

1998

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 23

TUESDAY, 27 OCTOBER 1998

- 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 Berry, from 1,278 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 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - SCHOOL BUS SERVICES - REVIEW - ALTERATION TO REPORTING DATE**

Mr Hird (Chair), by leave, moved - That the resolution of the Assembly of 20 May 1998 referring school bus services to the Standing Committee on Urban Services for inquiry and report be amended by omitting “27 October 1998” and substituting “29 October 1998”.

Question - put and passed.

- 4 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 10 - ENVIRONMENT PROTECTION (AMENDMENT) LEGISLATION - EXPOSURE DRAFT - REPORT NOTED**

Mr Hird (Chair), pursuant to order of the Assembly of 25 June 1998, as amended on 27 August and 22 September 1998, presented the following report:

Urban Services - Standing Committee - Report No. 10 - Environment Protection (Amendment) Bill 1998: Exposure draft, dated 23 October 1998, together with extracts of the minutes of proceedings

-

and moved - That the report be noted.

Debate ensued.

Question - put and passed.

- 5 EVIDENCE (CLOSED-CIRCUIT TELEVISION) (AMENDMENT) BILL 1998**

Mr Humphries (Attorney-General), by leave, presented a Bill for an Act to amend the *Evidence (Closed-Circuit Television) Act 1991*.

Paper: Mr Humphries presented an explanatory memorandum to the Bill.

Title read by Clerk.

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

Debate adjourned (Mr Stanhope - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

6 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 9 OF 1998 - STATEMENTS BY CHAIR AND MEMBERS

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. 9 of 1998, dated 27 October 1998

-

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

Mr Stanhope (Leader of the Opposition), Ms Tucker, Mr Moore (Minister for Health and Community Care) and Mr Kaine, by leave, also made statements in relation to the report.

Mr Osborne, by leave, made a further statement in relation to the report.

7 FOOD (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.

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.

8 BOARD OF SENIOR SECONDARY STUDIES (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

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4 debated -

Ordered - That the question be divided.

Question - That paragraph 4 (a) be agreed to - put.

The Assembly voted -

Ayes, 9

Noes, 6

Mr Cornwell

Mr Osborne

Mr Berry

Mr Wood

Mr Hird

Mr Rugendyke

Mr Hargreaves

Mr Humphries

Mr Smyth

Mr Quinlan

Mr Kaine

Mr Stefaniak

Mr Stanhope

Mr Moore

Ms Tucker

And so it was resolved in the affirmative - Paragraph 4 (a) agreed to.

Question - That paragraph 4 (b) be agreed to - put and passed.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 agreed to.

Clause 11 agreed to.

Title agreed to.

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

9 CONSUMER CREDIT (ADMINISTRATION) (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 Humphries (Minister for Justice and Community Safety) presented a supplementary explanatory memorandum to the Bill.

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

Clause 4, page 2 -

Line 11, proposed new subsection 24A (1), omit “any amount under the credit contract”, substitute “, at any time, any amount under the credit contract that would, but for this subsection, have been payable during the period of suspension or cancellation”.

Line 12, proposed new subsection 24A (2), omit “any”, substitute “an”.

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

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

10 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 adjourned (Mr Stanhope - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

11 HEALTH (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 -

Debate adjourned (Mr Moore - Minister for Health and Community Care) and the resumption of the debate made an order of the day for a later hour this day.

12 MINISTERIAL ARRANGEMENTS

Mr Humphries (Acting Chief Minister) informed the Assembly that, during the absence of Ms Carnell (Chief Minister), questions which would normally have been asked of the Chief Minister could be directed to the Acting Chief Minister.

13 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Nuclear Testing - Condemnation of actions of the Pakistan Government - Copy of letter from Kate Carnell, Chief Minister to The Hon John Howard MP, Prime Minister conveying the Assembly's resolution of 23 September 1998 relating to the recent nuclear testing by Pakistan, dated 8 October 1998.

Legislative Assembly (Broadcasting of Proceedings) Act - Authority to broadcast proceedings, pursuant to subsection 8 (4), concerning:

Debate on the motion of 24 September 1998 relating to ECOWISE, dated 24 September 1998;

Public hearings of the Select Committee on Estimates 1998-99 in the weeks beginning 19 October 1998, 2 and 9 November 1998, dated 16 October 1998; and

Vision of the public hearing of the Standing Committee on Urban Services into the environment protection legislation for Friday, 16 October 1998, dated 16 October 1998.

15 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORT - NO. 5 OF 1998 - MANAGEMENT OF HOUSING ASSISTANCE - PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 5 of 1998 - Management of Housing Assistance, dated 27 October 1998.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 5 of 1998.

Question - put and passed.

16 GAMING MACHINE ACT - COMMISSIONER FOR ACT REVENUE REPORT - PAPER - PAPER NOTED

Mr Humphries (Minister Assisting the Treasurer) presented the following paper:

Gaming Machine Act, pursuant to section 54D - Commissioner for ACT Revenue Report - "Contributions made by Gaming Machine Licensees to Charitable and Community Organisations" - 1 July 1997 to 30 June 1998, dated 28 September 1998 -

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

Debate ensued.

Question - put and passed.

17 FINANCIAL MANAGEMENT ACT - PAPER AND STATEMENTS BY MINISTER AND MEMBER

Mr Humphries (Minister Assisting the Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 47 (3) - Approval of guarantee under an agreement between the Australian Capital Territory and St George Bank Limited in relation to Canberra Cosmos Pty Ltd, dated 20 October 1998 -

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

Mr Quinlan, by leave, also made a statement in relation to the paper.

18 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements) and commencement provisions

Adoption Act - Adoption Regulations - Determination of fees - No. 205 of 1998 (S189, dated 1 September 1998).

Associations Incorporation Act - Determination of fees - No. 202 of 1998 (S189, dated 1 September 1998).

Bail (Amendment) Act 1998 - Notice of commencement (19 October 1998) of remaining provisions (No. 41, dated 14 October 1998).

Births, Deaths and Marriages Registration Act - Determination of fees -

No. 116 of 1998 (S159, dated 18 June 1998).

No. 206 of 1998 (S189, dated 1 September 1998).

Bookmakers Act -

Amendment to the rules of sports betting - No. 209 of 1998 (S193, dated 11 September 1998).

Instrument of appointment of members of the Bookmakers Licensing Committee - No. 198 of 1998 (No. 36, dated 9 September 1998).

Instrument of appointment of Chairperson of the Bookmakers Licensing Committee - No. 199 of 1998 (No. 36, dated 9 September 1998).

Business Names Act - Determination of fees - No. 203 of 1998 (S189, dated 1 September 1998).

Canberra Institute of Technology Act -

Instruments of reappointment of Members to the Canberra Institute of Technology Advisory Council until 31 July 2001 - Nos 216 and 217 of 1998 (No. 38, dated 23 September 1998).

Instrument of reappointment of Deputy Chairperson to the Canberra Institute of Technology Advisory Council until 31 July 2001 - No. 218 of 1998 (No. 38, dated 23 September 1998).

Casino Control Act - Determination of fees - No. 117 of 1998 (No. 25, dated 24 June 1998).

Dangerous Goods Act - Determination of fees - No. 219 of 1998 (No. 38, dated 23 September 1998).

Dentists Act - Determination of fees - No. 224 of 1998 (No. 39, dated 30 September 1998).

Domestic Violence (Amendment) Act 1998 - Notice of commencement (19 October 1998) of remaining provisions (No. 41, dated 14 October 1998).

Electricity Supply Act - Determination of fees - No. 223 of 1998 (No. 39, dated 30 September 1998).

Gas Pipelines Access Act 1998 - Notice of commencement (7 October 1998) of subsection 8 (2) (No. 40, dated 7 October 1998).

Health and Community Care Services Act - Determination of fees and charges - No. 200 of 1998 (No. 36, dated 9 September 1998).

Health Professions Boards (Procedures) Act -

Podiatrists Act - Instrument of appointment as member of the Podiatrists Board of the ACT - No. 210 of 1998 (without explanatory statement) (No. 37, dated 16 September 1998).

Psychologists Act - Instrument of appointment as member of the Psychologists Board of the ACT - No. 211 of 1998 (without explanatory statement) (No. 37, dated 16 September 1998).

Medical Practitioners Act - Instrument of appointment as member of the Medical Board of the ACT - No. 212 of 1998 (without explanatory statement) (No. 37, dated 16 September 1998).

Instruments Act - Determination of fees - No. 207 of 1998 (S189, dated 1 September 1998).

Insurance Levy Act - Insurance Levy Regulations - Subordinate Law No. 30 of 1998 (S198, dated 24 September 1998).

Interactive Gambling Act -

Determination of fees - No. 226 of 1998 (S200, dated 8 October 1998).

Interactive Gambling Regulations - Subordinate Law No. 31 of 1998 (S199, dated 30 September 1998).

Land (Planning and Environment) Act -

Determination of criteria for the direct grant of crown leases for aged persons accommodation - No. 220 of 1998 (No. 38, dated 23 September 1998).

Determination of criteria for the grant of a lease over part section 20 Gungahlin - No. 225 of 1998 (No. 40, dated 7 October 1998).

Land Titles Act - Determination of fees - No. 201 of 1998 (S189, dated 1 September 1998).

Legal Aid Act - Instrument of appointment of a Commissioner of the Legal Aid Commission (A.C.T.) - No. 213 of 1998 (S195, dated 16 September 1998).

Magistrates Court (Amendment) Act (No. 2) 1998 - Notice of commencement (19 October 1998) of remaining provisions (No. 41, dated 14 October 1998).

Medical Practitioners Act. *See* "Health Professions Boards (Procedures) Act".

Occupational Health and Safety Act - Approval of ACT Construction Industry Amenities Code of Practice - No. 222 of 1998 (No. 39, dated 30 September 1998).

Parole Act - Instrument of appointment of Chairperson and members of the Parole Board of the Australian Capital Territory - No. 185 of 1998 (No. 31, dated 5 August 1998).

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

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

Radiation Act - Determination of fees - No. 221 of 1998 (No. 38, dated 23 September 1998).

Registration of Deeds Act - Determination of fees - No. 204 of 1998 (S189, dated 1 September 1998).

Subsidies (Liquor and Diesel) Act - Determination of the rate of subsidy for low-alcohol liquor and diesel products and other related matters - No. 187 of 1998 (No. 31, dated 5 August 1998).

Supreme Court Rules Act - Supreme Court Rules (Amendment) - Subordinate Law No. 23 of 1998 (No. 25, dated 24 June 1998).

Taxation (Administration) Act - Determination of amount of stamp duty payable - No. 227 of 1998 (S200, dated 8 October 1998).

Tobacco Licensing Act - Determination of fees - No. 186 of 1998 (No. 31, dated 5 August 1998).

Miscellaneous paper

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

Petition - Out of order

Health Regulation (Abortions) Bill 1998 - Mr Berry (30 residents).

19 NATIONAL ROAD TRANSPORT COMMISSION - PAPER - STATEMENT BY MINISTER

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

National Road Transport Commission Act (Commonwealth) - National Road Transport Commission - Report and financial statements, including the Auditor-General's report, for 1997-98, dated 30 September 1998 -

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

20 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - ACTEW PRIVATISATION

The Assembly was informed that Mr Corbell had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The Liberal Government's decision to privatise ACTEW Corporation and the consequences privatisation will have for the provision of effective, efficient and reliable electricity, water and sewerage services and the Government's breach of faith with the people of Canberra for failing to openly address the question of privatisation of ACTEW during the 1998 ACT election."

Discussion ensued.

Ms Tucker addressing the Assembly -

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

Mr Smyth (Minister for Urban Services) requiring the question to be put forthwith without debate -

Question - put and negated.

Discussion continued.

Mr Smyth (Minister for Urban Services) addressing the Assembly -

The time for the discussion having expired -

Discussion concluded.

21 ADJOURNMENT

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

Debate ensued.

Paper: Mr Stefaniak (Minister for Education) presented the following paper:

"Lyneham High School Report a Disgrace" - Media release from Gary Humphries MLA, Minister for Justice and Community Safety, dated 27 October 1998.

Debate continued.

Question - put and passed.

And then the Assembly, at 5.30 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