

1998-1999-2000-2001

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 130

WEDNESDAY, 20 JUNE 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 DEATH OF MR TERRY GATHERCOLE AM

Mr Stefaniak (Minister for Education) moved - That this Assembly expresses its deep regret at the death of former Australian swimming champion and coach and President of Australian Swimming, Terry Gathercole AM.

Mr Stanhope (Leader of the Opposition) and Mr Hird addressed the Assembly in support of the motion and all Members present having stood, in silence -

Question - passed.

3 SUSPENSION OF STANDING AND TEMPORARY ORDERS – PRESENTATION OF ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2001 – SAME QUESTION RULE

Mr Rugendyke moved – That so much of the standing and temporary orders be suspended as would prevent Mr Rugendyke from presenting the Road Transport (Safety and Traffic Management) Amendment Bill 2001 which contains amendments that are the same in substance as amendments negatived earlier this year.

Debate ensued.

Question – put.

The Assembly voted -

Ayes, 7

Noes, 8

Mrs Burke

Mr Smyth

Mr Berry

Mr Quinlan

Mr Cornwell

Mr Stefaniak

Mr Corbell

Mr Stanhope

Mr Hird

Mr Hargreaves

Ms Tucker

Mr Osborne

Mr Kaine

Mr Rugendyke

Mr Moore

And so it was negatived.

4 LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2001 (NO 5)

Ms Tucker, pursuant to notice, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*.

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 Smyth – Minister for Urban Services) and the resumption of the debate made an order of the day for the next sitting.

5 STATEMENT BY SPEAKER – FINANCIAL MANAGEMENT AMENDMENT BILL 2001 (NO 2) – FINANCIAL INITIATIVE OF THE CROWN

The Speaker made a statement concerning order of the day No. 1, private Members' business, Financial Management Amendment Bill 2001 (No 2) and ruled that the Bill did not contravene the resolution of the Assembly of 23 November 1995 concerning the financial initiative of the Crown.

6 FINANCIAL 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.

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

Debate continued.

Ms Tucker, by leave, was granted an extension of time.

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

7 QUESTIONS

Questions without notice were asked.

8 PRESENTATION OF PAPER

Mr Moore (Minister for Health, Housing and Community Services) presented the following paper:

Policy Advice – Key Note Speech – Copy of speech made by Michael Moore MLA at the Performance Measures for Policy for Advice Conference, National Convention Centre, 29 May 2001.

9 AUDITOR-GENERAL ACT – AUDITOR-GENERAL'S REPORT – NO. 2 OF 2001 – ENHANCING PROFESSIONALISM AND ACCOUNTABILITY - PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act – Auditor-General's Report – No. 2 of 2001 – Enhancing professionalism and accountability, dated 20 June 2001.

Mr Moore (Manager of Government Business), by leave, moved – That the Assembly authorises the publication of the Auditor-General's No. 2 of 2001.

Question – put and passed.

10 PRESENTATION OF PAPER

Mr Humphries (Chief Minister) presented the following paper:

Chisholm Shopping Centre – National Australia Bank proposed closure – Photocopies of 681 signatures.

11 PETITION – OUT OF ORDER

Mr Moore (Manager of Government Business) presented the following paper:

Petition which does not conform with the standing orders – Mr Hargreaves – Rejection of Symonston prison site (1415 citizens).

12 MINISTERIAL STATEMENT – LEAVE NOT GRANTED

Mr Humphries (Chief Minister), sought leave to make a ministerial statement.

Objection being raised, leave not granted.

13 FINANCIAL 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.

Mr Rugendyke, by leave, again addressed the Assembly.

Debate continued.

Mr Quinlan, by leave, again addressed the Assembly.

Debate continued.

Mr Osborne and Mr Hargreaves, by leave, again addressed the Assembly.

Debate continued.

Mr Smyth (Minister for Urban Services), by leave, was granted an extension of time.

Ms Tucker, by leave, again addressed the Assembly.

Debate continued.

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

Mr Humphries (Chief Minister) requiring the question to be put forthwith without debate –

Question – put and negatived.

Debate continued.

Papers: Mr Berry, by leave, presented the following papers:

Education expenditure – Copies of posters (2).

Mr Berry, 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	Mrs Burke	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 negatived.

14 AUDITOR-GENERAL AMENDMENT BILL 2000

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 –

Debate adjourned (Mr Osborne) and the resumption of the debate made an order of the day for a later hour this day.

15 STUDENT BUS TRAVEL – NEW FLAT FARE – STATEMENT BY MINISTER

Mr Smyth (Minister for Urban Services), by leave, made a statement in relation to the new “flat fare” for student bus travel.

16 GENERAL AGREEMENT ON TRADE IN SERVICES

Ms Tucker, pursuant to notice, moved – That noting that the expansion of the General Agreement on Trade in Services (GATS) currently under negotiation has the potential to impact directly on the powers and responsibilities of State and Territory legislatures, and on local communities, the Assembly calls on the:

- (1) ACT Government to table in the Assembly all papers produced that detail the development of the ACT Government position on the World Trade Organisation (WTO) and/or GATS;
- (2) Chief Minister to ensure there is an independent and thorough assessment of the known and anticipated impacts of the expansion of GATS on democratic processes, including on ACT laws, powers of the ACT legislature and ACT Government service provision, and to report on this assessment to Assembly Members;
- (3) ACT Government to consult fully with the ACT community in finalising the ACT Government position on the GATS and to seek the endorsement of the Legislative Assembly for that position in the first sitting week of August;

- (4) ACT Government to ask the Federal Government to conduct an inquiry into the regulatory and constitutional effects arising out of the internationalisation of policy making through the GATS and other agreements of the WTO, that this inquiry ensure as wide a constituency as possible is involved and that the results of such an inquiry are publicly available.

Ms Tucker, by leave, was granted an extension of time.

Debate ensued.

Question – put and passed.

17 DUAL OCCUPANCY DEVELOPMENT

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

- (1) recognises the extent of dual occupancy development in Canberra and the widespread community concern relating to the impact of inappropriate dual occupancy development in Canberra's established suburbs;
- (2) calls on the ACT government to allow dual occupancy applications to be referred to Local Area Planning Advisory Committees for their comment consistent with the approach adopted for all other notifiable development applications.

Debate ensued.

Ms Tucker moved the following amendment:

Add an additional paragraph:

“(3) calls on the ACT Government to increase the resources and support provided to the Local Area Planning Advisory Committees to allow them to effectively manage the increased workload of reviewing dual occupancy applications.”.

Debate continued.

Mr Smyth (Minister for Urban Services), by leave, was granted an extension of time.

Papers: Mr Smyth presented the following papers:

Designing for High Quality & Sustainability – Copies of pamphlet and booklet.

Debate continued.

Mr Corbell, by leave, again addressed the Assembly.

Question – That Ms Tucker's amendment be agreed to – put.

The Assembly voted -

Ayes, 6

Noes, 7

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan

Ms Tucker

Mrs Burke
Mr Cornwell
Mr Hird
Mr Humphries
Mr Osborne

Mr Rugendyke
Mr Smyth

And so it was negatived.

Mr Smyth, by leave, moved the following amendment:

Omit paragraph (2), substitute:

“(2) support a review of dual occupancy development in the Territory, and that interested Assembly members be invited to participate in a field assessment.”.

Question – put.

The Assembly voted -

Ayes, 7		Noes, 6	
Mrs Burke	Mr Rugendyke	Mr Berry	Ms Tucker
Mr Cornwell	Mr Smyth	Mr Corbell	
Mr Hird		Mr Hargreaves	
Mr Humphries		Mr Kaine	
Mr Osborne		Mr Quinlan	

And so it was resolved in the affirmative.

Question – That the motion, as amended, viz:

That this Assembly:

- (1) recognises the extent of dual occupancy development in Canberra and the widespread community concern relating to the impact of inappropriate dual occupancy development in Canberra’s established suburbs;
- (2) support a review of dual occupancy development in the Territory, and that interested Assembly members be invited to participate in a field assessment –

be agreed to – put and passed.

18 PROPOSED CREDIT REFORMS – SUBMISSION TO MINISTERIAL COUNCIL OF CONSUMER AFFAIRS

Mr Rugendyke, pursuant to notice, moved – That the Assembly recommends that the Attorney-General:

- (1) takes the Fair Trading Amendment Bill 2001, which proposes to compel credit providers to conduct a satisfactory assessment process prior to approving credit contracts or credit limit increases, to the Ministerial Council of Consumer Affairs meeting in Canberra on 13 July 2001; and
- (2) moves a motion to have the reforms proposed in the bill to be incorporated in the Uniform Consumer Credit Code under the Australian Uniform Credit Laws Agreement 1993; and
- (3) seeks permission from the Ministerial Council for the ACT to gazette the bill if passed by the Legislative Assembly until such a time that the reforms for credit card limit increases in the Uniform Consumer Credit Code are implemented.

Debate ensued.

Mr Stefaniak (Attorney-General), by leave, again addressed the Assembly.

Debate continued.

Question – put and passed.

19 AUDITOR-GENERAL AMENDMENT BILL 2000

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

Detail stage

Clause 1 agreed to.

Clauses 2 and 3, by leave, taken together and agreed to.

Clause 4 –

On the motion of Mr Osborne his amendment No. 1 (*see* Schedule 1) was made, after debate.

On the motion of Mr Humphries (Chief Minister), by leave, his amendments Nos 2 and 3 (*see* Schedule 2) were made together.

Debate continued.

Clause 4, as amended, agreed to.

Clause 5 debated and negatived.

Remainder of Bill, by leave, taken as a whole -

On the motion of Mr Humphries (Chief Minister), by leave, his amendments Nos 5 and 6 (*see* Schedule 2) were made together.

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

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

20 LAPSE OF NOTICE

Upon notice No. 6, private Members' business, relating to the importance of unpaid work in our community and the Australian Bureau of Statistics, being called on and the Member not being present, pursuant to standing order 127, it was withdrawn from the *Notice Paper*.

21 FAIR TRADING (FUEL PRICES) 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

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 –

Mr Stefaniak (Attorney-General) moved his amendment No. 1 (*see* Schedule 3).

Debate continued.

Amendment negatived.

Clause 4 agreed to.

Clause 5 –

On the motion of Mr Stefaniak his amendment No. 2 (*see* Schedule 3) was made.

On the motion of Mr Stefaniak his amendment No. 3 (*see* Schedule 3) was made.

On the motion of Mr Stefaniak his amendment No. 4 (*see* Schedule 3) was made.

Mr Stefaniak moved his amendment No. 5 (*see* Schedule 3).

Amendment negatived.

Clause 5, as amended, agreed to.

Title agreed to.

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

22 TOTALCARE REDUNDANCIES

Mr Berry, by leave, moved – That the Government direct Totalcare:

- (1) that none of the workers it seeks to make redundant are to be forced into redundancy;
- (2) that all redundancy packages offered to Totalcare workers are at least equal to those offered to ACT Forest workers.

Debate ensued.

Mr Osborne moved the following amendment:

Omit “That the Government direct Totalcare:”, substitute “That this Assembly calls on the Government to direct Totalcare:”.

Debate continued.

Suspension of standing order 76: Mr Berry moved – That standing order 76 be suspended for the remainder of the sitting.

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

Debate continued.

Mr Humphries (Treasurer), by leave, again addressed the Assembly.

Debate continued.

Question – That Mr Osborne’s amendment be agreed to – put.

The Assembly voted -

And the Speaker having declared the result –

Mr Humphries having referred to confusion occurring and the provisions of standing order 165 the Speaker directed the Assembly to proceed to another vote –

The Assembly voted –

Ayes, 8

Mrs Burke
Mr Cornwell
Mr Hird
Mr Humphries
Mr Osborne

Mr Rugendyke
Mr Smyth
Mr Stefaniak

Noes, 7

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

And so it was resolved in the affirmative – amendment agreed to.

Question – That the motion, as amended, viz:

That this Assembly calls on the Government to direct Totalcare:

- (1) that none of the workers it seeks to make redundant are to be forced into redundancy;
- (2) that all redundancy packages offered to Totalcare workers are at least equal to those offered to ACT Forest workers –

be agreed to – put and passed.

23 EDUCATION 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.

Leave granted to dispense with the detail stage.

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

23 ADJOURNMENT NEGATIVED

Mr Smyth (Minister for Urban Services) moved – That the Assembly do now adjourn.

Question – put and negatived.

24 ADULT ENTERTAINMENT AND RESTRICTED MATERIAL BILL 2000

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 adjourned (Mr Smyth – Minister for Urban Services) and the resumption of the debate made an order of the day for the next day of sitting.

25 DOG REGISTRATION FEES

Mr Corbell, pursuant to notice, moved – That this Assembly calls on the ACT Government to review the schedule of fees for dog registration and licences in the Territory in consultation with relevant stakeholders.

Debate ensued.

Question – put and passed.

26 ADJOURNMENT

Mr Smyth (Minister for Urban Services) moved – That the Assembly do now adjourn.

Debate ensued.

Question – put and passed.

And then the Assembly, at 11.52 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

AUDITOR-GENERAL AMENDMENT BILL 2000

Amendments circulated by Mr Osborne

1

Clause 4

Proposed new subsection 17 (3) (c)

Page 2, line 12

Omit the subsection

Substitute –

“(3) The auditor-general, in a report of a special financial audit or a performance audit –

- (a) may include such information as he or she thinks desirable in relation to the activities that are the subject of the audit; and
 - (b) is to set out the reasons for opinions expressed in the report;[
and
 - (c) may include such recommendations arising out of the audit as the auditor-general thinks fit to make.”.
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Schedule 2**AUDITOR-GENERAL AMENDMENT BILL 2000**

Amendments circulated by Chief Minister**1****Clause 4****Proposed new subsection 17 (3)****Page 2, line 12—**

Omit the subsection.

2**Clause 4****Proposed new paragraph 17 (4) (c)****Page 2, line 19—**

Omit the paragraph.

3**Clause 4****Proposed new paragraph 17 (5) (e)****Page 3, line 3—**

Omit the paragraph.

4**Clause 5****Page 3, line 16—***Oppose the clause.***5****Clause 6****Proposed new subsection 22A (1)****Page 3, line 29—**

Omit “must”, substitute “may”.

6**Clause 6****Proposed new subsection 22A (3)****Page 4, line 5—**

Omit “must”, substitute “may”.

Schedule 3

FAIR TRADING (FUEL PRICES) AMENDMENT BILL 2000

Amendments circulated by Attorney-General

1
Clause 4
Page 2, line 8—

Omit the clause, substitute the following clause:

4 Section 10

renumber as section 11

2
Clause 5
Proposed new subsection 10 (2)
Page 2, line 16—

After “at the time of the delivery”, insert “, or as soon as practicable after the delivery,”.

3
Clause 5
Proposed new paragraph 10 (2) (f)
Page 3, line 3—

After paragraph 10 (2) (e), insert the following new paragraph:

- (f) any other information prescribed under the regulations for this paragraph.

4
Clause 5
Proposed new subsection 10 (4)
Example
Page 3, line 13—

Omit “a meter”, substitute “or by a device”.

5
Clause 5
Proposed new section 11
Page 3, line 15—

Omit the section.
