

1998

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 33

WEDNESDAY, 9 DECEMBER 1998

- 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 **PETITION**

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

Mr Hird, from 315 residents, requesting that the Assembly, in relation to Development Application DA 98 4473 in Melba, scrutinise it in a transparent and open manner and ensure that due process is observed to guarantee that the interest of all members of the community is served and amend the *Land (Planning and Environment) Act 1991* and associated regulations to ensure that the Government is accountable for any and all decisions made under these provisions.

3 **SHOPPING CONTAINERS BILL 1998**

Ms Tucker, pursuant to notice, presented a Bill for an Act to relating to shopping containers.

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

Title read by Clerk.

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

Debate adjourned (Ms Carnell - Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

4 **FOOD (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.

The debate having been closed by the reply of Ms Tucker -

Mr Berry, by leave, moved - That the debate be adjourned.

Question - put and passed.

Ordered - That the resumption of the debate be made an order of the day for the next sitting.

5 CHILDREN'S SERVICES (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 Humphries (Attorney-General), by leave, was granted an extension of time.

Debate continued.

Mr Stanhope (Leader of the Opposition), by leave, was granted an extension of time.

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

The Assembly voted.

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

And so it was negated.

6 CRIMES (AMENDMENT) BILL (NO. 6) 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.

The Assembly voted -

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

And so it was negated.

7 MAGISTRATES 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 -

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

8 UNIVERSAL DECLARATION OF HUMAN RIGHTS - AUSTRALIA'S COMMITMENT

Mr Wood, pursuant to notice, moved - Given that the Universal Declaration of Human Rights needs to be more than just noble words on paper, this Assembly asks the Chief Minister to write to the Prime Minister asking him and his Government:

- (1) to initiate a non-partisan parliamentary statement reaffirming Australia's commitment to the Universal Declaration of Human Rights;

- (2) to foster a human rights culture in Australia by establishing a well funded National Committee for Human Rights education; and
- (3) to promote and protect human rights in the region in all aspects of domestic and foreign policy.

Debate ensued.

Question - put and passed.

9 QUESTIONS

Questions without notice being asked -

Member named and suspended: The Speaker named Mr Corbell for persistently and wilfully disregarding the authority of the Chair.

Mr Humphries (Manager of Government Business), pursuant to standing order 203, moved - That Mr Corbell be suspended from the service of the Assembly.

Question - put.

The Assembly voted -

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

And so it was resolved in the affirmative.

Mr Corbell was therefore suspended at 3.01 p.m. for 3 sitting hours in accordance with standing order 204, and he accordingly withdrew from the Chamber.

Questions continued.

Paper: Ms Carnell (Chief Minister) presented the following paper:

The Australia Institute Ltd - Australian Securities & Investments Commission - Company extract - Results - Facsimile of National Databank document, generated 8 December 1998.

Questions continued.

10 PRESENTATION OF PAPERS

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

ACT Government Workforce Statistical Report - First quarter 1998/99.

Canberra Tourism and Events Corporation Act - Canberra Tourism and Events Corporation, pursuant to subsection 28 (3) - Quarterly report for April - June 1998.

Financial Management Act, pursuant to section 26 - Consolidated Financial Management Report for the month and financial year to date ending 31 October 1998.

11 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - DISABILITY NEEDS

The Assembly was informed that Mr Wood had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The needs of the disabled."

Discussion ensued.

Mr Quinlan addressing the Assembly -

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

Mr Moore (Minister for Health and Community Care) requiring the question to be put forthwith without debate -

Question - put and negatived.

Discussion continued.

The time for the discussion having expired -

Discussion concluded.

12 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 16 - TIDBINBILLA NATURE RESERVE - FINAL DRAFT MANAGEMENT PLAN 1998 - REPORT NOTED

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 16 - Tidbinbilla Nature Reserve - Final Draft Management Plan 1998, dated 27 November 1998, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

13 MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 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.

Urban Services - Standing Committee - Reference - Motor Traffic (Amendment) Bill (No. 4) 1998 and amendments: Mr Smyth (Minister for Urban Services), pursuant to standing order 174, moved - That the Motor Traffic (Amendment) Bill (No. 4) 1998, together with the amendments circulated by Mr Hargreaves and the Minister for Urban Services, be referred to the Standing Committee on Urban Services.

Debate ensued.

Question - put.

The Assembly voted -

Ayes, 9

Noes, 3

Mr Berry

Mr Moore

Mr Kaine

Ms Carnell

Mr Quinlan

Mr Osborne

Mr Cornwell

Mr Smyth

Mr Rugendyke

Mr Hargreaves

Ms Tucker

Mr Humphries

And so it was resolved in the affirmative.

14 LEGISLATIVE ASSEMBLY (PRIVILEGES) 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.

The Assembly voted -

Ayes, 9

Noes, 4

Ms Carnell	Mr Osborne	Mr Berry
Mr Cornwell	Mr Rugendyke	Mr Corbell
Mr Humphries	Mr Smyth	Mr Hargreaves
Mr Kaine	Ms Tucker	Mr Quinlan
Mr Moore		

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

Administration and Procedure - Standing Committee - Reference - Legislative Assembly (Privileges) Bill 1998: Mr Berry, pursuant to standing order 174, moved - That the Legislative Assembly (Privileges) Bill 1998 be referred to the Standing Committee on Administration and Procedure for inquiry and report.

Debate ensued.

Ms Tucker, by leave, again addressed the Assembly.

Debate continued.

The debate having been closed by the reply of Mr Berry -

Mr Osborne, by leave, again addressed the Assembly.

Question - put and passed.

15 LIQUOR (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.

The Assembly voted -

Ayes, 8

Noes, 5

Ms Carnell	Mr Osborne	Mr Berry
Mr Cornwell	Mr Rugendyke	Mr Corbell
Mr Humphries	Mr Smyth	Mr Hargreaves
Mr Kaine		Mr Quinlan
Mr Moore		Ms Tucker

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

Detail stage

Bill, by leave, taken as a whole -

Paper: Mr Humphries (Attorney-General) presented a supplementary explanatory memorandum to Government amendment to the Bill.

Mr Humphries moved the following amendment:

Clause 4, page 1, line 11, omit "subsection (3)", substitute "from subsection (3) all the words after 'person' (third occurring)".

Mr Quinlan moved the following amendment to Mr Humphries' amendment:

Add “and substituting ‘unless the body or person establishes beyond any reasonable doubt that reasonable precautions were taken and due diligence was exercised to avoid the conduct.’”.

Question - That Mr Quinlan’s amendment to Mr Humphries’ amendment be agreed to - put.

The Assembly voted -

Ayes, 6

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Ms Tucker

Noes, 7

Ms Carnell
Mr Cornwell
Mr Humphries
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth

And so it was negatived.

Question - That Mr Humphries' amendment be agreed to - put and passed.
Bill, as a whole, as amended, agreed to.

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

16 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 7.00 p.m., adjourned until tomorrow 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