

1998

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 24

WEDNESDAY, 28 OCTOBER 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 Berry, from 222 residents, requesting that the Assembly call on Mr Osborne to withdraw the Health Regulation (Abortions) Bill 1998 and, if the Bill is considered, to vote “No” to the Bill and show respect for women’s abilities to make informed decisions about reproductive health matters.

3 PETITION - OUT OF ORDER

Mr Berry, by leave, presented the following paper:

Petition which does not conform with the standing orders - Downer preschool (70 residents).

4 FOOD (AMENDMENT) BILL (NO. 3) 1998

Ms Tucker, pursuant to notice, presented a Bill for an Act to amend the *Food Act 1992*.

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 (Mr Moore - Minister for Health and Community Care) and the resumption of the debate made an order of the day for the next sitting.

5 DOWNER PRESCHOOL

Mr Berry, pursuant to notice, moved - That the Minister for Education reverse his decision to suspend Downer preschool next year and ensure that the preschool remains open.

Debate ensued.

Papers: Mr Stefaniak (Minister for Education) presented the following papers:

Preschool enrolments -

ACT Department of Education and Community Services - Registration at ACT Government preschools for enrolment in 1999 - Copy of registration notices in *The Canberra Times*, dated 15 August 1998 and *The Chronicle*, dated 18 August 1998.

Preschool enrolment factors - Facsimile (Attachment 1).

"Enrolment date nears for Canberra's pre-schoolers" - Copy of article in *The Canberra Times* by Emma Macdonald, Education Reporter, dated 13 August 1998 (Attachment 2).

Debate continued.

Paper: Mr Smyth (Minister for Urban Services) presented the following paper:

Preschool enrolments - Actual Aug/Sept Government preschool enrolments 1995-97 and projected Aug/Sept enrolments 1998 to 2005 - Graph prepared by ACT Department of Education and Community Services.

Debate continued.

Question - put and passed.

6 PINOCHET REGIME - CONDEMNATION

Mr Berry, pursuant to notice, moved - That this Assembly:

- (1) condemns the atrocities committed against the Chilean people by the Pinochet Regime;
- (2) recognises that many of the ACT Chilean community suffered under the Pinochet Regime and that their pain and suffering continues;
- (3) calls on all governments to actively pursue every legal opportunity to bring the perpetrators, including General Augusto Pinochet, to justice;
- (4) calls on the Chief Minister to write to the Prime Minister and the Minister for Foreign Affairs urging them to follow the same course as this Assembly.

Debate ensued.

Question - put and passed.

7 QUESTIONS

Questions without notice being asked -

Mr Humphries (Acting Chief Minister) having been required by the Speaker to withdraw offensive words used against Mr Corbell -

Mr Humphries sought leave to move a motion of censure of Mr Corbell.

Objection being raised, leave not granted.

Suspension of standing and temporary orders moved - Motion of censure: Mr Humphries moved - That so much of the standing and temporary orders be suspended as would prevent Mr Humphries moving a motion of censure of Mr Corbell.

Debate ensued.

Question - put and negatived.

Questions continued.

8 MR CORBELL - MOTION OF CENSURE

Mr Humphries (Acting Chief Minister), by leave, moved - That this Assembly censures Mr Corbell for comments made during the Matter of Public Importance debate on 27 October 1998 which misled members of the Assembly about figures associated with power outage in Victoria, as a result of privatisation.

Mr Humphries, by leave, was granted an extension of time.

Papers: Mr Humphries presented the following papers:

Electricity supply - Copies of -

Collage of letter to a newspaper signed by Simon Corbell MLA, Opposition spokesperson for public administration, ACT Legislative Assembly entitled "Experience shows up drawbacks of privatisation"; and Appendix B - Performance Data Tables prepared by the Office of the Regulator-General, Victoria July 1998.

An extract from the Electricity Distribution Businesses - Performance Report.

Table "Average minutes without supply per customer for financial year ended 30 June" - 1988-1997, Electricity Supply Association of Australia.

Debate continued.

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

Electricity industry (Victoria) - "The social costs of privatisation" - Background paper prepared by Peter Loney MLA, Shadow Minister for Energy and Resources, dated August 1997.

Debate continued.

Mr Berry moved the following amendment: Omit all words after "Assembly", substitute "censures the Government for its repeated attempts to mislead the ACT community with the misuse of figures in respect of businesses that ACTEW has won and lost and in respect of the contestable business ACTEW had won and lost."

Mr Berry, by leave, was granted an extension of time.

Debate continued.

Mr Corbell 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.

Mr Corbell, by leave, was granted an extension of time.

Debate continued.

Mr Osborne moved the following amendment to Mr Berry's amendment: Omit all words after "Government", substitute "and Opposition for their repeated attempts to mislead the ACT community regarding the sale of ACTEW."

Debate continued.

Question - That Mr Osborne's amendment to Mr Berry's amendment be agreed to - put.

The Assembly voted -

Ayes, 3

Mr Kaine
Mr Osborne
Mr Rugendyke

Noes, 12

Mr Berry	Mr Moore
Mr Corbell	Mr Quinlan
Mr Cornwell	Mr Smyth

Mr Hargreaves	Mr Stanhope
Mr Hird	Mr Stefaniak
Mr Humphries	Ms Tucker

And so it was negatived.

Question - That Mr Berry's amendment be agreed to - put and negatived.

Question - That the motion be agreed to - put.

The Assembly voted -

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

And so it was negatived.

9 PRESENTATION OF PAPERS

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

Territory Owned Corporations Act, pursuant to subsection 19 (3) - Candelliver Limited - Statement of Corporate Intent for the period July 1998 to June 1999.

Annual Reports (Government Agencies) Act, pursuant to section 14 - Totalcare Industries Limited - Report and financial statements, including the Auditor-General's report, for 1997-98, dated 23 September 1998.

10 PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS - PAPERS - STATEMENT BY MINISTER

Mr Humphries (Acting Chief Minister) presented the following papers:

Public Sector Management Act (pursuant to sections 31A and 79) - Copies of executive contracts or instruments -

Lincoln Hawkins (fixed term contract), dated 19 October 1998.

Colin Adrian (fixed term contract), dated 16 October 1998.

Peter Burnett (fixed term contract), dated 16 October 1998 -

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

11 BUILDING (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.

Detail stage

Bill, by leave, taken as a whole -

Paper: Mr Smyth (Minister for Urban Services) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Smyth, by leave, the following amendments were made together, after debate:

Clause 4 -

Page 1, line 12, paragraph (a), omit all words after “materials”, substitute the following:

“ ‘generated—

- (i) by the alteration of a building other than a Class 1, Class 2 or Class 10a building; or
- (ii) by the demolition of any building;’; and”.

Page 2, line 2, paragraph (b), proposed new definition of “dwelling”, omit the definition, substitute the following definition:

“ ‘dwelling’ means a Class 1 or Class 2 building;”.

Page 2, line 6, paragraph (b), proposed new definition of “waste management plan”, after “demolition” (first occurring), insert “or alteration”.

Page 2, line 8, paragraph (b), proposed new definition of “waste management plan”, omit “demolition”.

Page 2, line 10, paragraph (b), proposed new definition of “waste management plan”, omit “by the demolition”.

Clause 5, page 2, line 18, proposed new paragraph 32 (1) (ca), after “building” (second occurring), insert “or the alteration of a building other than a Class 1, Class 2 or Class 10a building”.

Clause 6, page 2 -

Line 26, paragraph (c), proposed new subparagraph 33 (1) (a) (iii), after “plan”, insert “(if required)”.

Line 30, paragraph (d), proposed new paragraph 33 (1A) (a), omit the paragraph, substitute the following paragraph:

“(a) where—

- (i) a facility exists in the Territory; or
- (ii) the Minister has, by instrument, specified a facility outside the Territory as being suitable:

for the recycling of materials of the kind described in the plan—the plan stipulates that the materials will be disposed of, where practicable, at such a facility; and”.

Clause 7, page 3, line 13, paragraph (d), proposed new paragraph 34 (2) (c), after “plan”, insert “(if required)”.

Clause 8, page 3, line 21, omit “definition of ‘dwelling’ ”, substitute “definitions of ‘dwelling’, ‘flat’, ‘house’ and ‘mezzanine’ ”.

Bill, as a whole, as amended, agreed to.

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

12 ADJOURNMENT

Mr Moore (Minister for Health and Community Care) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly, at 5.54 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Carnell (on leave).

M.J. McRAE
Clerk of the Legislative Assembly