

1998-1999-2000-2001

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 139

WEDNESDAY, 29 AUGUST 2001

- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Cornwell) 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** **TERRITORY OWNED CORPORATIONS AMENDMENT BILL 2001**
Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Territory Owned Corporations Act 1990*.
Title read by Clerk.
Mr Berry moved - That this Bill be agreed to in principle.
Debate adjourned (Mr Humphries – Treasurer) and the resumption of the debate made an order of the day for the next sitting.
- 3** **NURSES STAFFING BILL 2001 AND LOBBYISTS REGISTRATION BILL 2001 – EXPOSURE DRAFTS – PAPERS AND STATEMENT BY MEMBER – PAPERS NOTED**
Mr Osborne, by leave, presented the following papers:
Nurses Staffing Bill 2001 – Exposure draft;
Lobbyists Registration Bill 2001 – Exposure draft –
together with explanatory statements –
and, by leave, made a statement in relation to the papers.
Mr Osborne, by leave, moved – That the Assembly takes note of the papers.
Debate ensued.
Question – put and passed.

4 PAPER

Mr Berry, by leave, presented the following paper:

Totalcare – Copy of agreement – Extract from a contract (page 6).

5 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2001

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.

Debate interrupted in accordance with standing order 74 and the resumption of debate made an order of the day for a later hour this day.

6 QUESTIONS

Questions without notice were asked.

7 PRESENTATION OF PAPERS

Mr Humphries (Treasurer) presented the following papers:

Williamsdale Quarry –

Answer to question without notice asked of the Treasurer by Mr Berry and taken on notice on 23 August 2001.

Answer to question without notice asked of the Treasurer by Mr Berry and taken on notice on 23 August 2001.

ACTTAB headquarters –

Answer to question without notice asked of the Treasurer by Mr Corbell and taken on notice on 23 August 2001.

Answer to question without notice asked of the Treasurer by Mr Corbell and taken on notice on 9 August 2001, including an extract of minutes of ACTTAB Board meeting, dated 5 September 2000.

Answer to question without notice asked of the Treasurer by Mr Stanhope and taken on notice on 9 August 2001.

8 PRESENTATION OF PAPER

Mr Berry, by leave, presented the following paper:

Endoxos – Pay rates - Copy of media release from Liquor, Hospitality and Miscellaneous Workers' Union relating to contract employment, dated 29 August 2001.

9 PRESENTATION OF PAPER

Mr Hargreaves, by leave, presented the following paper:

Workers Compensation – Copy of newspaper article entitled “Businesses face workers' compensation crisis”.

10 A.C.T. WOMEN'S ACTION PLAN 2000-2001 – FINAL IMPLEMENTATION REPORT – PAPER AND STATEMENT BY MINISTER

Mr Humphries (Minister for Community Affairs) presented the following paper:

ACT Women's Action Plan 2000-2001 – Final Implementation Report, August 2001 – and, by leave, made a statement in relation to the paper.

11 REVIEW OF FIREARMS ACT 1996 – PAPER AND STATEMENT BY MINISTER

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

Review of the *Firearms Act 1996* – Report – and, by leave, made a statement in relation to the paper.

12 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 71 – SOUTH BRUCE PROPOSED DEVELOPMENT: HAYDON DRIVE TRAFFIC ARRANGEMENTS – GOVERNMENT RESPONSE – PAPER NOTED

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

Planning and Urban Services – Standing Committee – Report No. 71 – Proposed development at South Bruce section 21, blocks 1, 3 and 4 and traffic arrangements on Haydon Drive (*presented 13 June 2001*) – Government response –

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

Question – put and passed.

13 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 73 – PROPOSED AMAROO COMMUNITY PRECINCT – GOVERNMENT RESPONSE – PAPER NOTED

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

Planning and Urban Services – Standing Committee – Report No. 73 – The proposed Amaroo Community Precinct (*presented 13 June 2001*) – Government response –

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

Question – put and passed.

14 FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – AUDITOR-GENERAL'S REPORT NO. 5, 2001 – ADMINISTRATION OF PAYROLL TAX – STATEMENT BY CHAIR

Mr Quinlan (Chair), pursuant to standing order 246A, made a statement to the Assembly on behalf of the Standing Committee on Finance and Public Administration in relation to Auditor General's Report No 5, 2001 – The Administration of Payroll Tax.

15 TRANSACT COMMUNICATIONS PTY LTD – MINISTERIAL STATEMENT – PAPER NOTED

Mr Humphries (Treasurer), by leave, made a ministerial statement concerning TransACT Communications Pty Ltd and presented the following paper:

TransACT Communications Pty Ltd – Ministerial statement, 29 August 2001–
and moved – That the Assembly takes note of the paper.

Debate ensued.

Question - put and passed.

16 TRANSACT – CAPITAL COST – PAPER AND STATEMENT BY MINISTER

Mr Humphries (Chief Minister) during a personal explanation, presented the following paper:

TransACT infrastructure roll out – Copy of letter from Chief Executive, ACTEW Corporation to Mr Gary Humphries MLA, Chief Minister, dated 29 August 2001.

Mr Quinlan, by leave, during a personal explanation on the matter, quoted from the draft *Hansard* record of the proceedings of the Standing Committee on Finance and Public Administration.

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

17 MATTER OF PUBLIC IMPORTANCE - DISCUSSION – CANBERRA’S MULTICULTURAL COMMUNITY GROUPS

The Assembly was informed that Mrs Burke had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, “The ACT Government’s support for Canberra’s multicultural community groups following recent racially based incidents in the ACT.”.

Discussion ensued.

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

Mr Stefaniak (Attorney-General) requiring the question to be put forthwith without debate –

Question – put and negatived.

Discussion continued.

Discussion concluded.

18 FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – PUBLIC ACCOUNTS COMMITTEE REPORT NO. 26 – REVIEW OF AUDITOR-GENERAL’S REPORT NOS 1 TO 12, 2000 AND REPORTS NOS 2 AND 3, 2001 – REDEVELOPMENT OF BRUCE STADIUM – REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee) – Public Accounts Committee Report No. 26 – Review of the Auditor General’s Reports of the Performance Audit of the Redevelopment of Bruce

Stadium – Auditor-General’s Reports Nos 1 to 12, 2000 and Nos 2 and 3, 2001, dated 27 August 2001, together with a copy of the extracts of the minutes of proceedings –
and moved – That the report be noted.

Debate ensued.

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

Question – put and passed.

19 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2001

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 Osborne, by leave, was granted an extension of time.

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

The Assembly voted –

Ayes, 3	Noes, 12
Mr Osborne	Mr Berry
Mr Rugendyke	Mrs Burke
Ms Tucker	Mr Corbell
	Mr Cornwell
	Mr Hargreaves
	Mr Humphries
	Mr Kaine
	Mr Moore
	Mr Quinlan
	Mr Smyth
	Mr Stanhope
	Mr Stefaniak

And so it was negatived.

20 SUSPENSION OF STANDING ORDER 136 – SAME QUESTION RULE

Mr Corbell moved – That standing order 136 be suspended so as to enable debate on the Eggs (Labelling and Sale) Bill 2001 to resume forthwith.

Question – put and passed, with the concurrence of an absolute majority.

21 EGGS (LABELLING AND SALE) BILL 2001

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.

22 PHARMACY AMENDMENT BILL 2001

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 –

On the motion of Mr Moore (Minister for Health, Housing and Community Services) his amendment No. 1 (*see* Schedule 1) was made.

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

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

23 PARENTAL LEAVE (PRIVATE SECTOR EMPLOYEES) AMENDMENT BILL 2001

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

Clause 1 –

Mr Smyth (Minister for Urban Services) moved – That the debate be adjourned.

Question – put.

The Assembly voted –

Ayes, 8

Noes, 7

Mrs Burke	Mr Rugendyke	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Smyth	Mr Corbell	Ms Tucker
Mr Hird	Mr Stefaniak	Mr Osborne	Mr Wood
Mr Kaine		Mr Quinlan	
Mr Moore			

And so it was resolved in the affirmative.

Question – That resumption of debate be made an order of the day for the next sitting – put.

Mr Berry moved the following amendment: Omit “next day of sitting”, substitute “later hour this day”.

Closure: Mr Moore (Manager of Government Business) moved – That the question be now put.

Question – That the question be now put – put and passed.

And the question – That Mr Berry’s amendment be agreed to – being accordingly put.

The Assembly voted –

Ayes, 7		Noes, 8	
Mr Berry	Ms Tucker	Mrs Burke	Mr Rugendyke
Mr Corbell	Mr Wood	Mr Cornwell	Mr Smyth
Mr Osborne		Mr Hird	Mr Stefaniak
Mr Quinlan		Mr Kaine	
Mr Stanhope		Mr Moore	

And so it was negatived.

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

24 LEGISLATIVE ASSEMBLY (PRIVILEGES) BILL 1998

The Assembly, according to order, resumed consideration at the detail stage.

Detail stage

Bill, by leave, taken as a whole -

On the motion of Mr Osborne, by leave, his amendments Nos 1 and 2 were made together (*see* Schedule 2), after debate.

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

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

25 DESIGN AND SITING CONTROLS

Ms Tucker, pursuant to notice, moved – That this Assembly:

- (1) recommend to the Executive, pursuant to subsection 37(2) of the *Land (Planning and Environment) Act 1991*, that the ACT Planning Authority be directed to review the design and siting controls that apply to residential development on commercial land in local and group centres to ensure consistency with the controls on multi-unit development in residential areas; and
- (2) calls on the Government to defer the sale of land in local and group centres, in particular Blocks 21, 23 and 24 Section 44 Kaleen and Block 3 Section 79 Giralang, for residential development until this review is completed.

Debate ensued.

Question – put.

The Assembly voted –

Ayes, 9

Noes, 6

Mr Berry	Mr Rugendyke	Mrs Burke	Mr Smyth
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Stefaniak
Mr Kaine	Ms Tucker	Mr Hird	
Mr Osborne	Mr Wood	Mr Moore	
Mr Quinlan			

And so it was resolved in the affirmative.

26 ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2001 (NO 2)

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, 7

Mrs Burke	Mr Rugendyke	Mr Berry	Ms Tucker
Mr Cornwell	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Hird	Mr Stefaniak	Mr Moore	
Mr Kaine		Mr Quinlan	
Mr Osborne		Mr Stanhope	

And so it was resolved in the affirmative.

Leave granted to dispense with the detail stage.

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

27 LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2001

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 negatived.

28 FAIR TRADING AMENDMENT BILL 2001

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 –

Mr Stefaniak (Attorney-General) moved - That debate be adjourned.

Question – put.

The Assembly voted –

Ayes, 14		Noes, 3
Mr Berry	Mr Kaine	Mr Osborne
Mrs Burke	Mr Moore	Mr Rugendyke
Mr Corbell	Mr Quinlan	Ms Tucker
Mr Cornwell	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Mr Hird	Mr Stefaniak	
Mr Humphries	Mr Wood	

And so it was resolved in the affirmative.

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

29 SUSPENSION OF STANDING ORDER 76 – NEW BUSINESS

Mr Moore (Manager of Government Business) moved – That standing order 76 be suspended for the remainder of this sitting.

Question - put and passed, with the concurrence of an absolute majority.

30 SUSPENSION OF STANDING AND TEMPORARY ORDERS – EXTENSION OF ADJOURNMENT DEBATE

Mr Moore (Manager of Government Business) moved - That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for the sitting scheduled for 30 August 2001 extending beyond the 30 minute time limit.

Question - put and passed, with the concurrence of an absolute majority.

31 DAY AND HOUR OF NEXT SITTING

Mr Moore (Manager of Government Business) moved -

That the Assembly, at the rising of the sitting scheduled for 30 August 2001, adjourn until a day and hour to be fixed by the Speaker either:

- (1) at the request of the Chief Minister; or
- (2) on receipt of a request in writing from an absolute majority of Members

and that date and time of meeting shall be notified by the Speaker to each member in writing.

Question – put and passed.

32 TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1999

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, again addressed the Assembly.

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

33 ADJOURNMENT

Mr Moore (Manager of Government Business) moved – That the Assembly do now adjourn.

Debate ensued.

Question – put and passed.

And then the Assembly, at 11.04 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

SCHEDULES OF AMENDMENTS

Schedule 1

PHARMACY AMENDMENT BILL 2001

Amendment circulated by Mr Moore (Minister for Health, Housing and Community Services)

1.

Clause 46

Proposed new sections 30B and 30C

Page 16, line 4—

Omit the proposed sections, substitute—

“30B Alteration to constitution or name

- (1) An incorporated pharmacist that changes its name without the approval of the board ceases to be a registered pharmacist.
- (2) An incorporated pharmacist that changes its constitution without the approval of the board ceases to be a registered pharmacist.

30C Companies not to practise in partnership

An incorporated pharmacist that practises in partnership with another person without the approval of the board ceases to be a registered pharmacist.”

Schedule 2

LEGISLATIVE ASSEMBLY (PRIVILEGES) BILL 2001

Amendments circulated by Mr Osborne

1

Parts 1, 2, 3, and 4 and schedules 1 and 2

Page 1, line 3—

Omit the parts and schedules, substitute the following clauses:

1 Name of Act

This Act is the *Legislative Assembly Precincts Act 2001*.

2 Commencement

This Act commences on a day fixed by the Minister by notice in the Gazette.

Note 1 The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2001*, s 75).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Legislation Act 2001*, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see *Legislation Act 2001*, s 79).

3 Definitions for Act

In this Act:

Assembly means the Legislative Assembly.

Assembly precincts means—

- (a) the precincts defined by section 5; and
- (b) any property to which section 6 applies.

Speaker includes the Deputy Speaker if—

- (a) the Speaker is absent from duty; or
- (b) there is a vacancy in the office of the Speaker.

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

5 Assembly precincts

- (1) The Assembly precincts consist of the land described in subsection (2) and all buildings, structures and works on, above or under any of that land.
- (2) The land within the Assembly precincts is—
 - (a) block 3, section 19, division of City, Canberra Central District; and
 - (b) that part of Civic Square under the public entrance canopy; and
 - (c) that part of section 19, division of City, Canberra Central District under the members' entrance canopy.
- (3) In this section:

Assembly building means the building occupying block 3, section 19, division of City, Canberra Central District.

members' entrance canopy means the fixed canopy attached to the southern side of the Assembly building near the members' entrance.

public entrance canopy means the fixed canopy attached to the northern side of the Assembly building near the public entrance.

6 Premises included in Assembly precincts

- (1) This section applies to property that is leased to or managed by the Territory and is not within the Assembly precincts defined by section 5.
- (2) If the Speaker gives a written certificate that stated property is required for use by the Assembly, the regulations may declare that the property is to be treated as part of the Assembly precincts for this Act.

7 Control and management of Assembly precincts

- (1) The Speaker is responsible for the control and management of the Assembly precincts and may take any action the Speaker considers necessary for those purposes.
- (2) The Assembly may, by resolution, give the Speaker directions about the exercise of the Speaker's functions under subsection (1).
- (3) If the Legislative Assembly gives a direction under subsection (2), the Speaker must comply with the direction.

8 Executive area

- (1) The Speaker's functions under section 7 must be exercised in relation to the Executive area in accordance with any limitations and conditions agreed in writing between the Speaker and the Chief Minister.

(2) In this section:

Executive area means the area of the Assembly precincts reserved for the use of the Executive by a written agreement between the Speaker and the Chief Minister.

9 Removal of people

- (1) The Speaker may direct a person who is not a member—
 - (a) to leave the Assembly precincts; or
 - (b) not to enter the Assembly precincts.
- (2) The Speaker may arrange for the removal or exclusion from the Assembly precincts of a person given a direction under subsection (1) using any necessary and reasonable force and assistance.
- (3) The Speaker, or a person acting under the Speaker's direction, does not incur civil or criminal liability for an act or omission done honestly and without negligence under this section.
- (4) A civil liability that would, apart from this section, attach to the Speaker, or a person acting under the direction of the Speaker, attaches instead to the Territory.

10 Contravention of Speaker's direction

A person must not, without reasonable excuse, contravene a direction by the Speaker under section 9 (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

11 Application of Crimes (Offences against the Government) Act

The *Crimes (Offences against the Government) Act 1989* applies to the Assembly precincts as if they were government premises within the meaning of that Act.

12 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

2

Title Page 1—

Omit the title, substitute the following title:

An Act about the precincts of the Legislative Assembly