

1998

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 13

THURSDAY, 25 JUNE 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 **PETITIONS**

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Berry, from 260 residents, requesting that the Assembly demand that the Attorney-General reverse his decision to impose the registration fee on workers in the security industry.

Mr Corbell, from 1,245 residents, requesting that the Assembly vote against the sale of ACTTAB.

3 **MILK AUTHORITY ACT 1971 AND PUBLIC HEALTH (DAIRY REGULATIONS) - REVIEW - PAPER AND STATEMENT BY MINISTER - MOTION TO TAKE NOTE OF PAPER**

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

*Milk Authority Act 1971* and the Public Health (Dairy) Regulations - Review, dated June 1998 - and, by leave, made a statement in relation to the paper.

Mr Smyth moved - That the Assembly takes note of the paper.

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

4 **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL 1998**

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Financial Institutions Duty Act 1987*.

*Paper:* Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

5 **ACTS REVISION (TAXATION OF TERRITORY AUTHORITIES) BILL 1998**

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to revise legislation of the Territory in relation to the liability of certain Territory authorities for taxes, fees and charges.

*Paper:* Ms Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Ms Carnell moved - That this Bill be agreed to in principle.

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

## **6 BIRTH (EQUALITY OF STATUS) (AMENDMENT) BILL 1998**

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Birth (Equality of Status) Act 1988* and for related purposes.

*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.

## **7 INSURANCE LEVY BILL 1998**

Mr Humphries (Minister Assisting the Treasurer), pursuant to notice, presented a Bill for an Act to impose a levy on general insurers and on certain other persons and for a related purpose.

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

## **8 WORKERS' COMPENSATION (AMENDMENT) BILL 1998**

Mr Humphries (Minister Assisting the Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Workers' Compensation Act 1951*.

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

## **9 DANGEROUS GOODS (AMENDMENT) BILL 1998**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Dangerous Goods Act 1984* 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.

#### **10 HEALTH (AMENDMENT) BILL 1998**

Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Health Act 1993* and for a related purpose.

*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 Stanhope - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

#### **11 REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE - PROPOSED ALTERATION TO RESOLUTION OF APPOINTMENT**

Notice No. 1, Assembly business, having been called on -

Mr Rugendyke, pursuant to standing order 127 and at the request of the proposer, fixed a later hour this day for moving the motion.

#### **12 EDUCATION - STANDING COMMITTEE - REFERENCE - AUDITOR-GENERAL'S REPORT NO. 1, 1998 - MANAGEMENT OF PRESCHOOL EDUCATION**

Mr Quinlan (Chair), pursuant to notice, moved - That, notwithstanding the resolution of 28 April 1998 relating to the responsibilities of the Standing Committee for the Chief Minister's Portfolio when acting as a public accounts committee, Auditor-General's report No. 1, 1998 entitled *Management of preschool education* be referred to the Standing Committee on Education for examination and report.

Question - put and passed.

#### **13 EDUCATION AND URBAN SERVICES - STANDING COMMITTEES - MEMBERSHIP**

Mr Berry, pursuant to notice, moved - That:

- (1) Mr Corbell be discharged from attending the Standing Committee on Education and in his place, Mr Berry be appointed as a member of the Committee;
- (2) Mr Berry be discharged from attending the Standing Committee on Urban Services and in his place, Mr Corbell be appointed as a member of the Committee.

Question - put and passed.

#### **14 HEALTH AND COMMUNITY CARE - STANDING COMMITTEE - INQUIRY - MEN'S HEALTH SERVICES - STATEMENT BY CHAIRMAN**

Mr Wood (Chairman), by leave, informed the Assembly that on 10 June 1998, the Standing Committee on Health and Community Care resolved to inquire into and report on the men's health services in the ACT, with particular reference to:

- (1) the need for specific health services for men in the Territory, including the need for targeting particular groups of men according to age, cultural and linguistic background, socio-economic status, sexuality, and any other relevant factors;

- (2) the availability of men's health services/facilities in the Territory;
- (3) the potential contributing factors to men's health outcomes, including male socialisation, risk taking behaviours, and violence;
- (4) examples of good practice men's health service provision in the Territory and nationally;
- (5) the relationship between men's health and wellbeing, and community health and wellbeing; and
- (6) any other related matter.

## **15 EDUCATION - STANDING COMMITTEE - INQUIRY - PRESCHOOL EDUCATION - STATEMENTS BY CHAIR**

Ms Tucker (Chair), pursuant to standing order 246A, informed the Assembly that on 4 June 1998, the Standing Committee on Education resolved to inquire into and report on the future provision of preschool education, with particular reference to:

- (1) access;
- (2) the changing demographic patterns in the ACT;
- (3) the need to consider a greater range of program options to meet the needs of the community;
- (4) any other related matter -

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

## **16 REPORT OF THE REVIEW OF GOVERNANCE - SELECT COMMITTEE - ALTERATION TO RESOLUTION OF APPOINTMENT**

Mr Osborne (Chair), by leave, moved - That the resolution of the Assembly of 28 April 1998 appointing a Select Committee on the Report of the Review of Governance be amended by omitting paragraph (3) and substituting the following paragraph:

“(3) The Committee report by the first sitting day of 1999.”.

Question - put and passed.

## **17 EXECUTIVE BUSINESS - PRECEDENCE**

Ordered - That Executive business be called on.

## **18 INTERACTIVE GAMBLING 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.

## **19 GAS PIPELINES ACCESS 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.

*Paper:* Mr Smyth (Minister for Urban Services) presented page 2 of the explanatory memorandum of the Gas Supply Bill 1998.

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

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*Detail stage*

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8 -

On the motion of Mr Osborne the following amendment was made: Page 5, line 25, subclause (2), omit the subclause.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole -

*New clause -*

Mr Smyth moved that the following new clause be inserted in the Bill: Page 7, line 19:

**“13A. The Independent Pricing and Regulatory Commission—powers and functions as local Regulator**

In its capacity as the local Regulator in relation to a distribution pipeline, the Independent Pricing and Regulatory Commission—

- (a) may perform a function, or exercise a power if, and only if, the function or power is conferred on it by—
  - (i) the *Gas Pipelines Access (A.C.T.) Law*; or
  - (ii) the gas pipelines access legislation of another scheme participant; and
- (b) in so doing, is not subject to control or direction by a Minister.”.

Debate continued.

Question - That the new clause be inserted in the Bill - put.

The Assembly voted -

Ayes, 14

Noes, 3

Mr Berry	Mr Kaine	Mr Osborne
Ms Carnell	Mr Moore	Mr Rugendyke
Mr Corbell	Mr Quinlan	Ms Tucker
Mr Cornwell	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Mr Hird	Mr Stefaniak	
Mr Humphries	Mr Wood	

And so it was resolved in the affirmative.

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

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

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.

## **21 MAGISTRATES COURT (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.

The debate having been closed by the reply of Mr Humphries (Attorney-General) -

Mr Kaine and Mr Humphries, by leave, again 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 -

Debate adjourned (Mr Stanhope - Leader of the Opposition) and the resumption of the debate made an order of the day for a later hour this day.

## **22 QUESTIONS**

Questions without notice being asked -

It being 3.00 p.m., questions were interrupted pursuant to the order of the Assembly of 23 June 1998.

## **23 APPROPRIATION BILL 1998-99**

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.

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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.

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

*Estimates 1998-99 - Select Committee - Reference - Appropriation Bill 1998-99:* Mr Humphries (Minister Assisting the Treasurer), pursuant to standing order 174, moved - That the Appropriation Bill 1998-99 be referred to the Select Committee on Estimates 1998-99.

Question - put and passed.

**24 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORT - NO. 2, 1998 - LEASE VARIATION CHARGES - FOLLOW-UP REVIEW - PUBLICATION OF PAPER**

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 2, 1998 - Lease variation charges - Follow-up review, dated 25 June 1998.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 2 of 1998.

Question - put and passed.

**25 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORT - NO. 3, 1998 - MAJOR IT PROJECTS - FOLLOW-UP REVIEW - PUBLICATION OF PAPER**

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 3, 1998 - Major IT projects - Follow-up review, dated 25 June 1998.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 3 of 1998.

Question - put and passed.

**26 PRESENTATION OF PAPERS**

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

Territory Owned Corporations Act -

Totalcare Industries Limited - Statement of corporate intent for the period 1 July 1997 to 30 June 2000, pursuant to subsection 19 (3).

Statements of share transfers, pursuant to subsection 9 (2), for -

ACTEW Corporation.

ACTTAB Limited.

Totalcare Industries Limited.

CANDELIVER Limited.

ACTEW - Statement summarising the change to Articles of Association, pursuant to subsection 9 (2).

**27 PRESENTATION OF PAPERS**

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

**Miscellaneous**

Commissioner for the Environment Act, pursuant to section 22 - Commissioner for the Environment - Report - Investigation into the ACT Government's use of chemicals for pest control, dated May 1998.

**Subordinate legislation**

Land (Planning and Environment Act - Land (Planning and Environment) Regulations (Amendment), together with its explanatory statement - Subordinate Law No. 21 of 1998 (*Gazette* G24, dated 17 June 1998).

**28 ENVIRONMENT PROTECTION (AMENDMENT) LEGISLATION - EXPOSURE DRAFT - PAPERS - STATEMENT BY MINISTER**

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

Environment Protection (Amendment) Bill 1998 -

Exposure draft.

Draft explanatory memorandum -

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

*Urban Services - Standing Committee - Reference - Environment Protection (Amendment) legislation - Exposure draft:* Mr Smyth, by leave, moved - That the exposure draft of the Environment Protection (Amendment) legislation be referred to the Standing Committee on Urban Services for inquiry and report by 1 September 1998.

Question - put and passed.

**29 MENTAL HEALTH SERVICES - STRATEGIC PLAN - PAPER**

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

Mental health services - The future of mental health services in the Australian Capital Territory - A whole of Territory strategic plan 1998-2001.

*Health and Community Care - Standing Committee - Reference - The future of mental health services in the Australian Capital Territory:* Mr Moore, by leave, moved - That the Strategic Plan entitled "The future of mental health services in the Australian Capital Territory" be referred to the Standing Committee on Health and Community Care for inquiry and report by 25 August 1998.

Debate ensued.

Question - put and passed.

**30 MENTAL HEALTH SERVICES - THE CANBERRA HOSPITAL - SERIOUS ADVERSE INCIDENT - PAPER - PAPER NOTED**

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

Mental health services - The Canberra Hospital -

Summary report, recommendations and actions following the investigation of the serious adverse incident at The Canberra Hospital, Mental Health Services, on 1 May 1998, prepared by Dr Peter Doherty -

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

Debate ensued.

Question - put and passed.

**31 HEALTH CARE - HARM MINIMISATION - MINISTERIAL STATEMENT AND PAPER - MOTION TO TAKE NOTE OF PAPERS**

Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning harm minimisation - the preferred health model, and presented the following papers:

Health care - Harm minimisation -

Harm minimisation: The preferred health model - Ministerial statement, 25 June 1998 -

Sexual health and blood borne diseases - Strategic plan 1998-2000, dated June 1998.

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

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

### 32 MAGISTRATES COURT (AMENDMENT) BILL 1998

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

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#### *Detail stage*

Bill, as a whole -

Mr Stanhope (Leader of the Opposition), by leave, moved the following amendments together:

Clause 11 -

Page 7, line 34, after proposed new paragraph 153 (3) (b), insert the following paragraph:

“(ba) a community service order made under subsection 556G (3) of the *Crimes Act 1900* in respect of the person is discharged in accordance with subsection 556V (1) of the *Crimes Act 1900*.”.

Page 11, line 13, after proposed new section 154C, insert the following sections:

“154CA. **Referral to Magistrates Court**

‘(1) Where—

- (a) the Registrar is satisfied that all reasonable action has been taken under this Division to secure payment of an outstanding fine and there is no reasonable likelihood of it being paid;
- (b) the fine defaulter has attained the age of 18 years; and
- (c) the Executive has refused to remit the outstanding fine under section 159;

the Registrar shall refer the matter to the Court for consideration under subsection 556G (3) of the *Crimes Act 1900*.

‘(2) The Registrar shall not act under subsection (1)—

- (a) unless—
  - (i) the Registrar has given the defaulter written notice that a referral is under consideration and that he or she may consent to the referral by notice in writing given to the Registrar within 30 days after the date of the notice; and
  - (ii) the defaulter consents to the referral; or
- (b) if a previous such notice has been given to the defaulter in relation to the fine.

‘(3) The power conferred by subsection (1) may not be exercised by a Deputy Registrar.

‘(4) Subsection (1) does not apply to a person whose liability to pay the fine is derived from an order under section 437 of the *Crimes Act 1900*.

“154CB. **Referral to Children’s Court**

‘(1) Where—

- (a) the Registrar is satisfied that all reasonable action has been taken under this Division to secure payment of an outstanding fine and there is no reasonable likelihood of it being paid; and
- (b) the fine defaulter has not attained the age of 18 years;

the Registrar shall refer the matter to the Children's Court for consideration under section 54 (5) of the *Children's Services Act 1986*.

'(2) The power conferred by subsection (1) may not be exercised by a Deputy Registrar.

'(3) Subsection (1) does not apply to a person whose liability to pay the fine is derived from an order under section 437 of the *Crimes Act 1900*.'".

Page 11, line 17, proposed new paragraph 154D (1) (a) and (b), omit the paragraphs, substitute the following paragraphs:

- “(a) the defaulter—
  - (i) has been notified under subsection 154CA (2); and
  - (ii) has not consented to a referral to the Court under section 154CA;
 and paragraphs 154CA (1) (a), (b) and (c) apply to the defaulter;
- (b) the Court has refused to make a community service order in respect of the defaulter under subsection 556G (3) of the *Crimes Act 1900*; or
- (c) a community service order in respect of the defaulter is revoked under any of the following provisions of the *Crimes Act 1900*:
  - (i) section 556KA;
  - (ii) paragraph 556M (1) (b);
  - (iii) section 556NA;
  - (iv) subsection 556Q (3).”.

Debate continued.

Mr Stanhope, by leave, withdrew his amendments.

Debate continued.

Bill, as a whole, agreed to.

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

### **33 MOTOR TRAFFIC (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 -

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.

### **34 CHILDREN'S SERVICES (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 -

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 REMAND CENTRES (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 -

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 CRIMES (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 -

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.

**37 ABSENCE OF SPEAKER**

The Clerk, pursuant to standing order 6, informed the Assembly that the Speaker would be absent for the period 18 July to 10 August 1998 and in that period the Deputy Speaker, Mr Wood would, as Acting Speaker, perform the duties of the Speaker.

**38 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 6.40 p.m., adjourned until Tuesday, 25 August 1998 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