

1995-96

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 57

WEDNESDAY, 26 JUNE 1996

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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 **PETITION**

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Hird, from 26 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

3 **ANIMAL WELFARE (AMENDMENT) BILL 1996**

Ms Horodny, pursuant to notice, presented a Bill for an Act to amend the *Animal Welfare Act 1992*.

Title read by Clerk.

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

Debate adjourned (Mrs Carnell - Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

4 **FOOD (AMENDMENT) BILL 1996**

Ms Horodny, pursuant to notice, presented a Bill for an Act to amend the *Food Act 1992*.

Title read by Clerk.

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

Debate adjourned (Mrs Carnell - Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

5 **LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1996**

Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Long Service Leave (Building and Construction Industry) Act 1981*.

Title read by Clerk.

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

Debate adjourned (Mr De Domenico - Minister for Industrial Relations) and the resumption of the debate made an order of the day for the next sitting.

## 6 CRIMES (AMENDMENT) BILL 1996

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:* Mr Humphries (Attorney-General) presented an explanatory memorandum for Government amendments to the Bill.

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

Clause 4, page 2 -

Lines 2 and 3, proposed subsection 34A (1), omit "or perform an intimidatory act against".

Line 4, proposed paragraph 34A (1) (a), omit the paragraph, substitute the following paragraph:

"(a) apprehension or fear of serious harm in the other person or a third person; or".

Line 5, proposed paragraph 34A (1) (b), omit "physical or mental", substitute "serious".

Line 9, proposed subsection 34A (1), penalty provision, subparagraph (a) (i), omit "or a condition of bail".

Line 14, proposed subsection 34A (2), omit "if he", substitute "if, on at least 2 occasions, he".

Line 17, proposed paragraph 34A (2) (b), omit "or" (last occurring).

Lines 19 and 20, proposed subsection 34A (3), omit from and including "(3) For the purposes" to and including "he or she—".

Lines 21 to 27, proposed paragraphs 34A (3) (a) to (e) (inclusive), omit (a), (b), (c), (d) and (e), substitute (d), (e), (f), (g), (h) respectively.

Line 29, proposed section 34A, add the following subsections:

"(3) In a prosecution for an offence under subsection (1), it is not necessary to prove that the person stalked or a third person, as the case may be, apprehended or feared serious harm.

(4) In this section—

'harm' means physical harm, harm to mental health, or disease, whether permanent or temporary;

'harm to mental health' includes psychological harm but does not include distress, grief, shock, fear or similar emotions;

'physical harm' includes unconsciousness, pain, disfigurement and any physical contact that might reasonably be objected to in the circumstances, whether or not there was an awareness of that contact at the time."

On the motion of Ms Follett the following amendment was made to Mr Humphries' amendments: Clause 4, page 2, line 29, under the definition of "harm to mental health", omit the words "but does not include distress, grief, shock, fear or similar emotions".

Mr Humphries' amendments, as amended, agreed to.

On the motion of Ms Follett, by leave, the following amendment was made: Clause 4, page 2, line 28, proposed new paragraph 31A (3) (e), insert the word "intimidation," between the words "to" and "harassment".

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

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

**7 DOMESTIC VIOLENCE (AMENDMENT) BILL 1996**

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.

*Detail stage*

Bill, by leave, taken as a whole -

Bill, as a whole, debated and agreed to.

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

**8 NORTH CANBERRA - B1 PLANNING ZONE**

Ms Tucker, pursuant to notice, moved - That this Assembly calls on the Government to direct the ACT Planning Authority to:

- (1) immediately abolish the B1 planning zone in inner North Canberra; and
- (2) institute a process of local area planning, with the full participation of the relevant Local Area Planning Advisory Committees, to identify the appropriate siting, scale and character of medium density development for this area that takes into account the need to encourage the ecological, social and economic sustainability of the city, and the varied character, environment, services and amenity across the area.

Debate ensued.

Question - put.

The Assembly voted -

Ayes, 3

Ms Horodny  
Mr Moore  
Ms Tucker

Noes, 13

Mr Berry	Mr Kaine
Mrs Carnell	Ms McRae
Mr Cornwell	Ms Reilly
Mr De Domenico	Mr Stefaniak
Ms Follett	Mr Whitecross
Mr Hird	Mr Wood
Mr Humphries	

And so it was negatived.

**9 QUESTIONS**

Questions without notice were asked.

**10 PAPER**

Mrs Carnell (Minister for Health and Community Care), having added to an answer, presented the following paper:

Health centres - General practitioners - Answer to question without notice.

**11 WODEN VALLEY HOSPITAL - SURGICAL OPERATIONS - STATEMENT BY MEMBER**

Mr Berry, by leave, made a statement concerning comments made by Mrs Carnell (Minister for Health and Community Care) in relation to surgical operations at Woden Valley Hospital.

**12 PAPERS**

The following papers were presented:

Audit Act - Canberra Institute of Technology - Report, freedom of information and financial statements, including the Auditor-General's Report, dated April 1996.

Woden Valley Hospital - Information Bulletin - Patient Activity Data - April 1996.

**13 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - LIBRARY SERVICE**

The Assembly was informed that Mr Whitecross (Leader of the Opposition) had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The importance of a high quality library service for the ACT."

Discussion ensued.

Discussion concluded.

**14 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 12 - CONTAMINATED SITES - MOTION THAT REPORT BE NOTED**

Mr Moore (Chair) presented the following report:

Planning and Environment - Standing Committee - Report No. 12 - The adequacy of processes relating to identifying and managing contaminated sites in the ACT, together with a copy of the extracts of the minutes of proceedings, dated 24 June 1996 -

and moved - That the report be noted.

Debate ensued.

Debate adjourned (Mr Humphries - Minister for the Environment, Land and Planning) and the resumption of the debate made an order of the day for the next sitting.

**15 PAPERS**

Mrs Carnell (Minister for Health and Community Care) presented the following papers:

Woden Valley Hospital - Theatre Activity Statistics - Copies of -

Letter from Allen D Hughes, Chief Executive Woden Valley Hospital to Mrs Kate Carnell, MLA, Minister for Health and Community Care, dated 26 June 1996.

Theatre statistics comparison - Summary May 1993 to February 1995 - Table, page 1.

**16 FREEDOM OF INFORMATION (AMENDMENT) BILL 1996**

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.

**17 POSTPONEMENT OF ORDERS OF THE DAY**

Mr Humphries (Manager of Government Business), pursuant to standing order 150, moved - That orders of the day Nos. 2 and 3, Executive business, relating to the Betting (Corporatisation) (Consequential Provisions) Bill 1996 and the Betting (Corporatisation) (Consequential Amendments) Bill 1996 be postponed until the next day of sitting.

Question - put and passed.

**18 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.

**19 GUNGAHLIN DEVELOPMENT AUTHORITY BILL 1996**

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.

The Assembly voted -

Ayes, 15

Noes, 2

Mr Berry	Mr Kaine
Mrs Carnell	Ms McRae
Mr Cornwell	Ms Reilly
Mr De Domenico	Mr Stefaniak
Ms Follett	Ms Tucker
Mr Hird	Mr Whitecross
Ms Horodny	Mr Wood
Mr Humphries	

Mr Moore  
Mr Osborne

And so it was resolved in the affirmative - Bill agreed to in principle.

Mr Moore, pursuant to standing order 174, moved - That the Bill be referred to the Standing Committee on Planning and Environment.

Question - put.

The Assembly voted -

Ayes, 1

Noes, 16

Mr Moore

Mr Berry	Mr Kaine
Mrs Carnell	Ms McRae
Mr Cornwell	Mr Osborne
Mr De Domenico	Ms Reilly
Ms Follett	Mr Stefaniak
Mr Hird	Ms Tucker
Ms Horodny	Mr Whitecross
Mr Humphries	Mr Wood

And so it was negatived.

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*Detail stage*

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7 -

On the motion of Ms Tucker, by leave, the following amendments were made together, after debate: Page 3 -

Line 22, paragraph (1) (d), after "facilities" insert "(including community facilities)".

Line 31, paragraph (2) (a), omit "and".

Line 32, subclause (2), add the following paragraphs and subclause:

- “(c) in consultation with residents of the Territory and, in particular, of Gungahlin;
- (d) in a manner that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates; and
- (e) where its activities affect the environment—in compliance with the principles of ecologically sustainable development.

(3) For the purposes of paragraph (2) (e), ecologically sustainable development is to be taken to require the effective integration of economic and environmental considerations in decision-making processes and to be achievable through implementation of the following principles:

- (a) the precautionary principle, namely, that if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- (b) the inter-generational equity principle, namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (c) conservation of biological diversity and ecological integrity;
- (d) improved valuation and pricing of environmental resources.”.

Clause, as amended, agreed to.

Clauses 8 to 13, by leave, taken together and agreed to.

Clause 14 -

On the motion of Ms Tucker the following amendment was made, after debate: Page 7, line 32, paragraph (1) (a), add at the end “, being a person nominated by the Gungahlin Community Council Incorporated”.

On the motion of Mr Wood, by leave, the following amendments were made together, after debate:

Page 7, line 33, paragraph (1) (b), omit “a person”, substitute “a resident of Gungahlin”.

Page 8 -

Line 1, paragraph (1) (c), add at the end “who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin Central Area”.

Line 2, paragraph (1) (d), add at the end “who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin Central Area”.

Line 3, paragraph (1) (e), add at the end “who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin Central Area”.

On the motion of Ms Tucker the following amendment was made: Page 8, line 4, subclause (1), after paragraph (1) (f) insert the following paragraphs:

- “(fa) a person with expertise in environmental protection;
- (fb) a person with expertise in the provision of community facilities;”.

Clause, as amended, agreed to.

Clauses 15 to 20, by leave, taken together and agreed to.

Clause 21 -

On the motion of Mr De Domenico (Minister for Urban Services) the following amendment was made: Page 10, line 6, paragraph (2) (c), before “contravenes” insert “without reasonable excuse”.

Clause, as amended, agreed to.

Clauses 22 to 30, by leave, taken together and agreed to.

Clause 31 -

Mr Wood moved the following amendment: Page 12, lines 33 to 35, subclause (1), omit the subclause, substitute the following subclauses:

“(1) The staff assisting the Authority shall be employed under the *Public Sector Management Act 1994*.

(1A) The *Public Sector Management Act 1994* applies in relation to the management of the staff assisting the Authority.

(1B) The Chief Executive Officer has all the powers of a Chief Executive in relation to the staff assisting him or her as if the staff were employed in a Department under the control of the Chief Executive Officer.”

Debate continued.

Amendment negatived.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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

## 20 GUNGAHLIN DEVELOPMENT AUTHORITY (CONSEQUENTIAL PROVISIONS) BILL 1996

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 ADJOURNMENT

Mr De Domenico (Deputy Chief Minister) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly, at 6.17 p.m., adjourned until tomorrow 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