

1998-1999-2000

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 84

WEDNESDAY, 29 MARCH 2000

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 SURVEILLANCE CAMERAS (PRIVACY) BILL 2000

Mr Stanhope (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to regulate the collection of information by surveillance cameras.

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

Title read by Clerk.

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

Debate adjourned (Mr Humphries – Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

3 OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 2000

Notice No. 2, private Members' business, having been called on -

Mr Hargreaves, pursuant to standing order 127 and at the request of the proposer, fixed a later hour this day for the presentation of the Bill.

4 ADULT ENTERTAINMENT AND RESTRICTED MATERIAL BILL 2000

Mr Rugendyke, pursuant to notice, presented a Bill for an Act to restrict the provision of adult entertainment and sale of restricted material to certain areas.

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

Title read by Clerk.

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

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

Sex shop in Civic – Facsimile copy of letter from the Director, Cataldo's Salon to Mr Rugendyke MLA, Legislative Assembly, dated 29 March 2000.

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 SPENCE PRESCHOOL – 40 KM/H SCHOOL ZONE

Mr Hird, pursuant to notice, moved – That this Assembly, notwithstanding that the issue of extending school zones to pre-schools will be considered by the Standing Committee on Planning and Urban Services, support the introduction of a 40km school zone at the Spence Preschool.

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

Pre-schools in Canberra – 40 km/h zones – Facsimile copy of media release by Brendan Smyth MLA, Minister for Urban Services, dated 16 February 2000.

Debate ensued.

Question – put and passed.

6 OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 2000

Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Occupational Health and Safety Act 1989*.

Title read by Clerk.

Mr Berry 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.

7 EAST TIMOR – SUPPORT FOR RE-ESTABLISHMENT OF EDUCATION INFRASTRUCTURE

Mr Berry, pursuant to notice, moved – That this Assembly notes:

- (1) the devastation of the education infrastructure in East Timor;
- (2) that the CNRT Education Spokesperson, Father Filomeno Jacob has called for support from Australian authorities;
- (3) that Father Filomeno Jacob will attend the Ministerial Council on Education, Employment, Training and Youth Affairs.

Accordingly, this Assembly calls on the Government to support all practical aid to re-establish the education infrastructure in East Timor.

Debate ensued.

On the motion of Mr Stefaniak (Minister for Education), by leave, the following amendments were made together, after debate:

No. 1. After the words “That this Assembly” omit the words “notes:

- (1) the devastation of the education infrastructure in East Timor;”,

substitute “congratulates the members of the Australian Defence Force and AFP for their excellent efforts in East Timor and notes:

- (1) the devastation of the infrastructure of East Timor including the education infrastructure;”.

No. 2. Omit all words after “and Youth Affairs”, substitute:

“(4) that the ACT Government will support all practical aid to re-establish the education infrastructure in East Timor.”

Question – That the motion, as amended, viz:

That this Assembly congratulates the members of the Australian Defence Force and AFP for their excellent efforts in East Timor and notes:

- (1) the devastation of the infrastructure of East Timor including the education infrastructure;
- (2) that the CNRT Education Spokesperson, Father Filomeno Jacob has called for support from Australian authorities;
- (3) that Father Filomeno Jacob will attend the Ministerial Council on Education, Employment, Training and Youth Affairs;
- (4) that the ACT Government will support all practical aid to re-establish the education infrastructure in East Timor –

be agreed to – put and passed.

8 QUESTIONS

Questions without notice were asked.

9 QUESTION ON NOTICE NO. 221 – REQUEST FOR EXPLANATION CONCERNING UNANSWERED QUESTION

Ms Tucker, pursuant to standing order 118A, asked Mr Smyth (Minister for Urban Services) for an explanation concerning question on notice No. 221.

Mr Smyth undertook to address the matter.

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

Ms Carnell (Chief Minister) presented the following papers:

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

Long term contracts:

Gordon Lee Koo, dated 10 March 2000.

Olaf Moon, dated 17 March 2000.

Short term contract:

Bronwen Overton-Clarke, dated 17 March 2000 –

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

11 TRANS-TASMAN MUTUAL RECOGNITION ACT – ENDORSEMENT OF REGULATIONS – PAPER – STATEMENT BY MINISTER

Ms Carnell (Chief Minister) presented the following paper:

Trans-Tasman Mutual Recognition Act – Endorsement of proposed regulations of the Commonwealth, notified in Gazette S10, dated 27 March 2000 –

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

12 ACTTAB LIMITED AND BOOKMAKERS – COMPLIANCE WITH NATIONAL COMPETITION POLICY – A.C.T. LEGISLATION – PAPER AND GOVERNMENT RESPONSE – MOTION TO TAKE NOTE OF PAPERS

Mr Humphries (Treasurer) presented the following papers:

ACTTAB Limited and bookmakers – ACT legislation relating to ACTTAB Limited and bookmakers – Compliance with national competition policy – Final report prepared by The Allen Consulting Group, dated November 1999 and Government response –

and moved – That the Assembly takes note of the papers –

Debate ensued.

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

Statement by Minister: Mr Humphries (Treasurer), by leave, made a statement concerning the presentation of the report.

13 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 4 OF 2000 – SECOND MEETING OF CHAIRS AND DEPUTY CHAIRS OF AUSTRALIAN SCRUTINY OF PRIMARY AND DELEGATED LEGISLATION COMMITTEES – DARWIN – FEBRUARY 2000 – STATEMENT BY DEPUTY CHAIR

Mr Hargreaves (Deputy Chair), by leave, 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. 4 of 2000 – Second Meeting of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees – Parliament House, Darwin, 14-15 February 2000, dated 28 March 2000 –

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

14 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) – SCRUTINY REPORT NO. 5 OF 2000 – 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. 5 of 2000, dated 28 March 2000 –

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

15 LEGISLATIVE ASSEMBLY – NUMBER OF MEMBERS

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

- (1) agreeing that the ACT community should have legislative control over the structure of their Legislative Assembly;
- (2) agreeing that the size of the Assembly should change in proportion to changes in the population of electors in the ACT;

- (3) agreeing that a ratio of 1 Member per 10,000 electors, as recommended in the Pettit Review of Governance of the ACT, is an appropriate ratio of Members of the Assembly to the number of electors;
- (4) agreeing that the Assembly should continue to have an odd number of Members; and
- (5) affirming the principles of the proportional representation (Hare-Clark) electoral system laid out in section 4 of the *Proportional Representation (Hare-Clark) Entrenchment Act 1994*;

requests the Chief Minister to –

- (1) undertake discussions with the Commonwealth Minister for Territories to achieve –
 - (a) amendments to the *Australian Capital Territory (Self-Government) Act 1988* to devolve to the Assembly the power to determine the number of Members, or if this is not possible;
 - (b) a regulation under section 8 of the *Australian Capital Territory (Self Government) Act 1988* to fix a different number of Members;

with the aim of fixing the number of Members to be elected in the first election after 2001 as the largest odd number that is less than the number of enrolled electors at the time of the 2001 election divided by 10,000.

- (2) prepare an exposure draft of amendments to the *Electoral Act 1992* to establish a process for determining the number of electorates and the number of Members per electorate for an enlarged Assembly, for consideration by the Assembly.

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.

16 LAND (PLANNING AND ENVIRONMENT) (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.

Detail stage

Clause 1 –

Mr Osborne, by leave, made a statement in relation to the principles of the Bill.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4 debated –

Question – That clause 4 be agreed to - put.

The Assembly voted -

Ayes, 8

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

Noes, 9

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

And so it was negatived.

Clause 5 agreed to.

Clause 6 agreed to.

Title agreed to.

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

The Assembly voted -

Ayes, 9

Mr Berry	Mr Quinlan
Mr Corbell	Mr Stanhope
Mr Hargreaves	Ms Tucker
Mr Moore	Mr Wood
Mr Osborne	

Noes, 8

Ms Carnell	Mr Rugendyke
Mr Cornwell	Mr Smyth
Mr Hird	Mr Stefaniak
Mr Humphries	
Mr Kaine	

And so it was resolved in the affirmative – Bill, as amended, agreed to.

17 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 5.06 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