177

1998

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 22

THURSDAY, 24 SEPTEMBER 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 DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1998

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the Domestic Violence Act 1986.

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.

3 STATUTE LAW REVISION (PENALTIES) BILL 1998

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to revise the statute law of the Territory in relation to penalties.

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.

4 CONSUMER CREDIT (ADMINISTRATION) (AMENDMENT) BILL 1998

Mr Humphries (Minister for Justice and Community Safety), pursuant to notice, presented a Bill for an Act to amend the Consumer Credit (Administration) Act 1996.

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.

5 CONSTRUCTION PRACTITIONERS REGISTRATION BILL 1998
Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to provide for the registration of construction practitioners and for a related purpose.

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 Hargreaves) and the resumption of the debate made an order of the day for the next sitting.

6 BUILDING (AMENDMENT) BILL (NO. 2) 1998
Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the Building Act 1972 and for related purposes.

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 Hargreaves) and the resumption of the debate made an order of the day for the next sitting.

7 ELECTRICITY (AMENDMENT) BILL 1998
Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the Electricity Act 1971.

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 Hargreaves) and the resumption of the debate made an order of the day for the next sitting.

8 FOOD (AMENDMENT) BILL (NO. 2) 1998
Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the Food Act 1992.

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

9 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE - REFERENCE - COMMERCIAL INFORMATION - DRAFT PRINCIPLES AND GUIDELINES - PAPER
Ms Carnell (Chief Minister) presented the following paper:

Draft principles and guidelines for the treatment of commercial information held by ACT Government agencies, dated September 1998 -

and, pursuant to notice, moved - That the Standing Committee for the Chief Minister’s Portfolio inquire into and report on by the last sitting day in 1998, the paper entitled Draft Principles and Guidelines for the Treatment of Commercial Information held by ACT Government Agencies.

Question - put and passed.
10 URBAN SERVICES - STANDING COMMITTEE - REFERENCE - TAXI (MULTICAB) PLATES

Mr Rugendyke, pursuant to notice, moved - That the Standing Committee on Urban Services inquire into and report by the last sitting day in 1998 on the need to increase the number of restricted taxi (multicab) plates.

On the motion of Mr Hargreaves the following amendment was made, after debate: Add the following words:

“and the Committee, during its inquiry:

(a) give specific consideration to and report on:

(i) the provision of transport services for students attending special schools, patients attending rehabilitation programs at The Canberra Hospital and older citizens attending day care programs at the Belconnen and Tuggeranong Health Centres;

(ii) the general operation of transport services for residents with disabilities; and

(iii) the Government’s community service obligation in this area; and

(b) review any cost comparison of the current provision of bus and taxi services in this area with that of the proposed changed service for rehabilitation patient transport.”.

Motion, as amended, agreed to.

11 GAMBLING - SELECT COMMITTEE - INTERIM REPORT - POKER MACHINE CAP - REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Kaine (Chairman) - That the report be noted (presented 23 June 1998) -


Question - put and passed.

12 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 - 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. 7 - Review of Auditor-General’s Report No. 9, 1997 - Fleet leasing arrangements, dated September 1998, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

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. 8 - Review of Auditor-General’s Report No. 10, 1997 - Public interest disclosures - Lease variation charges and Review of Auditor-General’s Report No. 2, 1998 - Lease variation charges - Follow-up review, dated September 1998, together with extracts of the minutes of proceedings -
and moved - That the report be noted.
Question - put and passed.

14 CHIEF MINISTER’S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 9 - REVIEW OF AUDITOR-GENERAL’S REPORT NO. 12, 1997 - FINANCIAL AUDITS WITH YEARS ENDING TO 30 JUNE 1997 - 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. 9 - Review of Auditor-General’s Report No. 12, 1997 - Financial audits with years ending to 30 June 1997, dated September 1998, together with extracts of the minutes of proceedings -
and moved - That the report be noted.
Question - put and passed.

15 CHIEF MINISTER’S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 1 - REVIEW OF AUDITOR-GENERAL’S REPORT NO. 1, 1997 - CONTRACTING POOL AND LEISURE CENTRES - REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Chair) - That the report be noted (presented 24 June 1998) -
Chief Minister’s Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 1 - Review of Auditor-General’s Report No. 1, 1997 - Contracting pool and leisure centres, dated June 1998 -
Question - put and passed.

16 CHIEF MINISTER’S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 2 - REVIEW OF AUDITOR-GENERAL’S REPORT NO. 10, 1997 - PUBLIC INTEREST DISCLOSURES - CORRECTIVE SERVICES - REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Chair) - That the report be noted (presented 24 June 1998) -
Chief Minister’s Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 2 - Review of Auditor-General’s Report No. 10, 1997 - Public interest disclosures - Corrective services, dated June 1998 -
Question - put and passed.
17 CHIEF MINISTER’S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 3 - REVIEW OF AUDITOR-GENERAL’S REPORT NO. 5, 1997 - MANAGEMENT OF LEAVE LIABILITIES - REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Quinlan (Chair) - That the report be noted (presented 24 June 1998) -

Chief Minister’s Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 3 - Review of Auditor-General’s Report No. 5, 1997 - Management of leave liabilities, dated June 1998 -

Question - put and passed.

18 EXECUTIVE BUSINESS - PRECEDENCE

Ordered - That Executive business be called on.

19 ECOWISE SERVICES LTD - PROPOSED DISPOSAL

Ms Carnell (Chief Minister), pursuant to notice, moved - That this Assembly, pursuant to subsection 16 (4) of the Territory Owned Corporations Act 1990 and noting that the voting shareholders of ACTEW Corporation support the disposal, approves the disposal of the main undertakings of Ecowise Services Ltd, a wholly owned subsidiary of ACTEW Corporation Ltd, to Ecowise Services Australia Pty Ltd.

Debate ensued.

Mr Corbell, Mr Humphries (Attorney-General) and Mr Quinlan, by leave, were granted extensions of time.

Ordered - That the debate be adjourned and the resumption of debate be made an order of the day for a later hour this day.

20 QUESTIONS

Questions without notice being asked -

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

National Illicit Drug Strategy - Copies of letters from:

Kate Carnell MLA, Chief Minister to The Hon John Howard MP, Prime Minister, dated 1 September 1998.

Michael Moore MLA, Minister for Health and Community Care, to The Hon Dr Michael Wooldridge, Minister for Health and Family Services, dated 1 and 24 June and 28 August 1998 (3).

Dr Michael Wooldridge to Mr M Moore MLA, Minister for Health and Community Care, dated 15 July and 14 August 1998 (2).

Roger Hughes, Acting Assistant Secretary, Drug Strategy and Public Health Social Marketing Branch, Commonwealth Department of Health and Family Services to Mr Des Graham, Manager, Mental Health and Drug Policy Unit, ACT Department of Health and Community Care, dated 16 June 1998.

Questions continued.

21 PAPER
The Speaker presented the following paper:

ACT Legislative Assembly Secretariat - Report and financial statements, including the Auditor-General’s report, for 1997-98.


The Speaker presented the following paper:

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General’s Report No. 4 of 1998.

Question - put and passed.

23 PRESENTATION OF PAPERS

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

Miscellaneous

ACT Administration of Justice - Statistical Profile for April to June 1998.

Annual Reports

Annual Reports (Government Agencies) Act, pursuant to section 14 -

Chief Executives, pursuant to section 7 -

Chief Minister’s Department - Report (Volumes 1 and 2) and financial statements, including the Auditor-General’s report for 1997-98, together with a report and financial statements, including the Auditor-General’s report for the ACT Casino Surveillance Authority, together with financial statements and the Auditor-General’s report, for 1997-98 for:

ACT Executive.

Department of Business, Employment, Tourism, the Arts, Regulatory Reform and Industrial Relations.

Office of Asset Management.

Central Financing Unit.

Superannuation Provision Unit.

and as annexes the 1997-98 reports for:

Commissioner for Public Administration.

Registrar of Co-operative Societies.

Bookmakers Licensing Committee.

Department of Urban Services - Report (2 volumes and an Addendum to volume 2) and financial statements, including the Auditor-General’s report, for 1997-98, together with reports for:

ACT Planning Authority, pursuant to the Land (Planning and Environment) Act 1991.


Architects Board of the Australian Capital Territory, pursuant to the Architects Act 1959.


Electrical Licensing Board of the Australian Capital Territory, pursuant to the ACT Electricity Act 1971.


ACT Gas Authority, pursuant to the Gas Supply Act 1998.

ACT Heritage Council, pursuant to the Land (Planning and Environment) Act 1991.
ACT Occupational Health and Safety Council, pursuant to the *Occupational Health and Safety Act 1989*.

Plumbers, Drainers and Gasfitters Board of the Australian Capital Territory, pursuant to the *Plumbers, Drainers and Gasfitters Board Act 1982*.

Pollution Control Authority, pursuant to the *Environment Protection Act 1997*.

Registrar of Pesticides, pursuant to the *Pesticides Act 1989*.

The Surveyors Board of the Australian Capital Territory, pursuant to the *Surveyors Act 1967*.

The Trustees of the Canberra Public Cemeteries, including financial statements and the Auditor-General’s report, pursuant to the *Cemeteries Act 1933*.

and financial statements and Auditor-General’s reports for:

ACT Housing.

ACTION.

InTACT.

ACT Forests.

Interim Department of Heritage.

Nominal Insurer of the ACT.

ACT Workers’ Compensation Supplementation Fund.

ACT Department of Justice and Community Safety - Report (2 volumes) and financial statements, including the Auditor-General’s report, for 1997-98, together with reports for:

Administrative Appeals Tribunal.

Chief Coroner of the Australian Capital Territory.

Discrimination Tribunal.

Guardianship and Management of Property Tribunal.

Office of the Commissioner for Land and Planning.

Law Reform Commission.

Mental Health Tribunal.

Parole Board.

Tenancy Tribunal.

Agents Board of the ACT.

Department of Health and Community Care - Report and financial statements, including the Auditor-General’s report, for 1997-98, together with reports for:

Chiropractors and Osteopaths Board.

Dental Board.

Dental Technicians and Dental Prosthetists Registration Committee.

Medical Board.

Nurses Board.
Optometrists Board.
Pharmacy Board.
Physiotherapists Board.
Podiatrists Board.
Psychologists Board.
ACT Radiation Council.
Veterinary Surgeons Board.
ACT Health and Community Ethics Committee.
ACT Mental Health Services.

Department of Education and Community Services - Report (2 volumes) and financial statements, including the Auditor-General’s reports, for 1997-98 for:

Department of Education and Community Services.
Department of Sport and Recreation.

and annual reports for:

Board of Senior Secondary Studies.
ACT Vocational Education and Training Authority.
Accreditation and Registration Council.
Children’s Services Council.

Official Visitor’s Report on Quamby Youth Detention Centre and Marlow House.

Public Authorities, pursuant to section 8 -

Canberra Tourism and Events Corporation - Report and financial statements, including the Auditor-General’s report, for 1997-98.

CanDeliver Limited - Report and financial statements, including the Auditor-General’s report, for 1997-98.

Australian International Hotel School - Report and financial statements, including the Auditor-General’s report, for 1997-98.

Canberra Milk - Report and financial statements, including the Auditor-General’s report, for 1997-98, pursuant to subsection 59 (1) of the Financial Management Act 1996.


Director of Public Prosecutions - Report for 1997-98.

Australian Federal Police - Report for 1997-98 on policing in the Australian Capital Territory, including financial statements and the report of the Australian National Audit Office.


ACT Health and Community Care Service - Report for 1997-98 and financial statements, including the Auditor-General’s reports for:
The Canberra Hospital.
ACT Community Care.

Healthpact - Report and financial statements, including the Auditor-General’s report, for 1997-98.

24 COMMISSIONER FOR THE ENVIRONMENT - REPORT - PEST CONTROL INVESTIGATION - GOVERNMENT RESPONSE - PAPER NOTED
Mr Smyth (Minister for Urban Services) presented the following paper:
Commissioner for the Environment - Report - Investigation into the ACT Government’s use of chemicals for pest control (presented 25 June 1998) - Government response -
and moved - That the Assembly takes note of the paper.
Question - put and passed.

25 SUBORDINATE LEGISLATION - PAPERS
Mr Smyth (Minister for Urban Services) presented the following papers:
Land (Planning and Environment) Act - Determinations of criteria for the direct grant of leases for:
Block 6, section 30, Braddon (Part Northbourne Oval) - No. 214 of 1998 (S196, dated 21 September 1998).
Block 5, section 30, Braddon (Part Northbourne Oval) - No. 215 of 1998 (S196, dated 21 September 1998).

Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning the Government’s response to the Standing Committee on Health and Community Care Report No. 1 on the mental health strategic plan for 1998-2001 and presented the following paper:
and moved - That the Assembly takes note of the paper.
Debate ensued.
Question - put and passed.

27 AUSTRALIAN HEALTH CARE AGREEMENT - 1998-2003 - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF PAPER
Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning the Australian Health Care Agreement, 1998 to 2003 and presented the following paper:
and moved - That the Assembly takes note of the paper.
Debate adjourned (Mr Stanhope - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.
28 JOINT VENTURE AGREEMENT - MINISTERIAL STATEMENT - PAPER NOTED
Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning the joint venture agreement to design and build the community health information system and presented the following paper:
Joint Venture Agreement to design and build the community health information system - Ministerial statement, 24 September 1998 -
and moved - That the Assembly takes note of the paper.
Question - put and passed.

29 PRESCHOOL ADJUSTMENTS - MINISTERIAL STATEMENT AND STATEMENT BY MEMBER
Mr Stefaniak (Minister for Education), by leave, made a ministerial statement concerning preschool adjustments for 1999.
Ms Tucker, by leave, also made a statement in relation to the matter.
Mr Stefaniak, by leave, again addressed the Assembly.

30 LEAVE OF ABSENCE TO MEMBER
Mr Humphries (Manager of Government Business) moved - That leave of absence from 21 October to 4 November 1998 (inclusive) be given to Ms Carnell (Chief Minister).
Question - put and passed.

31 ECOWISE SERVICES LTD - DISPOSAL
The order of the day having been read for the resumption of the debate on the motion of Ms Carnell (Chief Minister) - That this Assembly, pursuant to subsection 16 (4) of the Territory Owned Corporations Act 1990 and noting that the voting shareholders of ACTEW Corporation support the disposal, approves the disposal of the main undertakings of Ecowise Services Ltd, a wholly owned subsidiary of ACTEW Corporation Ltd, to Ecowise Services Australia Pty Ltd -
Debate resumed.
Ms Tucker, by leave, was granted an extension of time.
Debate continued.
Question - put.
The Assembly voted -
Ayes, 9
Ms Carnell Mr Osborne Mr Berry Mr Wood
Mr Cornwell Mr Rugendyke Mr Corbell
Mr Humphries Mr Smyth Mr Hargreaves
Mr Kaine Mr Stefaniak Mr Quinlan
Mr Moore Ms Tucker
And so it was resolved in the affirmative.

32 STANDING ORDERS 77 AND 78 - AMENDMENTS
Mr Humphries (Manager of Government Business), pursuant to notice, moved - That:
(1) standing order 77 be amended for the remainder of this Assembly by:

(a) omitting “and Assembly business” (first occurring), substituting “, Assembly business and Executive Members’ business”;

(b) inserting after paragraph (b) the following new paragraph:

“(ba) On sitting Thursdays, Executive Members’ business shall, at the discretion of the Manager of Government Business, have precedence of Executive business in the ordinary routine of business on the conclusion of Assembly business.”;

(c) adding the following new paragraph:

For the purposes of this standing order and standing order 78, Executive Members’ business is business which has been introduced by an Executive Member and has been so determined by the Manager of Government Business;

(2) standing order 78 be amended for the remainder of this Assembly by inserting after “Executive”, “and Executive Members’ ”.

Debate ensued.

Mr Corbell 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.

Question - put and passed.

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

34 TRANS-TASMAN MUTUAL RECOGNITION (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.

Leave granted to dispense with the detail stage.

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

35 BIRTH (EQUALITY OF STATUS) (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.
Leave granted to dispense with the detail stage.
Question - That this Bill be agreed to - put and passed.

36  ADMINISTRATION (INTERSTATE AGREEMENTS) (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 -

Paper:  Ms Carnell (Chief Minister) presented a supplementary explanatory memorandum to the Bill.
On the motion of Ms Carnell, by leave, the following amendments were made together:
Clause 9, page 3 -
Line 18, proposed paragraph 7 (3) (a), omit “or”, substitute “and”.
Line 19, proposed paragraph 7 (3) (b), omit “if no committee has been so nominated—”.
Line 21, after proposed new subsection (3), insert the following subsection:

“(3A)  If a standing committee of the Legislative Assembly has been nominated under paragraph 3 (a) in relation to a negotiation or proposed negotiation, it is sufficient compliance with paragraph (3) (b) in relation to that negotiation or proposed negotiation if the Minister consults with the Standing Committee on Justice and Community Safety when it is performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee in so far as its terms of reference in that capacity are relevant.”.

Line 23, proposed subsection 7 (4), omit “the relevant”, substitute “a relevant”.
Clause 10, page 3, line 30 -
Paragraph (b), omit “and”.
After paragraph (b) insert the following paragraph:

“(ba)  by omitting from paragraph (1) (a) “the” and substituting “a”; and”.

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

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

37  ADJOURNMENT
Mr Humphries (Manager of Government Business) moved - That the Assembly do now adjourn.
Debate ensued.
Debate extended: It being 5.30 p.m., the debate was interrupted. Mr Humphries required the debate be extended. The debate continuing until 5.36 p.m., the Speaker adjourned the Assembly until Tuesday, 27 October 1998 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