 - FINANCIAL AUDITS WITH YEARS ENDING TO 30 JUNE 1998: NO. 10, 1998 - MANAGEMENT OF SCHOOLS REPAIRS AND MAINTENANCE: NO. 11, 1998 - OVERTIME PAYMENT TO A FORMER LEGISLATIVE ASSEMBLY MEMBER'S STAFFER - PUBLICATION OF PAPERS

The Speaker presented the following papers:

Auditor-General Act - Auditor-General's Reports -

No. 9, 1998 - Financial audits with years ending to 30 June 1998, dated 10 December 1998.

No. 10, 1998 - Management of schools repairs and maintenance, dated 10 December 1998.

No. 11, 1998 - Overtime payment to a former Legislative Assembly Member's Staffer, dated 10 December 1998.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Reports Nos 9, 10 and 11 of 1998.

Question - put and passed.

26 LEASES (COMMERCIAL AND RETAIL) LEGISLATION - EXPOSURE DRAFTS - PAPERS - PAPERS NOTED

Mr Humphries (Attorney-General) presented the following papers:

Leases (Commercial and Retail) legislation - Exposure drafts -

Leases (Commercial and Retail) Bill 1998.

Explanatory memorandum -

and moved - That the Assembly takes note of the papers.

Question - put and passed.

27 REVIEW OF THE *ELECTORAL ACT 1992* - THE 1998 A.C.T. LEGISLATIVE ASSEMBLY ELECTION - PAPER - REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE - REFERENCE

Mr Humphries (Attorney-General) presented the following paper:

Review of the *Electoral Act 1992* - The 1998 ACT Legislative Assembly Election, dated 27 November 1998 -

and moved, pursuant to standing order 214 - That the Review be referred to the Select Committee on the Report of the Review of Governance for inquiry and report as part of the Select Committee's inquiry.

Question - put and passed.

28 PRESENTATION OF PAPERS

Mr Humphries (Manager of Government Business) presented the following papers:

Subordinate legislation (including explanatory statements) and a commencement provision

Births, Deaths and Marriages Registration Act - Births, Deaths and Marriages Registration Regulations - Subordinate Law No. 36 of 1998 (S211, dated 9 December 1998).

Bookmakers Act - Determinations of -

Rules for sports betting - No. 254 of 1998 (S207, dated 27 November 1998).

Sports betting licence fee - No. 255 of 1998 (S207, dated 27 November 1998).

Liquor Act - Liquor Regulations (Amendment) - Subordinate Law No. 37 of 1998 (S211, dated 9 December 1998).

Financial Institutions Duty (Amendment) Act 1998 - Notice of commencement (1 December 1998) of remaining provisions (S207, dated 27 November 1998).

Podiatrists Act - Determination of fees - No. 256 of 1998 (No. 48, dated 2 December 1998).

Surveyors Act - Instrument of appointment of members to the Surveyors Board - No. 250 of 1998 (No. 48, dated 2 December 1998).

Petition - Out of order

Ainslie After School Care Centre - Ms Carnell (212 residents).

29 LEAVE OF ABSENCE TO MEMBERS

Mr Humphries (Manager of Government Business) moved - That leave of absence from 11 December 1998 to 1 February 1999 inclusive be given to all Members.

Question - put and passed.

30 HEALTH AND COMMUNITY CARE SERVICES - STRATEGIC PLAN - PROGRESS REPORT - PAPER

Mr Moore (Minister for Health and Community Care) presented the following paper:

Strategic Plan for Health and Community Care Services - Progress Report - Ministerial statement, 10 December 1998.

31 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - IMPLEMENTATION OF VARIATION NO. 64 - STATEMENT BY CHAIR

Mr Hird (Chair), pursuant to standing order 246A, made a statement on behalf of the Standing Committee on Urban Services concerning an inquiry into the Committee's monitoring of the implementation of Variation No. 64 to the Territory Plan taking particular note of the experience with redevelopment proposals for Latham and Aranda shopping centres; and any other related matter.

32 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 14 OF 1998 - STATEMENT BY CHAIR

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 14 of 1998, dated 10 December 1998 -

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

33 LEGAL AFFAIRS - STANDING COMMITTEE (THIRD ASSEMBLY) - IMMUNISATION OF CHILDREN - AUTHORISATION OF SUBMISSIONS

Ms Tucker, by leave, moved - That this Assembly:

(1) noting:

(a) that the Standing Committee on Legal Affairs of the Third Assembly did not authorise the publication of the submissions it received relating to its inquiry into the immunisation of children and did not report to the Assembly on that inquiry; and

(b) that these submissions represent a valuable resource and an expression of the community's views on the issue for Members of the Assembly;

(2) authorises the Clerk to make the unpublished submissions and associated records received by the Standing Committee on Legal Affairs of the Third Assembly on its inquiry into the immunisation of children available to the Standing Committee on Health and Community Care to examine and for that Committee to authorise the publication of those documents the Committee considers appropriate under the standing orders.

Debate ensued.

Ms Tucker, by leave, again addressed the Assembly.

Mr Berry, by leave, addressed the Assembly.

Mr Osborne, by leave, again addressed the Assembly.

Debate adjourned (Mr Humphries - Minister for Justice and Community Safety) and the resumption of the debate made an order of the day for the next sitting.

34 MILK AUTHORITY (AMENDMENT) BILL (NO. 2) 1998

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.

The Assembly voted -

Ayes, 8		Noes, 9	
Ms Carnell	Mr Moore	Mr Berry	Mr Rugendyke
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mr Hird	Mr Stefaniak	Mr Hargreaves	Ms Tucker
Mr Humphries		Mr Osborne	Mr Wood
Mr Kaine		Mr Quinlan	

And so it was negatived.

35 MENTAL HEALTH (TREATMENT AND CARE) (AMENDMENT) BILL (NO. 2) 1998

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.

36 CRIMES (AMENDMENT) BILL (NO. 8) 1998

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 -

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.

37 SUPREME COURT (AMENDMENT) BILL (NO. 3) 1998

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.

Mr Wood addressing the Assembly -

Adjournment negatived: It being 5 p.m. - The question was proposed - That the Assembly do now adjourn.

Mr Humphries (Manager of Government Business) requiring the question to be put forthwith without debate -

Question - put and negatived.

Debate continued.

Question - That this Bill be agreed to in principle - put.

The Assembly voted -

Ayes, 9		Noes, 6	
Ms Carnell	Mr Moore	Mr Berry	Mr Wood
Mr Cornwell	Mr Osborne	Mr Hargreaves	
Mr Hird	Mr Rugendyke	Mr Quinlan	
Mr Humphries	Mr Stefaniak	Mr Stanhope	
Mr Kaine		Ms Tucker	

And so it was resolved in the affirmative - Bill agreed to in principle.

Leave granted to dispense with the detail stage.

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

38 ENERGY EFFICIENCY RATINGS (SALE OF PREMISES) (AMENDMENT) BILL 1998

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.

39 ADFACT - QUESTION TAKEN ON NOTICE - FURTHER INFORMATION - STATEMENT BY MEMBER

Mr Moore (Minister for Health and Community Care), by leave, provided further information in answer to a question asked by Mr Berry during question time earlier this day in relation to ADFACT.

Mr Berry, by leave, made a statement in relation to the matter.

40 ADJOURNMENT

Mr Humphries (Manager of Government Business) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly, at 5.55 p.m., adjourned until Tuesday, 2 February 1999 at 10.30 a.m.

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

M.J. McRAE
Clerk of the Legislative Assembly