

1995

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 16

THURSDAY, 24 AUGUST 1995

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 ACT.

2 **COMPETITION POLICY REFORM BILL 1995**

Mr De Domenico (Minister for Business, Employment and Tourism), pursuant to notice, presented a Bill for an Act to apply certain laws of the Commonwealth relating to competition policy as laws of the Australian Capital Territory, and for other purposes.

Paper: Mr De Domenico presented an explanatory memorandum to the Bill.

Title read by Clerk.

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

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

3 **NATURE CONSERVATION (AMENDMENT) BILL 1995**

Mr Humphries (Minister for the Environment, Land and Planning), pursuant to notice, presented a Bill for an Act to amend the *Nature Conservation Act 1980*.

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

4 **LEAVE OF ABSENCE TO MEMBER**

Mr Humphries (Manager of Government Business) moved - That leave of absence from 2 to 12 September 1995 inclusive be given to Ms Tucker.

Question - put and passed.

5 REMUNERATION TRIBUNAL ACT (COMMONWEALTH) - DETERMINATIONS NOS ACT 1, 2 AND 3 OF 1995 - MOTION FOR DISAPPROVAL

Ms Tucker, pursuant to notice, moved - That, pursuant to subsection 7(8A) of the *Remuneration Tribunal Act 1973* (Commonwealth), the following Remuneration Tribunal Determinations made under the Act be disapproved:

- (1) Determination No. ACT 1 of 1995 relating to the remuneration to be paid to holders of public offices in the Australian Capital Territory;
- (2) Determination No. ACT 2 of 1995 relating to the remuneration to be paid to holders of public offices in the Australian Capital Territory; and
- (3) Determination No. ACT 3 of 1995 relating to the remuneration to be paid to members of, and holders of offices connected with, the Legislative Assembly for the Australian Capital Territory.

Debate ensued.

Question - put.

The Assembly voted -

Ayes, 2

Ms Horodny
Ms Tucker

Noes, 15

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

And so it was negatived.

6 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - PRINTING, CIRCULATION AND PUBLICATION OF REPORTS

Mr Moore, pursuant to notice, moved - That the resolution of the Assembly of 1 June 1995 relating to the printing and circulation of the reports by the Standing Committee on Planning and Environment on its inquiries into contaminated sites and the Government's draft Capital Works Program be amended by omitting "printing and circulation" from paragraph (1) and substituting "printing, circulation and publication".

Question - put and passed.

7 PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT NO. 4 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 9, 1994 - PERFORMANCE INDICATORS REPORTING - MOTION THAT REPORT BE NOTED

The order of the day having been read for the resumption of the debate on the motion of Ms Follett (Chair) - That the report be noted (*presented 1 June 1995*) -

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

8 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 2 - WATSON, SECTION 61, BLOCK 8 (FORMER STARLIGHT DRIVE-IN SITE) - MOTION THAT REPORT BE NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Moore (Chair) - That the report be noted (*presented 20 June 1995*) -

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

9 SOCIAL POLICY - STANDING COMMITTEE - REPORT NO. 1 - ISSUES RAISED BY COMMUNITY GROUPS - REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Ms Tucker (Chair) - That the report be noted (*presented 22 June 1995*) -

Debate resumed.

It being 45 minutes after the commencement of Assembly business -

Ms Tucker, pursuant to standing order 77(e), moved - That the time allotted to Assembly business be extended by 30 minutes.

Question - put and passed.

Debate continued on the motion.

Question - That the report be noted - put and passed.

10 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - REPORT NO. 9 OF 1995 - STATEMENT BY CHAIR

Mr Osborne (Chair) presented the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No. 9 of 1995, dated 23 August 1995 -

and, by leave, made a statement with reference to the report.

11 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - REPORT AND DISCUSSION PAPER - STATEMENT BY MEMBER - MOTION TO TAKE NOTE OF PAPERS

Mr Whitecross, by leave, presented the following report and discussion paper:

Scrutiny of Bills and Subordinate Legislation - Standing Committee -

Report on the Delegated Legislation Conference and the Scrutiny of Bills Conference, 5 to 7 July 1995, held at Parliament House, Darwin, dated 24 August 1995.

Discussion Paper No. 1 - Scrutiny of National Scheme Legislation and the Desirability of Uniform Scrutiny Principles, dated August 1995 -

and, by leave, made a statement with reference to the report and discussion paper.

Mr Whitecross, by leave, moved - That the Assembly take note of the papers.

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

12 SOCIAL POLICY - STANDING COMMITTEE - INQUIRY - COMMUNITY CONSULTATION - STATEMENT BY CHAIR - PRINTING, CIRCULATION AND PUBLICATION OF DISCUSSION PAPER

Ms Tucker (Chair), pursuant to standing order 246A, informed the Assembly that on 25 May 1995 and amended on 26 June 1995 the Committee had resolved to inquire into and report on community consultation, specifically in relation to social policy issues. The terms of reference are:

- (1) inquire into processes of community consultation for:
 - (a) the development of legislation;

- (b) the development of policy;
 - (c) maximisation of community participation in Assembly processes; and
- (2) identify and report to the Assembly on effective means of community consultation.

Ms Tucker, by leave, moved - That:

- (1) if the Assembly is not sitting when the Standing Committee on Social Policy has completed its discussion paper on the community consultation inquiry, the Committee may send its discussion paper to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication.
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question - put and passed.

13 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - INQUIRIES - STRATEGIC PLAN AND GRAFFITI - STATEMENT BY CHAIR - PRINTING, CIRCULATION AND PUBLICATION OF REPORTS

Mr Moore (Chair), pursuant to standing order 246A, informed the Assembly that on 23 June 1995 and 1 August 1995 respectively the Committee resolved to conduct the following inquiries:

- (1) the nature of a strategic plan for the ACT;
- (2) the environmental, social and financial impact of graffiti in the ACT and the appropriate means of preventing graffiti damage, having regard to:
 - (a) education programs;
 - (b) policing aspects;
 - (c) clean-up arrangements; and
 - (d) any other related matters.

Mr Moore, by leave, moved - That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiries into:
 - (a) the nature of a strategic plan for the ACT; and
 - (b) graffiti

the Committee may send its reports to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question - put and passed.

14 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - INQUIRY - ACTON PENINSULA AND KINGSTON FORESHORES LAND SWAP - REPORT - PRINTING, CIRCULATION AND PUBLICATION

Mr Moore (Chair), by leave, moved - That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiry into the Acton Peninsula and the Kingston foreshores land swap, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication; and

- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question - put and passed.

15 PROCEEDINGS - AUTHORITY TO RECORD AND BROADCAST

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises:

- (1) the recording on video tape without sound by ABC Pay TV of proceedings during question time, today, 24 August 1995; and
- (2) the use by that television channel of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule.

Question - put and passed.

16 MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1995

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 ELECTORAL (AMENDMENT) BILL 1995

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 (Ms Follett - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

18 BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS) (AMENDMENT) BILL 1995

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

Bill, by leave, taken as a whole -

Paper: Mrs Carnell (Treasurer) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mrs Carnell the following amendment was made: Clause 4, page 3, line 8, proposed new subsection 3 (12), after proposed new subsection 3 (11) insert the following subsection:

“(12) Subsection (11) ceases to have effect on the expiration of the period of 2 years commencing on the day on which section 4 of the *Business Franchise (Tobacco and Petroleum Products) (Amendment) Act 1995* commences.”.

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

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

19 DIRECTOR OF PUBLIC PROSECUTIONS (AMENDMENT) BILL 1995

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.

20 QUESTIONS

Questions without notice were asked.

21 AUDITOR-GENERAL'S REPORT NO. 4 OF 1995 - GOVERNMENT SECONDARY COLLEGES - PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act - Auditor-General's Report - No. 4 of 1995 - Government Secondary Colleges, dated 23 August 1995.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1995.

Question - put and passed.

22 LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) ACT - DETERMINATIONS - PAPERS

Mrs Carnell (Chief Minister) presented the following papers:

Legislative Assembly (Members' Staff) Act -

Determinations (2) made pursuant to subsection 6(2), dated 1 and 10 July 1995.

Determinations (2) made pursuant subsection 11(2), dated 1 and 10 July 1995.

23 ACT GOVERNMENT WORKFORCE STATISTICAL REPORT - FOURTH QUARTER 1994/95 - CHIEF MINISTER'S DEPARTMENT - PAPER

Mr Humphries (Manager of Government Business), having added to an answer, presented the following paper:

ACT Government Workforce Statistical Report - Fourth Quarter 1994/95 - Chief Minister's Department, August 1995.

24 NATURE CONSERVATION ACT - PAPERS - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF PAPER

Mr Humphries (Minister for the Environment, Land and Planning) presented the following papers:

Nature Conservation Act -

Determination of criteria No. 99 of 1995.

Gazette No. S117, dated 13 July 1995.

Flora and Fauna Assessment Criteria - Tabling statement -

and, by leave, made a ministerial statement with reference to the papers.

Mr Humphries moved - That the Assembly takes note of the papers.

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

25 DISABILITY SERVICES - REFORM - MINISTERIAL STATEMENT - PAPER NOTED

Mrs Carnell (Minister for Health and Community Care), by leave, made a ministerial statement concerning the reform of disability services in the ACT and presented the following paper:

Disability services - Reform - Ministerial statement, 24 August 1995.

Mrs Carnell moved - That the Assembly takes note of the paper.

Question - put and passed.

26 DEVELOPMENT OF CANBERRA REGION - GOVERNMENT'S VISION - MINISTERIAL STATEMENT - PAPER NOTED

Mr De Domenico (Minister for Business, Employment and Tourism), by leave, made a ministerial statement concerning the Government's vision for the development of the Canberra region and presented the following paper:

Development of Canberra Region - Government's vision - Ministerial statement, 24 August 1995.

Mr De Domenico moved - That the Assembly takes note of the paper.

Question - put and passed.

27 COMMUNITY HEALTH CENTRES - SALARIED PRACTITIONERS

Mr Osborne, by leave, moved - That this Assembly rejects the Government's announced decision to remove salaried practitioners services from Community Health Centres unless the Health Centres are managed as 100 percent bulk billing practices for general practitioner services.

Debate ensued.

Question - put and passed.

28 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 3.59 p.m., adjourned until Tuesday, 19 September 1995 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