

1998-1999-2000

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 75

WEDNESDAY, 16 FEBRUARY 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 CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2000**

Mr Stanhope (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Children and Young People Act 1999*.

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 Stefaniak – Minister for Education) and the resumption of the debate made an order of the day for the next sitting.

- 3 CHOGM 2001 – RELOCATION**

Mr Stanhope (Leader of the Opposition), pursuant to notice, moved – That this Assembly condemns the Prime Minister of Australia, John Howard, for his decision to deny Canberra, the nation's capital, the opportunity to host the 2001 Commonwealth Heads of Government meeting.

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

Debate ensued.

Paper: Ms Carnell (Chief Minister) presented the following paper:

CHOGM 2001 – Relocation – Copy of submission to the Commonwealth Government on the decision to relocate from Canberra to Brisbane, dated 4 February 2000.

Ms Carnell moved the following amendment:

After “meeting” add the following words:

“and calls on the Prime Minister and the Federal Government to demonstrate its commitment to Canberra by:

- (a) supporting the upgrade of Canberra Airport to allow usage by a wider range of aircraft;

- (b) supporting the development of a strategy to enhance Canberra's convention facilities in keeping with Canberra's status as the National Capital; and
- (c) supporting the submission to the Commonwealth Government on the decision to relocate CHOGM 2001 put forward by various Canberra and Region Business Associations and the ACT Government.”.

Debate continued.

Mr Quinlan moved the following amendment to Ms Carnell's proposed amendment: After proposed paragraph (b) insert the following new paragraph:

“(ba) working within the Commonwealth Heads of Government Meeting to rationalise the magnitude of future meetings to ensure that they are capable of being hosted by more Commonwealth nations than would be the case at present;”.

Debate continued.

Mr Humphries (Deputy Chief Minister), by leave, was granted an extension of time.

Debate continued.

Question – That Mr Quinlan's amendment to Ms Carnell's proposed amendment be agreed to – put and negatived.

Question – That Ms Carnell's amendment be agreed to – put and passed.

Question – That the motion, as amended, be agreed to – proposed.

On the motion of Mr Kaine, by leave, the following amendment to the motion, as amended, was made, after debate:

After “Assembly” omit all words up to and including the word “meeting”, substitute the following words:

“requests the Prime Minister of Australia, Mr John Howard, to explain to the people of Canberra why the decision was made to host the Commonwealth Heads of Government Meeting at a venue other than Canberra, and to outline the reasons which, in his view, justify that decision”.

Question – That the motion, as amended, viz:

That this Assembly requests the Prime Minister of Australia, Mr John Howard, to explain to the people of Canberra why the decision was made to host the Commonwealth Heads of Government Meeting at a venue other than Canberra, and to outline the reasons which, in his view, justify that decision and calls on the Prime Minister and the Federal Government to demonstrate its commitment to Canberra by:

- (a) supporting the upgrade of Canberra Airport to allow usage by a wider range of aircraft;
- (b) supporting the development of a strategy to enhance Canberra's convention facilities in keeping with Canberra's status as the National Capital; and
- (c) supporting the submission to the Commonwealth Government on the decision to relocate CHOGM 2001 put forward by various Canberra and Region Business Associations and the ACT Government –

be agreed to – put and passed.

4 SOUTH COAST REGIONAL FOREST AGREEMENT

The order of the day having been read for the resumption of the debate on the motion of Ms Tucker - That this Assembly calls on the Chief Minister to write on its behalf to the Premier of New South

Wales, the Honourable Bob Carr, requesting that the Regional Forest Agreement for the South Coast:

- (a) protects the 15 community reserve proposals developed by the South East Forest Alliance;
- (b) supports the development of a local wood products industry based on plantation forests; and
- (c) excludes woodchipping of non-plantation forests.

Mr Corbell, by leave, again addressed the Assembly.

Mr Corbell moved the following amendment: Paragraph (c), before “excludes”, insert “progressively”.

Debate continued.

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.

5 QUESTIONS

Questions without notice were asked.

6 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 -

Short term contracts:

Gordon Lee Koo, dated 1 February 2000.

Irene McKinnon, dated 11 January 2000.

Pamela Davoren, dated 1 February 2000.

Mark Kwiatkowski, dated 6 December 1999.

Suzanne Birtles, dated 7 December 1999.

Gerry Cullen, dated 7 December 1999.

John Thwaite, dated 11 January 2000.

Schedule D variations:

Sandra Lambert, dated 20 and 27 January 2000.

Peter Gordon, dated 20 and 25 January 2000.

Beverly Forner, dated 20 and 27 January 2000 -

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

7 PRESENTATION OF PAPERS

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

Financial Management Act, pursuant to section 26 – Consolidated Financial Management Reports for the months and financial years to date ending 30 November and 31 December 1999.

Ministerial Travel Report for the period 1 October to 31 December 1999.

National Crime Authority – Report for 1998-99, including financial statements and the report of the Australian National Audit Office, dated 17 September 1999.

8 SOUTH COAST REGIONAL FOREST AGREEMENT

The order of the day having been read for the resumption of the debate on the motion of Ms Tucker - That this Assembly calls on the Chief Minister to write on its behalf to the Premier of New South Wales, the Honourable Bob Carr, requesting that the Regional Forest Agreement for the South Coast:

- (a) protects the 15 community reserve proposals developed by the South East Forest Alliance;
- (b) supports the development of a local wood products industry based on plantation forests; and
- (c) excludes woodchipping of non-plantation forests –

and on the amendment moved by Mr Corbell: Paragraph (c), before “excludes”, insert “progressively” –

Debate resumed.

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

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

The Assembly proceeding to a vote and the call for the vote having, by leave, been withdrawn -

The question – That Mr Corbell’s amendment be agreed to – having again been put.

Amendment agreed to.

Question – That the motion, as amended, be agreed to – put.

The Assembly voted -

Ayes, 7

Noes, 8

Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Stanhope

Ms Tucker
Mr Wood

Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore

Mr Rugendyke
Mr Smyth
Mr Stefaniak

And so it was negatived.

9 ROAD TRANSPORT LEGISLATION AMENDMENT BILL (NO 2) 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.

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

Detail stage

Clauses 1 and 2, by leave, taken together and agreed to.

Clauses 3 and 4, by leave, taken together, debated and agreed to.

Clause 5 agreed to.

Clause 6 –

Mr Hargreaves moved the following amendment:

Page 4, line 8, proposed new subsections 5B (1) and (2), omit the subsections, substitute the following subsections:

“ ‘(1) In this section—

burnout means—

- (a) in relation to a motor vehicle other than a motorbike—operate the vehicle in a way that causes the vehicle to undergo sustained loss of traction by 1 or more of the driving wheels; or
- (b) in relation to a motorbike—operate the motorbike in a way that causes the motorbike to undergo sustained loss of traction by the driving wheel.

other prohibited conduct means conduct that—

- (a) is associated with the operation of a motor vehicle for speed competitions or other activities prescribed under the regulations; and
- (b) is prescribed under the regulations for subsection (4).

‘(2) The driver of a motor vehicle must not burnout the vehicle on a road or road related area.

Maximum penalty: 20 penalty units.”.

Debate continued.

Amendment negatived.

Clause 6 agreed to.

Clause 7 -

Paper: Mr Smyth (Minister for Urban Services) presented a supplementary explanatory memorandum to a Government amendment to the Bill.

On the motion of Mr Smyth the following amendment was made, after debate:

Page 6, line 17, proposed new subsection 10A (7), omit the words “(whether or not within the ACT)”.

Clause 7, as amended, agreed to.

Clause 8 debated and agreed to.

Title debated and agreed to.

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

10 AGENTS (AMENDMENT) BILL 1998

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

Detail stage

Mr Humphries (Minister for Justice and Community Safety) moved – That the debate be adjourned.

Question – put.

The Speaker having declared that the “Noes” have it and the Assembly proceeding to a vote -
Mr Humphries, by leave, withdrew his call for a vote.

Bill, by leave, taken as a whole -

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

Amendments -

Clause 4, page 2, line 13, paragraph (d), omit the paragraph, substitute the following paragraph:

“(d) by inserting in subsection (1), the following definitions:

‘employment agent means a person who, under section 5DA, carries on business as an employment agent.

model includes a person employed—

- (a) to pose for a photographer, or for a painter, sculptor or other artist; or
- (b) to wear and display clothes and other articles to potential customers or the public.

performer means an actor, singer, dancer, musician, acrobat, disc jockey or compere, or any other performer of any kind.’”.

Proposed new clause –

Page 3, line 14, insert the following new clause in the Bill.

‘8A Insertion

After section 17, insert the following section:

‘17A Annual reports of board

The report of the board under the *Annual Reports (Government Agencies) Act 1995* for a financial year must include—

- (a) the number, and an outline of the nature and outcome, of the complaints made to the board during the financial year; and
- (b) the name of anyone who was subject to an inquiry completed by the board during the financial year and an outline of the nature and outcome of the inquiry; and
- (c) the number of agents given a licence or registered during the financial year; and
- (d) an outline of the educational activities undertaken by the board during the financial year to tell consumers about their rights under this Act; and
- (e) a list of the names of all employment agents licensed under this Act at any time during the financial year.’”.

Amendments –

Clause 9, page 3, line 21, proposed new subsection (5), penalty provision, omit the penalty provision, substitute the following penalty provision:

“Maximum penalty: 20 penalty units.’”.

Clause 10, page 3, line 28, proposed new subsection (5), penalty provision, omit the penalty provision, substitute the following penalty provision:

“Maximum penalty: 20 penalty units.’”.

Clause 11, page 4, line 3, proposed new section 19B, penalty provision, omit the penalty provision, substitute the following provisions:

“Maximum penalty: 20 penalty units.

“(2) This section does not apply in relation to a model or performer.”.

Clause 12, page 4 -

Line 15, proposed new paragraph 47CA (b), omit the paragraph.

Line 31, proposed new paragraph 47CB (c), omit the paragraph.

Clause 13, page 5, line 4, omit the clause.

Clause 14, page 5, line 8, omit the clause.

Clause 16, page 6, line 10, paragraph (a), omit the paragraph, substitute the following paragraph:

“(a) by inserting in subsection (2) ‘(other than a licence issued to an employment agent)’, after ‘company’ (first occurring); and”.

Clause 17, page 6, line 14, omit the clause.

Clause 26, page 7, line 21, omit the clause.

Proposed new clause –

Page 7, line 24, insert the following new clause in the Bill.

“26A Insertion

After Part 8, insert the following Part:

‘PART 8A—CODE OF PRACTICE FOR EMPLOYMENT AGENTS

‘75A Approval of code of practice

‘(1) The Minister may approve a code of practice for employment agents.

‘(2) An approval under this section is a disallowable instrument for the *Subordinate Laws Act 1989*.

‘75B Complying with approved code of practice

An employment agent must comply with a code of practice approved under section 75A.’.”.

Amendments –

Clause 27, page 7, line 25, omit the clause, substitute the following clause:

“27 Suspension of travel agent’s licence

Section 82 is amended—

(a) by omitting the heading and substituting the following heading:

‘82 **Suspension of travel or employment agent’s licence**’;

and

(b) by inserting ‘or employment agent’s’ after ‘travel agent’s’.”.

Clause 30, page 8 –

Line 12, proposed new subsection 105B (1), penalty provision, omit the penalty provision, substitute the following penalty provision:

“Maximum penalty: 10 penalty units.”.

Line 24, proposed new subsection 105B (2), omit all the words after “conviction”, substitute “by a maximum fine of 10 penalty units”.

Mr Berry addressing the Assembly –

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.

Debate continued.

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

11 LIQUOR AMENDMENT BILL (NO 2) 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.

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

12 ADJOURNMENT

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

Debate ensued.

Mr Smyth addressing the Assembly –

Debate extended: It being 5.30 p.m. the debate was interrupted in accordance with standing order 34 – Mr Smyth required the debate to be extended.

The debate continuing until 5.33 p.m. the Speaker adjourned the Assembly 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