

1998-1999-2000

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 92

TUESDAY, 27 JUNE 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 PLANNING AND URBAN SERVICES - STANDING COMMITTEE - INQUIRY
ALTERATION TO REPORTING REQUIREMENTS**

Mr Hird (Chair), by leave, moved - That the resolution of the Assembly of 2 March 2000, referring the Utilities Bill 2000 and the Utilities (Consequential Provisions) Bill 2000 to the Standing Committee on Planning and Urban Services for inquiry and report, be amended by omitting paragraph (3) and substituting the following paragraph:

"(3) that if the Assembly is not sitting when the Committee has completed its inquiry, 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."

Question - put and passed.

3 POSTPONEMENT OF ORDER OF THE DAY

Mr Corbell (Chair), pursuant to standing order 150, moved - That order of the day No. 2, Assembly business, relating to the presentation of the Report of the Select Committee on Estimates 2000-2001 be postponed until a later hour this day.

Question - put and passed.

**4 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
(INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND
SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 9 OF
2000 - THIRD MEETING OF CHAIRS AND DEPUTY CHAIRS OF AUSTRALIAN
SCRUTINY OF PRIMARY AND DELEGATED LEGISLATION COMMITTEES -
BRISBANE**

Mr Hargreaves (Deputy Chair), by leave, presented the following report:

Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 9 of 2000 – Third

Meeting of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees - Parliament House, Brisbane - 8 May 2000, dated 27 June 2000.

5 FINANCIAL MANAGEMENT AMENDMENT BILL 2000 (NO 2)

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.

6 DUTIES AMENDMENT BILL 2000 (NO 2)

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: Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to a Government amendment to the Bill.

On the motion of Mr Humphries the following amendment was made:

Clause 2, page 1, line 6, after "commences" insert ", or is taken to have commenced,".

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

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

7 SUSPENSION OF STANDING ORDER 229 - SELECT COMMITTEE ON ESTIMATES 2000-2001 - MEETING

Mr Corbell (Chair) moved - That so much of standing order 229 be suspended as would prevent the Select Committee on Estimates 2000-2001 meeting during the sitting of the Assembly this morning.

Question - put and passed, with the concurrence of an absolute majority.

8 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 10 OF 2000 - STATEMENT BY CHAIR

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 10 of 2000, dated 26 June 2000 -

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

9 RATES AND LAND TAX AMENDMENT BILL 2000

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

Clause 1 agreed to.

Clause 2 -

Paper: Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to a Government amendment to the Bill.

On the motion of Mr Humphries the following amendment was made:

Page 1, line 5, omit the clause, substitute the following clause:

"2 Commencement

This Act commences, or is taken to have commenced, on 1 July 2000."

Clause 2, as amended, agreed to.

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

Clause 5 debated -

Question - That clause 5 be agreed to - put.

The Assembly proceeding to a vote -

Mr Humphries, by leave, withdrew his call for a vote.

Question - That clause 5 be agreed to - put and negatived.

Clause 6 debated and negatived.

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

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

10 VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT BILL 2000 (NO 2)

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

11 ESTIMATES 2000-2001 - SELECT COMMITTEE - REPORT - APPROPRIATION BILL 2000-2001 AND APPROPRIATION BILL 1999-2000 (NO 3) - MOTION THAT REPORTS BE NOTED

Mr Corbell (Chair), pursuant to order, presented the following reports:

Estimates 2000-2001 - Select Committee - Reports - Appropriation Bill 2000-2001 and the Appropriation Bill 1999-2000 (No 3), dated June 2000, including a dissenting report,

additional comments and a further dissenting report, together with a copy of the minutes of proceedings -

and moved - That the reports be noted.

Debate ensued.

Mr Kaine and Mr Quinlan, by leave, were granted extensions of time.

Debate continued.

Mr Corbell, by leave, again addressed the Assembly without closing the debate.

Debate continued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day.

12 QUESTIONS

Questions without notice were asked.

Paper: Mr Rugendyke, during a personal explanation, by leave, presented the following paper:

Estimates 2000-2001 - Select Committee - Report - Copy of e-mail from Bevan Hannan to Secretary of Committee relating to inclusion of issues in report, dated 19 June 2000.

13 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8 - Authority to broadcast proceedings concerning public hearings for:

The Standing Committee on Education, Community Services and Recreation relating to the inquiry into the draft three year strategic plan for pre-schools in the ACT on 8 and 22 June 2000, dated 1 and 13 June 2000, respectively.

The Select Committee on Estimates 2000-2001 from 29 May to 2 June 2000 and 15 and 16 June 2000, dated 29 May 2000.

The Select Committee on Government Contracting and Procurement Processes on 31 May 2000, dated 23 May 2000.

Mandatory sentencing laws, the stolen generation and reconciliation - Resolution of the Assembly of 24 May 2000 - Correspondence from Ms Carnell (Chief Minister) to the Speaker, together with a copy of her letter on the matter to the Hon John Howard, MP, Prime Minister, dated 2 June 2000.

14 PRESENTATION OF PAPERS

Ms Carnell (Chief Minister) presented the following papers:

Australia-Israel Chamber of Commerce Study Mission to Israel and the United States, dated March 2000.

E-Services Technology Tour - 2 April - 15 April 2000 - Report from ACT delegation led by Ms Carnell, Chief Minister to the United States of America, Canada and the United Kingdom.

Ministerial Travel Report - 1 January to 31 March 2000 - Corrigendum –

Statement by Minister: Ms Carnell, by leave, made a statement in relation to the corrigendum to the Ministerial Travel Report.

15 PRESENTATION OF PAPERS

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

Ownership agreement - Corrigendum

Budget 2000 - Ownership agreement between the Treasurer and the Chief Executive of the Department of Education and Community Services - Corrigendum, dated 22 and 27 June 2000.

Subordinate legislation (including explanatory statements unless otherwise stated)

Animal Diseases Act - Revocation and determination of fees - Instrument No. 175 of 2000 (S20, dated 8 June 2000).

Animal Welfare Act - Revocation and determination of fees - Instrument No. 174 of 2000 (S20, dated 8 June 2000).

Architects Act - Revocation and determination of fees - Instrument No. 168 of 2000 (S20, dated 8 June 2000).

Building Act - Revocation and determination of fees - Instrument No. 167 of 2000 (S20, dated 8 June 2000).

Building and Services Act - Revocation and determination of fees - Instrument No. 161 of 2000 (S20, dated 8 June 2000).

Canberra Tourism and Events Corporation Act - Appointment of member of the Canberra Tourism and Events Corporation (CTEC) Board - Instrument No. 182 of 2000 (No. 23, dated 8 June 2000).

Cemeteries Act - Revocation and determination of fees - Instrument No. 153 of 2000 (No. 24, dated 15 June 2000).

Construction Practitioners Registration Act - Revocation and determination of fees - Instrument No. 179 of 2000 (S20, dated 8 June 2000).

Dangerous Goods Act – Revocation and determination of fees –

Instrument No. 158 of 2000 (S20, dated 8 June 2000).

Instrument No. 160 of 2000 (S20, dated 8 June 2000).

Dog Control Act -

Determination of fees - Instrument No. 177 of 2000 (S20, dated 8 June 2000).

Revocation and determination of fees - Instrument No. 173 of 2000 (S20, dated 8 June 2000).

Domestic Violence Act - Appointment of Domestic Violence Project Coordinator - Instrument No. 141 of 2000 (S 18, dated 19 May 2000).

Electricity Act - Revocation and determination of fees - Instrument No. 166 of 2000 (S20, dated 8 June 2000).

Energy and Water Act - Revocation and determination of fees - Instrument No. 154 of 2000 (S20, dated 8 June 2000).

Hawkers Act - Revocation and determination of fees - Instrument No. 159 of 2000 (S20, dated 8 June 2000).

Health Professions Boards (Procedures) Act and Medical Practitioners Act - Appointments of 1 Chairperson and 3 members of the Medical Board of the ACT (No. 24, dated 15 June 2000).

Interactive Gambling Act - Determination of interactive gambling licence fees - Instrument No. 140 of 2000 (S 17, dated 18 May 2000).

Justices of the Peace Act - Appointment of a Justice of the Peace - Instrument No. 150 of 2000 (No. 24, dated 15 June 2000).

Lakes Act - Revocation and determination of fees - Instrument No. 172 of 2000 (S20, dated 8 June 2000).

Land (Planning and Environment) Act -

Appointment of Commissioner for Land and Planning - Instrument No. 187 of 2000 (No. 25, dated 22 June 2000).

Revocation and determination of fees - Instrument No. 165 of 2000 (S20, dated 8 June 2000).

Machinery Act - Revocation and determination of fees - Instrument No. 157 of 2000 (S20, dated 8 June 2000).

Motor Omnibus Services Act - Revocation and determination of charges - Instrument No. 181 of 2000 (No. 23, dated 8 June 2000).

Nature Conservation Act - Revocation and determination of fees - Instrument No. 171 of 2000 (S20, dated 8 June 2000).

Plumbers, Drainers and Gasfitters Board Act - Revocation and determination of fees - Instrument No. 164 of 2000 (S20, dated 8 June 2000).

Pounds Act - Revocation and determination of fees - Instrument No. 170 of 2000 (S20, dated 8 June 2000).

Public Place Names Act -

Determination of street nomenclature in the Division of Amaroo - Instrument No. 134 of 2000 (No. 21, dated 25 May 2000).

Determination of street nomenclature in the Division of Nicholls - Instrument No. 135 of 2000 (No. 21, dated 25 May 2000).

Determination of street nomenclature in the Division of Gungahlin - Instrument No. 136 of 2000 (No. 21, dated 25 May 2000).

Determination of street nomenclature in the Division of Gordon - Instrument No. 138 of 2000 (No. 21, dated 25 May 2000).

Determination of park nomenclature in the Division of Narrabundah - Instrument No. 139 of 2000 (No. 21, dated 25 May 2000).

Revocation and determination of street nomenclature in the Division of Narrabundah - Instrument No. 133 of 2000 (No. 21, dated 25 May 2000).

Public Sector Management Act - Appointment of Commissioner for Public Administration - Instrument No. 191 of 2000 (No. 25, dated 22 June 2000).

Remuneration Tribunal Act - Determination of fees and allowances - Instrument No. 148 of 2000 (No. 24, dated 15 June 2000).

Road Transport (General) Act -

Declaration of application of Part 10 - Instrument No. 147 of 2000 (S22, dated 7 June 2000).

Determination of fee for copy of an image taken by a traffic offence detection device - Instrument No. 137 of 2000 (No. 21, dated 25 May 2000).

Permit application - Revocation and determination of fees - Instrument No. 180 of 2000 (S20, dated 8 June 2000).

Number plates - Revocation and determination of fees - Instrument No. 151 of 2000 (S20, dated 8 June 2000).

Parking permits - Revocation and determination of fees - Instrument No. 152 of 2000 (S20, dated 8 June 2000).

Vehicle impounding and speed tests - Revocation and determination of fees - Instrument No. 149 of 2000 (S20, dated 8 June 2000).

Road Transport (Offences) Regulations 2000 - Declaration of declared holiday periods - (Friday 9 June 2000 to Monday 12 June 2000 (inclusive); Friday 29 September 2000 to Monday 2 October 2000 (inclusive); Friday 22 December 2000 to Tuesday 26 December 2000 (inclusive)) - Instrument No. 183 of 2000 (No. 23, dated 8 June 2000).

Road Transport (Third-Party Insurance) Regulations Amendment - Subordinate Law 2000 No 25 (S23, dated 13 June 2000).

Roads and Public Places Act - Revocation and determination of fees -

Instrument No. 144 of 2000 (S20, dated 8 June 2000).

Instrument No. 145 of 2000 (S20, dated 8 June 2000).

Instrument No. 146 of 2000 (S20, dated 8 June 2000).

Scaffolding and Lifts Act - Revocation and determination of fees - Instrument No. 156 of 2000 (S20, dated 8 June 2000).

Stock Act -

Revocation and determination of fees - Instrument No. 169 of 2000 (S20, dated 8 June 2000).

Revocation and determination of Stock Units and Stock Levy - Instrument No. 178 of 2000 (S20, dated 8 June 2000).

Supreme Court Act -

Supreme Court Rules Amendment - Subordinate Law 2000 No 23 (No. 21, dated 25 May 2000).

Supreme Court Rules Amendment - Subordinate Law 2000 No 24 (No. 23, dated 8 June 2000).

Surveyors Act - Revocation and determination of fees - Instrument No. 163 of 2000 (S20, dated 8 June 2000).

Taxation Administration Act -

Home Buyer Concession Scheme - Instrument No. 189 of 2000 (No. 25, dated 22 June 2000).

Payroll tax determinations - Instrument No. 190 of 2000 (No. 25, dated 22 June 2000).

Tenancy Tribunal Act - Commercial and Retail Leases Code of Practice Variation - Instrument No. 188 of 2000 (No. 25, dated 22 June 2000).

Unit Titles Act - Revocation and determination of fees - Instrument No. 162 of 2000 (S20, dated 8 June 2000).

Victims of Crime Act - Appointment of Victims of Crime Coordinator - Instrument No. 142 of 2000 (S18, dated 19 May 2000),

Water Resources Act - Revocation and determination of fees - Instrument No. 176 of 2000 (S20, dated 8 June 2000).

Workers' Compensation Act - Revocation and determination of fees - Instrument No. 155 of 2000 (S20, dated 8 June 2000).

Petition - Out of order

ACT Housing - Casuarina Sands - Mr Quinlan (502 residents).

16 INTERACTIVE GAMBLING - REPORT TO ASSEMBLY - MOTION TO TAKE NOTE OF PAPERS

Mr Humphries (Treasurer) presented the following papers:

Interactive gambling - Report prepared by the Gambling and Racing Commission pursuant to a resolution of the Assembly of 24 May 2000, dated June 2000, together with a copy of a forwarding letter from the Chairman of the Gambling and Racing Commission to Mr Gary Humphries MLA, Treasurer, dated 26 June 2000 -

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

Debate ensued.

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

17 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - REPORT NO. 10 - CRIMES (AMENDMENT) BILL (NO. 4) 1998 - GOVERNMENT RESPONSE - PAPER NOTED

Mr Humphries (Minister for Justice and Community Safety) presented the following paper:

Justice and Community Safety - Standing Committee - Report No. 10 - Crimes (Amendment) Bill (No. 4) 1998 (*presented 11 May 2000*) - Government response -

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

Question - put and passed.

18 LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION (NO. 145) TO THE TERRITORY PLAN - HERITAGE PLACES REGISTER - PAPERS - STATEMENT BY MINISTER

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

Land (Planning and Environment) Act, pursuant to section 29 - Variation (No. 145) to the Territory Plan relating to the Heritage Places Register, together with background papers, a copy of the summaries and reports -

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

19 THE CANBERRA HOSPITAL - SPECIAL DEATH REVIEW COMMITTEE - PAPERS NOTED

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

The Canberra Hospital - Special Death Review Committee - Inquiry - Copies of:

Letter from Deputy Chief Executive, Clinical, The Canberra Hospital, to Directors, Gastroenterology Services, Trauma and Aeromedical Services and Pathology Services, dated 16 June 2000, attaching detailed terms of reference.

Report of Special Death Review Committee, dated 21 June 2000.

Statement by Michael Moore MLA, Minister for Health and Community Care –

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

Debate ensued.

Question - put and passed.

Motion - Leave not granted: Mr Berry sought leave to move a motion.

Objection being raised, leave not granted.

Suspension of standing and temporary orders moved - Motion without notice: Mr Berry moved - That so much of the standing and temporary orders be suspended as would prevent Mr Berry moving a motion requiring the Minister for Health and Community Care to withdraw his claim that the Special Death Review Committee had found Dr Jeans' claims were "patently false".

Debate ensued.

Mr Stanhope (Leader of the Opposition) moved - That the debate be adjourned.

Question - put.

The Assembly voted –

Ayes, 9

Noes, 8

Mr Berry	Mr Quinlan
Mr Corbell	Mr Stanhope
Mr Hargreaves	Ms Tucker
Mr Kaine	Mr Wood
Mr Osborne	

Ms Carnell	Mr Rugendyke
Mr Cornwell	Mr Smyth
Mr Hird	Mr Stefaniak
Mr Humphries	
Mr Moore	

And so it was resolved in the affirmative.

Ordered - That the resumption of the debate be made an order of the day for the next sitting.

20 FINANCE AND PUBLIC ADMINISTRATION - STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) - FINANCE COMMITTEE REPORT NO. 7 - PROPOSED ACTEW/AGL PARTNERSHIP ARRANGEMENT - INTERIM REPORT - REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration - Standing Committee (incorporating the Public Accounts Committee) - Finance Committee Report No. 7 - Interim report on proposed ACTEW/AGL partnership arrangement, dated 26 June 2000, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

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

Adjournment negatived: It being 5 p.m. - The question was proposed - That the Assembly do now adjourn.

Ms Carnell (Chief Minister) requiring the question to be put forthwith without debate –
Question - put and negatived.

Debate continued.

Question - put and passed.

21 SUSPENSION OF STANDING AND TEMPORARY ORDERS - CONSIDERATION OF ASSEMBLY BUSINESS

Mr Humphries (Manager of Government Business) moved - That so much of the standing and temporary orders be suspended as would prevent the order of the day, Assembly business, relating to the Report of the Select Committee on Estimates 2000-2001 on the Appropriation Bill 2000-2001 and Appropriation Bill 1999-2000 (No 3) being called on forthwith.

Question - put and passed, with the concurrence of an absolute majority.

22 ESTIMATES 2000-2001 - SELECT COMMITTEE - REPORTS - APPROPRIATION BILL 2000-2001 AND APPROPRIATION BILL 1999-2000 (NO 3) - REPORTS NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell (Chair) - That the reports be noted (*presented earlier this day; see entry No 11*) -

Estimates 2000-2001 - Select Committee - Report - Appropriation Bill 2000-2001 and the Appropriation Bill 1999-2000 (No 3), dated June 2000, including a dissenting report, additional comments and a further dissenting report -

Mr Humphries (Treasurer), by leave, was granted an extension of time.

Mr Humphries, by leave, was granted a further extension of time.

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

Mr Hargreaves, by leave, was granted a further extension of time.

Question - put and passed.

23 VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT BILL 2000 (NO 2)

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: Mr Humphries (Minister for Justice and Community Safety) presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Humphries the following amendment was made:

Clause 2, page 1, line 6, omit the clause, substitute the following clause:

" 2 Commencement

This Act commences on the day it is notified in the Gazette."

Mr Stanhope (Leader of the Opposition) moved the following amendment:

Clause 4, page 2, line 4, omit the clause, substitute the following clause:

"4 Imposition of levy

Section 68 is amended by omitting subsection (1) and substituting the following subsection and note:

'(1) If a person is convicted of an offence that this Part applies to, the person is liable to pay the Territory—

- (a) if the offence was committed before the commencement of this subsection—a levy of \$30; or
- (b) if the offence was committed partly before and partly on or after the commencement of this subsection—a levy of \$30; or
- (c) if the offence was committed on or after the commencement of this subsection—a levy of \$50.

Note This subsection commenced on the day the *Victims of Crime (Financial Assistance) Amendment Act 2000 (No 2)* was notified in the Gazette (see s 2 of that Act).".

Debate ensued.

Question - That Mr Stanhope's amendment be agreed to - put.

The Assembly voted -

Ayes, 6		Noes, 11	
Mr Berry	Mr Wood	Ms Carnell	Mr Osborne
Mr Corbell		Mr Cornwell	Mr Rugendyke
Mr Hargreaves		Mr Hird	Mr Smyth
Mr Quinlan		Mr Humphries	Mr Stefaniak
Mr Stanhope		Mr Kaine	Ms Tucker
		Mr Moore	

And so it was negatived.

On the motion of Mr Humphries the following amendment was made:

Clause 4, page 2, line 7, proposed new subsection 68 (1), omit the subsection, substitute the following new subsection:

"(1) If a person is convicted of an offence that this Part applies to, the person is liable to pay the Territory a levy of \$50."

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

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

24 HEALTH AND COMMUNITY CARE LEGISLATION AMENDMENT BILL 2000

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.

25 PUBLIC HEALTH AMENDMENT BILL 2000

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: Mr Moore (Minister for Health and Community Care) presented a supplementary explanatory memorandum to a Government amendment to the Bill.

New clause –

On the motion of Mr Moore the following new clause was inserted in the Bill: Page 18. line 11:

“11A Substitution

Section 6 is repealed and the following section substituted:

`6 Position of Crown

Section 6A of the Building Act is amended—

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

`6A Application of Act to the Territory'; and

- (b) by omitting from subsection (1) all the words before paragraph (a) and substituting

`This Act does not bind the Territory in its application in relation to—'; and

- (c) by omitting subsection (2) and substituting the following subsection:

`(2) However, section 40A (Compliance with building code) binds the Territory in relation to a matter mentioned in subsection (1).'.“.

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

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

26 APPROPRIATION BILL 1999-2000 (NO 3)

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.

27 FINANCIAL RELATIONS AGREEMENT BILL 2000

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.

28 FINANCIAL RELATIONS AGREEMENT CONSEQUENTIAL AMENDMENTS BILL 2000

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 –

Paper: Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Humphries, by leave, the following amendment were made together:

No. 1. Clause 2, page 2, line 1, omit the clause, substitute the following clause:

"2 Commencement

(1) The following provisions commence, or are taken to have commenced, on 1 July 2000:

- (a) section 3;
- (b) section 18;
- (c) section 24;
- (d) section 24A;
- (e) Part 4.

(2) The following provisions commence on 1 July 2001:

- (a) Part 2 (except sections 3 and 18);
- (b) Part 3 (except sections 24 and 24A).

Note The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).".

No. 2. Clause 14, page 7, line 22, amendment of *Duties Act 1999*, subsection 96 (1), proposed new definition of **company**, paragraph (2), omit "public".

No. 3. *New clause –*

The following new clause was inserted in the Bill: Page 10, line 3, amendment of *Financial Institutions Duty Act 1987*:

"24A Dutiable and non-dutiable receipts

Section 6 is amended by inserting after paragraph (2) (r) the following paragraph:

- '(ra) a receipt of money in the form of a direct credit to an account held with a financial institution of any of the following payments under the *First Home Owner Grant Act 2000*, or under a law of a State corresponding to that Act (a *corresponding State Law*);
 - (i) a payment of a grant by the commissioner (or the corresponding officer or authority under a corresponding State law) as directed by the applicant for the grant;
 - (ii) a payment of a grant by the commissioner to a party to an administration agreement under section 36 of that Act (or the corresponding provision of a corresponding State law);
 - (iii) a payment by a party to such an agreement as directed by the applicant for the grant;".

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

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

29 GOODS AND SERVICES TAX (TEMPORARY TRANSITIONAL PROVISIONS) BILL 2000

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.

Papers: Mr Osborne, by leave, presented the following papers:

Taxation laws in the ACT - Copies of newspaper articles on increases in taxation by ministerial discretion from:

The Canberra Times, dated 7 August 1989 (page 2).

Real Estate Times, dated 11 August 1989 (page 3).

Debate continued.

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

Detail stage

Clause 1 agreed to.

Clause 2 -

Paper: Mr Humphries (Treasurer) presented a supplementary explanatory memorandum to Government amendments to the Bill.

On the motion of Mr Humphries the following amendment was made:

Page 1, line 7, after "commences", insert ", or is taken to have commenced,".

Clause 2, as amended, agreed to.

Clause 3 -

On the motion of Mr Humphries the following amendment was made:

Page 2, line 5, definition of *input tax credit*, omit the definition.

Clause 3, as amended, agreed to.

Clause 4 -

On the motion of Mr Humphries the following amendment was made:

Page 2, line 9, omit the clause, substitute the following clause:

"4 Increase in certain charges for GST

Despite any other Territory law, if the amount payable for a taxable supply is fixed under an Act or subordinate law, the amount payable for the supply may be increased by an amount not more than the GST payable for the taxable supply."

Clause 4, as amended, agreed to.

New clauses -

On the motion of Mr Humphries the following new clauses were inserted in the Bill: Page 2, line 16:

"4A Power to determine fees, charges and other amounts

If an Act authorises or requires the determination of a fee, charge or other amount, the power includes power to determine an amount that is a tax merely because of it including an amount in relation to a GST liability of the Territory, or the person to whom the fee, charge or amount is payable, in relation to the fee, charge or amount.

4B Application of s 22 of Fair Trading Act 1992

In its application in relation to the period 1 July 2000 to 1 August 2000, section 22 of the *Fair Trading Act 1992* has effect as if a price appended to goods that states the price of the goods without GST were taken not to be appended to the goods."

Clause 5 -

Ms Tucker moved the following amendment:

Page 2, line 22, subclause (2), omit the subclause, substitute the following subclauses:

"(2) Before making regulations under subsection (1), the Executive must—

- (a) consult each member of the Legislative Assembly who is available to be consulted about the proposed regulations; and
- (b) after the consultations have been completed, give each member a statement that sets out —
 - (i) the members consulted about the proposed regulations; and
 - (ii) the comments and recommendations made by the members because of the consultations; and
 - (iii) the action the government proposes to take because of the comments and recommendations.

(2A) A statement under paragraph (2) (b) must be given to a member of the Legislative Assembly by delivering it to the office of the member at the Legislative Assembly."

Question - That Ms Tucker's amendment be agreed to - put.

The Assembly voted -

Ayes, 2

Mr Rugendyke
Ms Tucker

Noes, 13

Mr Berry	Mr Osborne
Ms Camell	Mr Quinlan
Mr Cornwell	Mr Smyth
Mr Hargreaves	Mr Stanhope
Mr Hird	Mr Stefaniak
Mr Humphries	Mr Wood
Mr Kaine	

And so it was negatived.

Mr Quinlan moved the following amendment, as amended by leave:

Page 2, line 22, subclause (2), omit the subclause, substitute the following subclause:

"(2) Before making regulations under subsection (1), the Executive must—

- (a) consult each member of the Legislative Assembly who is available to be consulted about the proposed regulations; and
- (b) after the consultations have been completed, gain the written consent of a majority of the members of the Legislative Assembly."

Debate ensued.

On the motion of Mr Humphries the following amendment to Mr Quinlan's proposed amendment was made:

Paragraph (2) (b), omit "after the consultations have been completed,".

Mr Quinlan's amendment, as amended, agreed to.

Clause 5, as amended, agreed to.

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

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

30 LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL 2000

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 –

Ms Tucker, by leave, moved the following amendments together:

No. 1. Clause 5, page 2, line 13, paragraph (a), omit "15", substitute "20".

No. 2. Clause 6, page 3, line 12, paragraph (a), omit "15", substitute "20".

No. 3. Clause 14, page 5, line 29, omit the clause, substitute the following clause:

"5 Objections—general

Section 237 is amended by omitting subsection (1) and substituting the following subsections:

"(1) A person who may be affected by the approval of an application may object to the grant of the approval—

- (a) within the period 20 business days commencing on the date of publication of notice of the application in a daily newspaper under paragraph 229 (1) (b); or
- (b) if paragraph 229 (1) (b) does not apply in relation to the application by virtue of regulations made under paragraph 282 (da)—within the period prescribed by the regulations.

"(1A) The Minister may, by notice published in a daily newspaper, extend or further extend a period allowed under subsection (1) for the objection to the grant of an approval of an application.

"(1B) The power under subsection (1A) may be exercised after the expiry of the period to be extended.".

Debate ensued.

Question - That Ms Tucker's amendments be agreed to - put.

The Assembly voted –

Ayes, 7

Mr Corbell	Ms Tucker
Mr Hargreaves	Mr Wood
Mr Osborne	
Mr Quinlan	
Mr Stanhope	

Noes, 8

Ms Carnell	Mr Rugendyke
Mr Cornwell	Mr Smyth
Mr Hird	Mr Stefarniak
Mr Humphries	
Mr Kaine	

And so it was negatived.

Ms Tucker moved the following amendment:

Clause 15, page 6, line 14, paragraph (a), proposed new subsection 243 (2), omit the subsection.

Debate ensued.

Question - That Ms Tucker's amendment be agreed to - put.

The Assembly voted –

Ayes, 8

Mr Berry	Mr Stanhope
Mr Corbell	Ms Tucker
Mr Hargreaves	Mr Wood
Mr Kaine	
Mr Quinlan	

Noes, 9

Ms Carnell	Mr Osborne
Mr Cornwell	Mr Rugendyke
Mr Hird	Mr Smyth
Mr Humphries	Mr Stefaniak
Mr Moore	

And so it was negatived.

Bill, as a whole, agreed to.

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

31 FISHERIES BILL 2000

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 to 4, by leave, taken together and agreed to.

New clauses -

On the motion of Ms Tucker the following new clauses were inserted in the Bill, after debate:
Page 2, line 27:

"PART IA-FISHERIES MANAGEMENT PLAN

4A Content of fisheries management plan

A fisheries management plan must include—

- (a) a description of fish species and their habitats in the ACT; and
- (b) a description of current and potential threats to fish species and their habitats; and
- (c) measures to be taken to achieve the objects of this Act, including performance indicators and monitoring methods; and
- (d) guidelines to which the conservator must have regard in exercising functions under this Act.

4B Preparation and variation of fisheries management plan

- (1) The conservator must prepare a draft management plan for management of fish species and their habitats in the ACT.
- (2) The conservator may prepare a draft variation of the management plan.
- (3) This Part applies to a draft variation of the management plan as if it were a draft management plan.

4C Consultation about draft plan

- (1) After preparing a draft fisheries management plan, the conservator must publish in the Gazette and in a newspaper a notice—
 - (a) containing a brief description of the draft plan; and
 - (b) indicating where copies of the draft plan may be obtained; and
 - (c) inviting written suggestions or comments about the draft plan to be given to the conservator within 60 days after publication of the notice.
- (2) The conservator must consider suggestions and comments given under paragraph (1) (c) and, if the conservator considers it appropriate, may revise the draft plan in accordance with any of the suggestions or comments.

4D Formal changes to draft plan

- (1) Section 4C does not apply to a variation of a management plan that only makes changes of a formal nature.

(2) The conservator must notify a change of a formal nature to a management plan in the Gazette and in a newspaper.

4E Submission of draft plan to Minister

The conservator must give a draft management plan (as revised under subsection 4C (2)) to the Minister for approval, together with—

- (a) a written report setting out the issues raised in any written comments given to the conservator about the draft; and
- (b) a written report about the conservator's consultation with the public and with any particular entity about the draft.

4F Minister's powers about draft plan

On receiving a draft fisheries management plan, the Minister may

- (a) make a fisheries management plan in the form of the draft plan; or
- (b) refer the draft plan to the conservator together with any of the following written directions:
 - (i) to conduct further stated consultations;
 - (ii) to consider any stated revision suggested by the Minister;
 - (iii) to revise the draft plan in a stated way.

4G Referral back of draft plan to conservator

(1) If the Minister refers the draft fisheries management plan to the conservator, the conservator—

- (a) must comply with the Minister's directions; and
- (b) if the Minister directs the conservator to conduct further consultations or consider suggested revisions—may revise the draft plan in the way the conservator considers appropriate; and
- (c) may revise the plan to make changes of a formal nature; and
- (d) must give the draft plan (as revised) to the Minister together with a written report about the conservator's compliance with the Minister's directions and any revision of the draft plan under paragraph (b) or (c).

(2) The Minister must deal with the draft fisheries management plan (as revised) under section 4F (Minister's powers about draft plan).

4H Fisheries management plan disallowable instrument etc

(1) A fisheries management plan is a disallowable instrument.

(2) Unless a fisheries management plan is disallowed by the Legislative Assembly, the plan takes effect—

- (a) on the day after the last day when it could have been disallowed under section 6 of the *Subordinate Laws Act 1989*; or
- (b) on a later day (or at a later time) provided by the plan."

Clauses 5 to 21, by leave, taken together and agreed to.

Clause 22 –

On the motion of Ms Tucker the following amendment was made:

No. 2. Page 7, line 10, subclause (3), omit "A licence", substitute "A scientific licence".

Clause 22, as amended, agreed to.

Clauses 23 to 25, by leave, taken together and agreed to.

Clause 26 –

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

On the motion of Mr Smyth the following amendment was made:

Page 8, line 17, paragraph (1) (a), omit the paragraph, substitute the following paragraph:

"(a) the conservator becomes aware of circumstances that, if the conservator had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or".

Clause 26, as amended, agreed to.

Clause 27 agreed to.

Clause 28 -

On the motion of Ms Tucker, by leave, the following amendments were made together:

No. 3. Page 9, line 16, omit "on payment of the determined fee", substitute "without charge".

No. 4. Page 9, line 17, add the following subclause:

"(2) A person may, on payment of the reasonable copying costs, obtain a copy of all or part of the register."

Clause 28, as amended, agreed to.

Clauses 29 to 31, by leave, taken together and agreed to.

Clause 32 -

On the motion of Ms Tucker the following amendment was made:

No. 5. Page 10, line 28, omit the clause, substitute the following clause:

"32 Term of registration

The registration of a person as a fish dealer is for the term of not longer than 7 years stated in the register in relation to the person."

Clause 32, as amended, agreed to.

Clauses 33 to 35, by leave, taken together and agreed to.

Clause 36 –

On the motion of Ms Tucker, by leave, the following amendments were made together:

No. 6. Page 11, line 24, omit "on payment of the determined fee", substitute "without charge".

No. 7. Page 11, line 25, add the following subclause:

"(2) A person may, on payment of the reasonable copying costs, obtain a copy of all or part of the register."

Clause 36, as amended, agreed to.

Clauses 37 to 64, by leave, taken together and agreed to.

New clause –

On the motion of Mr Smyth the following new clause was inserted in Part 6 of the Bill: Page 24, line 7:

"64A Legal professional privilege

In response to a requirement under this Part, a person does not have to make available information, produce a document, or answer a question, if the person is entitled to claim, and does claim, legal professional privilege in relation to the requirement."

Clauses 65 to 104, by leave, taken together and agreed to.

New clause –

On the motion of Mr Smyth the following new clause was inserted in Part 6 of the Bill: Page 42, line 31:

"104A Guidelines about certain decisions

(1) The Minister may issue guidelines about the exercise of the conservator's functions under the following sections:

- (a) section 18 (Issue of commercial fishing licences—relevant considerations);
- (b) section 19 (Issue of scientific licences—relevant considerations);
- (c) section 20 (Import and export licences—relevant considerations);
- (d) section 22 (Licence conditions and exemptions);
- (e) section 23 (Licence changes);
- (f) section 31 (Decision on application).

(2) The conservator must comply with guidelines issued under this section.

(3) A guideline under this section is a disallowable instrument."

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

On the motion of Ms Tucker the following amendment was made:

No. 8. Dictionary, page 47, line 20, insert the following definition:

"newspaper means a newspaper published and circulating daily in the Territory."

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

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

32 ADJOURNMENT

Mr Moore (Minister for Health and Community Care) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly, at 10.31 p.m., adjourned 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