

**1998**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 32**

**TUESDAY, 8 DECEMBER 1998**

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- 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 PETITION**

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

Mr Corbell, from 10,679 residents, requesting that the Assembly oppose any sale of the ACTEW Corporation and vote to retain and further develop ACTEW as an effective Territory Owned Corporation.

- 3 MENTAL HEALTH (TREATMENT AND CARE) (AMENDMENT) BILL (NO. 2) 1998**

Mr Moore (Minister for Health and Community Care), by leave, presented a Bill for an Act to amend the *Mental Health (Treatment and Care) Act 1994*.

*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.

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

- 4 CRIMES (AMENDMENT) BILL (NO. 8) 1998**

Mr Moore (Minister for Health and Community Care), by leave, presented a Bill for an Act to amend the *Crimes Act 1900*.

*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.

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

- 5 ACTEW (TRANSFER SCHEME) 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 -

Mr Stanhope (Leader of the Opposition) moved - That the debate be adjourned until the first sitting day after the presentation to the Assembly of the report of the Select Committee on the Territory's Superannuation Commitments.

Question - That the debate be adjourned - put.

The Assembly voted -

Ayes, 8

Noes, 9

Mr Berry	Mr Stanhope
Mr Corbell	Ms Tucker
Mr Hargreaves	Mr Wood
Mr Quinlan	
Mr Rugendyke	

Ms Carnell	Mr Moore
Mr Cornwell	Mr Osborne
Mr Hird	Mr Smyth
Mr Humphries	Mr Stefaniak
Mr Kaine	

And so it was negatived.

Debate resumed on the question - That this Bill be agreed to in principle.

Mr Humphries (Attorney-General), by leave, was granted an extension of time.

Debate continued.

Mr Quinlan, Mr Stefaniak (Minister for Education) and Mr Corbell, by leave, were granted extensions 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.

## 6 QUESTIONS

Questions without notice were asked.

## 7 PAPER

Mr Moore (Minister for Health and Community Care), having added to an answer, presented the following paper:

Smoking/drug education programs - Answer to question asked by Mr Osborne and taken on notice on 25 November 1998.

## 8 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORT - NO. 8, 1998 - TERRITORY OPERATING LOSSES AND FINANCIAL POSITION - PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 8, 1998 - Territory operating losses and financial position, dated 8 December 1998.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 8 of 1998.

Question - put and passed.

## 9 ESTIMATES 1998-99 - SELECT COMMITTEE - REPORT - ANNUAL AND FINANCIAL REPORTS FOR 1997-98 - GOVERNMENT RESPONSE - PAPER NOTED

Ms Carnell (Treasurer) presented the following paper:

Estimates 1998-99 - Select Committee - Report - Annual and financial reports for 1997-98  
(*presented 24 November 1998*) - Government response, dated November 1998 -

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

Debate ensued.

Question - put and passed.

**10 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 7 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 9, 1997 - FLEET LEASING ARRANGEMENTS - 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. 7 - Review of Auditor-General's Report No. 9, 1997 - Fleet leasing arrangements (*presented 24 September 1998*) - Government response -

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

Debate ensued.

Question - put and passed.

**11 FINANCIAL MANAGEMENT ACT - CONSOLIDATED ANNUAL FINANCIAL STATEMENTS FOR THE 1997-98 FINANCIAL YEAR - PAPER AND STATEMENT BY MINISTER**

Ms Carnell (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 25 - Consolidated Annual Financial Statements for the 1997-98 financial year, including the Auditor-General's report -

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

**12 PRESENTATION OF PAPERS**

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

**Subordinate legislation (including explanatory statements) and a commencement provision**

Ambulance Service Levy Act - Determination of fees and charges for aero-medical services - No. 240 of 1998 (No. 46, dated 18 November 1998).

*Birth (Equality of Status) (Amendment) Act 1998* - Notice of commencement (1 January 1999) of remaining provisions (No. 47, dated 25 November 1998).

Consumer Credit (Administration) Act - Instruments of appointment of -

Member/Chairperson of the Credit Tribunal - No. 246 of 1998 (No. 47, dated 25 November 1998).

Member/Chairperson of the Credit Tribunal - No. 247 of 1998 (No. 47, dated 25 November 1998).

Environment Protection Act - Accreditation of the ACT Commercial Waste Industry Code of Practice - No. 238 of 1998 (No. 46, dated 18 November 1998).

Health and Community Care Services Act - Determination of fees and charges - No. 249 of 1998 (No. 47, dated 25 November 1998).

Health Professions Boards (Procedures) Act and Optometrists Act -

Instrument of appointment of Chairperson to the Optometrists Board - No. 236 of 1998 (No. 46, dated 18 November 1998).

Instrument of appointment of Member to the Optometrists Board - No. 237 of 1998 (No. 46, dated 18 November 1998).

Land (Planning and Environment) Act - Instrument of appointment of Chairperson of the ACT Heritage Council - No. 248 of 1998 (No. 47, dated 25 November 1998).

Liquor Act - Liquor Regulations (Amendment) - Subordinate Law No. 34 of 1998 (No. 46, dated 18 November 1998).

Optometrists Act. *See* "Health Professions Boards (Procedures) Act".

Public Place Names Act -

Determination of street nomenclature in the Division of Nicholls - No. 243 of 1998 (No. 47, dated 25 November 1998).

Omission and determination of street nomenclature in Ngunnawal - No. 241 of 1998 (No. 46, dated 18 November 1998).

Residential Tenancies Act -

Instrument of appointment of President of the Residential Tenancies Tribunal - No. 251 of 1998 (S208, dated 25 November 1998).

Instrument of appointment of Acting President of the Residential Tenancies Tribunal - No. 252 of 1998 (S208, dated 25 November 1998).

Instrument of appointment of members of the Residential Tenancies Tribunal - No. 253 of 1998 (S208, dated 25 November 1998).

Tenancy Tribunal Act - Instruments of appointment of Acting Presidents of the Tenancy Tribunal - Nos 244 and 245 of 1998 (No. 47, dated 25 November 1998).

### **Miscellaneous paper**

Territory Owned Corporations Act -

Totalcare Industries Limited, pursuant to subsection 19 (3) - Statement of corporate intent for the period 1 July 1998 to 30 June 2002.

## **13 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 11 - ACTION BUS SERVICES FOR SCHOOL-CHILDREN - GOVERNMENT RESPONSE - PAPER NOTED**

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

Urban Services - Standing Committee - Report No. 11 - ACTION bus services for school-children (*presented 29 October 1998*) - Government response -

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

Debate ensued.

Question - put and passed.

## **14 YOUTH SUICIDE PREVENTION STRATEGY 1998-2001 - PAPER - MOTION TO TAKE NOTE OF PAPER**

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

ACT Youth Suicide Prevention Strategy 1998-2001, dated December 1998 -

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

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

**15 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 12 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 4, 1998 - ANNUAL MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 1998 - REPORT NOTED**

Mr Quinlan (Chair) presented the following report:

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 12 - Review of Auditor-General's Report No. 4, 1998 - Annual Management Report for the year ended 30 June 1998, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

**16 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 15 - INTERIM REPORT ON DRAFT VARIATION TO THE TERRITORY PLAN (NO. 89): MURRUMBIDGEE AND LOWER MOLONGLO RIVERS - RIVER CORRIDORS LAND USE POLICY - PUBLIC LAND CATEGORIES; AND OTHER MINOR CHANGES - REPORT NOTED**

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 15 - Interim report on draft variation to the Territory Plan (No. 89): Murrumbidgee and Lower Molonglo Rivers - River Corridors Land Use Policy - Public Land Categories; and Other Minor Changes, dated 27 November 1998, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

**17 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - TAXI (MULTICAB) PLATES - ALTERATION TO REPORTING DATE**

Mr Hird (Chair), by leave, moved - That the resolution of the Assembly of 24 September 1998, referring the number of restricted taxi (multicab) plates to the Standing Committee on Urban Services for inquiry and report, be amended by omitting "by the last sitting day in 1998".

Question - put and passed.

**18 ENERGY EFFICIENCY RATINGS (SALE OF PREMISES) (AMENDMENT) BILL 1998**

Mr Smyth (Minister for Urban Services), by leave, presented a Bill for an Act to amend the *Energy Efficiency Ratings (Sale of Premises) Act 1997*.

*Paper:* Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

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

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

**19 ACTEW (TRANSFER SCHEME) 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 -

Ms Carnell (Treasurer), by leave, again addressed the Assembly without closing debate.

Ms Tucker addressing the Assembly -

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*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.

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Debate continued.

Mr Quinlan, by leave, again addressed the Assembly.

Debate continued.

Mr Osborne moved - That the debate be adjourned and, by leave, made a statement.

Question - That the debate be adjourned - put.

The Assembly voted -

Ayes, 9

Noes, 6

Mr Berry

Mr Quinlan

Ms Carnell

Mr Stefaniak

Mr Corbell

Mr Rugendyke

Mr Cornwell

Mr Hargreaves

Mr Stanhope

Mr Humphries

Mr Kaine

Ms Tucker

Mr Moore

Mr Osborne

Mr Smyth

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.

**20 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO.13 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. 13 of 1998, dated 8 December 1998 -

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

**21 POSTPONEMENT OF NOTICE NO. 1 - EXECUTIVE BUSINESS**

The Speaker informed the Assembly that the Clerk had received notification in writing from Ms Carnell (Chief Minister), pursuant to standing order 109, setting the next day of sitting for the moving of the motion listed as notice No. 1, Executive business, relating to the proposed disposal of ACTEW Corporation Limited.

**22 FIRST DAY OF MEETING - 1999 - ALTERATION**

Mr Humphries (Manager of Government Business), by leave, moved - That, at its rising from the sitting of Thursday, 10 December 1998, the next meeting of this Assembly be fixed for Tuesday, 2 February 1999 at 10.30 a.m..

Debate ensued.

Mr Berry, by leave, moved the following amendment:

Add "and that the Select Committee on the Territory's Superannuation Commitments not be required to report before 16 February."

Debate continued.

Amendment negatived.

Question - That the motion be agreed to - put.

The Assembly voted -

Ayes, 9

Ms Carnell	Mr Moore
Mr Cornwell	Mr Osborne
Mr Hird	Mr Smyth
Mr Humphries	Mr Stefaniak
Mr Kaine	

Noes, 8

Mr Berry	Mr Stanhope
Mr Corbell	Ms Tucker
Mr Hargreaves	Mr Wood
Mr Quinlan	
Mr Rugendyke	

And so it was resolved in the affirmative.



**23 LAND (PLANNING AND ENVIRONMENT) (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.

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*Detail stage*

Bill, by leave, taken as a whole -

Mr Corbell, by leave, moved the following amendments together:

Clause 4, page 2 -

Line 4, paragraph (a), omit "On 25 December 1999", substitute "On 31 August 1999".

Line 7, paragraph (b), omit "25 December 1999", substitute "31 August 1999".

Clause 5, page 2 -

Line 11, paragraph (a), omit "On 25 December 1999", substitute "On 31 August 1999".

Line 14, paragraph (b), omit "25 December 1999", substitute "31 August 1999".

Question - That the amendments be agreed to - put.

The Assembly voted -

Ayes, 9

Noes, 8

Mr Berry

Mr Quinlan

Ms Carnell

Mr Rugendyke

Mr Corbell

Mr Stanhope

Mr Cornwell

Mr Smyth

Mr Hargreaves

Ms Tucker

Mr Hird

Mr Stefaniak

Mr Moore

Mr Wood

Mr Humphries

Mr Osborne

Mr Kaine

And so it was resolved in the affirmative.

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

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

**24 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - REFERENCE - VICTIMS OF CRIME (FINANCIAL ASSISTANCE) (AMENDMENT) BILL 1998**

Mr Stanhope (Leader of the Opposition), by leave, moved - That, notwithstanding the provisions of standing order 174:

- (1) the Victims of Crime (Financial Assistance) (Amendment) Bill 1998 be referred to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day of June 1999; and
- (2) on the Committee presenting its report on the Bill to the Assembly the resumption of the debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

Debate ensued.

Mr Humphries (Attorney-General), by leave, was granted an extension of time.

Debate continued.

Question - put and passed.

**25 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 -

Mr Rugendyke moved - That the debate be adjourned and the resumption of the debate be the first order of the day for Thursday, 10 December 1998.

Question - That the debate be adjourned - put and passed.

Ordered - That the resumption of the debate be the first order of the day for Thursday, 10 December 1998.

**26 CUSTODIAL ESCORTS 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.

**27 CUSTODIAL ESCORTS (CONSEQUENTIAL PROVISIONS) 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 -

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.

**28 DOMESTIC VIOLENCE (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.

*Paper:* Mr Humphries (Attorney-General) presented a corrigendum to the explanatory memorandum to the Bill.

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

Mr Rugendyke and Mr Osborne, by leave, addressed the Assembly.

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

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*Detail stage*

Bill, by leave, taken as a whole -

*Paper:* Mr Humphries presented an explanatory note to Government amendments to the Bill.

On the motion of Mr Humphries, by leave, the following amendments were made together:

Clause 4, page 2, line 6, paragraph (b), omit the paragraph.

Clause 6 -

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Line 7, proposed new paragraph 19F (1) (b), omit “an authorised”, substitute “a”.

Line 36, proposed new section 19G, omit the section, substitute the following section:

**“19G. Recording of reasons when no emergency protection order is applied for**

Where a police officer—

(a) deals with an incident in which the conduct of a person and the other circumstances appear to constitute the grounds mentioned in subsection 19F (1) for an emergency protection order; and

(b) decides not to apply for an emergency protection order;

he or she shall make a record of the decision, setting down briefly the reasons for it.”.

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Line 16, proposed new subsection 19I (1), omit “An authorised”, substitute “A”.

Line 18, proposed new subsection 19I (2), omit “authorised”.

Line 23, proposed new paragraph 19I (2) (d), omit “authorised”.

Line 27, proposed new subsection 19I (3), omit “authorised”.

Line 31, proposed new paragraph 19I (4) (a), omit “authorised”.

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Line 2, proposed new paragraph 19I (5) (a), omit “authorised”.

Line 4, proposed new paragraph 19I (5) (b), omit “authorised”.

Line 13, proposed new subparagraph 19I (7) (b) (i), omit “authorised”.

Line 19, proposed new subsection 19I (8), omit “authorised”.

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Line 3, proposed new subsection 19L (1), omit “an authorised”, substitute “a”.

Line 6, proposed new subsection 19L (2), omit “an authorised”, substitute “a”.

*Proposed new section -*

Mr Stanhope (Leader of the Opposition) moved - That the following new section be inserted in the Bill: Clause 6, page 6, line 26:

**“19O. Part ceases to operate on 31 December 2000**

This Part ceases to operate on 31 December 2000.”.

Debate continued.

Amendment negatived.

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

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

**29 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 11.03 p.m., adjourned until tomorrow at 10.30 a.m.

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

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**M.J. McRAE**  
Clerk of the Legislative Assembly