

**1998-1999-2000**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 74**

**TUESDAY, 15 FEBRUARY 2000**

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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 **FINANCE AND PUBLIC ADMINISTRATION – STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) – FINANCE COMMITTEE REPORT NO. 4 – 1998-99 ANNUAL AND FINANCIAL REPORTS – CHIEF MINISTER’S DEPARTMENT AND LEGISLATIVE ASSEMBLY SECRETARIAT – MOTION THAT REPORT BE NOTED**

Mr Quinlan (Chair), pursuant to order, presented the following report:

Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee) – Finance Committee Report No. 4 – Report on Chief Minister’s Department Annual and Financial Reports 1998-99 and Legislative Assembly Secretariat Annual and Financial Reports 1998-99, dated February 2000, together with a copy of the extracts of the minutes of proceedings

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and moved - That the report be noted.

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

Debate adjourned (Mr Smyth – Minister for Urban Services) and the resumption of the debate made an order of the day for the next sitting.

- 3 **JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REPORT NO. 8 – 1998-99 ANNUAL AND FINANCIAL REPORTS – DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY AND RELATED AGENCIES – REPORT NOTED**

Mr Osborne (Chair), pursuant to order, presented the following report:

Justice and Community Safety – Standing Committee – Report No. 8 – The 1998/99 Annual and Financial Reports of the Department of Justice and Community Safety and Related Agencies, dated 7 February 2000, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Question – put and passed.

**4 HEALTH AND COMMUNITY CARE – STANDING COMMITTEE – REPORT NO. 4 – 1998-99 ANNUAL AND FINANCIAL REPORTS – DEPARTMENT OF HEALTH AND COMMUNITY CARE AND RELATED AGENCIES – MOTION THAT REPORT BE NOTED**

Mr Wood (Chairman), pursuant to order, presented the following report:

Health and Community Care – Standing Committee – Report No. 4 – Report on Annual and Financial Reports 1998-1999 for the Department of Health and Community Care and related agencies, dated 3 February 2000 -

and moved - That the report be noted.

Debate ensued.

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

**5 EDUCATION, COMMUNITY SERVICES AND RECREATION - STANDING COMMITTEE – REPORT NO. 4 – 1998-99 ANNUAL AND FINANCIAL REPORTS – DEPARTMENT OF EDUCATION AND COMMUNITY SERVICES AND RELATED AGENCIES – REPORT NOTED**

Ms Tucker (Chair), pursuant to order, presented the following report:

Education, Community Services and Recreation - Standing Committee - Report No. 4 - 1998-1999 Annual and Financial Reports of the Department of Education and Community Services and Related Agencies, dated 3 February 2000, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Question – put and passed.

**6 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 38 – 1998-99 ANNUAL AND FINANCIAL REPORTS – DEPARTMENT OF URBAN SERVICES – REPORT NOTED**

Mr Hird (Chair), pursuant to order, presented the following report:

Planning and Urban Services – Standing Committee – Report No. 38 – 1998-99 Annual Report of the Department of Urban Services, dated 14 December 1999, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Question – put and passed.

**7 EDUCATION, COMMUNITY SERVICES AND RECREATION – STANDING COMMITTEE – REPORT NO. 3 – EDUCATIONAL SERVICES FOR STUDENTS WITH A DISABILITY – MOTION THAT REPORT BE NOTED**

Ms Tucker (Chair), presented the following report:

Education, Community Services and Recreation – Standing Committee – Report No. 3 – Educational services for students with a disability, dated 15 December 1999, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Debate adjourned (Mr Humphries – Manager of Government Business) and the resumption of the debate made an order of the day for the next sitting.

**8 PLANNING AND URBAN SERVICES – STANDING COMMITTEE – REPORT NO. 40 – DRAFT VARIATION (NO. 100) TO THE TERRITORY PLAN – TELECOMMUNICATIONS FACILITIES POLICIES – REPORT NOTED**

Mr Hird (Chair) presented the following report:

Planning and Urban Services – Standing Committee – Report No. 40 – Draft variation (No. 100) to the Territory Plan relating to telecommunications facilities policies, dated 4 February 2000, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Question – put and passed.

**9 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 1 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. 1 of 2000, dated 8 February 2000 -

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

**10 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 1999**

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.

**11 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL (NO 2) 1999**

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 -

On the motion of Mr Stanhope (Leader of the Opposition), by leave, the following amendments were made together, after debate:

Schedule –

Page 3, line 24, proposed amendment of *Consumer Credit (Administration) Act 1996*, proposed new section 66: Before paragraph (a), insert the following paragraph:

“(aa) whether the member is the president, a deputy president, consumer member or industry member; and”.

Page 10, line 20, proposed amendment of *Discrimination Act 1991*, proposed new section 110F: Before paragraph (a), insert the following paragraph:

“(aa) whether the member is the president or a deputy president; and”.

Page 16, line 8, proposed amendment of *Guardianship and Management of Property Act 1991*, proposed new section 63: Before paragraph (a), insert the following paragraph:

“(aa) whether the member is the president, a deputy president or a non-presidential member; and”.

Page 32, line 3, proposed amendment of *Mental Health (Treatment and Care) Act 1994*, proposed new section 80: Before paragraph (a), insert the following paragraph:

“(aa) whether the member is the president, a deputy president, a psychiatrist member, a psychologist member, a mental health services member or a community member; and”.

Page 41, line 12, proposed amendment of *Tenancy Tribunal Act 1994*, proposed new section 66: Before paragraph (a), insert the following paragraph:

“(aa) whether the member is the president, a deputy president, owner member or tenant member; and”.

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

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

## **12 JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL (NO 3) 1999**

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*

Clause 1 -

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

## **13 QUESTIONS**

Questions without notice were asked.

**14 LEAVE OF ABSENCE TO MEMBER**

Mr Corbell moved - That leave of absence for today, 15 February 2000, be given to Mr Hargreaves.

Question - put and passed.

**15 PRESENTATION OF PAPERS**

The Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act –

Authority to broadcast proceedings, pursuant to section 4 – Authorisations (2) dated 7 December 1999, given to specified government offices to receive sound broadcasts of Legislative Assembly and committee proceedings, subject to the certain conditions.

Authority to broadcast proceedings, pursuant to section 8, concerning the public hearings of the:

Select Committee on Workers' Compensation System.

Standing Committee on Justice and Community Safety.

Standing Committee on Education, Community Services and Recreation.

Standing Committee on Health and Community Care.

Select Committee on Government Contracting and Procurement Processes,

dated 7 February 2000.

**Performance report**

Financial Management Act, pursuant to section 25A – Legislative Assembly for the Australian Capital Territory Secretariat – Performance report for the December quarter 1999-2000.

**16 LEGISLATION PROGRAM – AUTUMN SITTINGS 2000 – PAPER – STATEMENT BY MINISTER**

Ms Carnell (Chief Minister) presented the following paper:

Legislation program – Autumn sittings 2000, dated 15 February 2000 -

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

**17 COMMISSIONER FOR THE ENVIRONMENT ACT – COMMISSIONER FOR THE ENVIRONMENT A.C.T. REPORT – PROGRESS TOWARDS NO WASTE BY 2010 – PAPER – PAPER NOTED**

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

Commissioner for the Environment Act, pursuant to section 22 – Progress towards No Waste by 2010 - A Report by the Commissioner for the Environment ACT on Implementation of the ACT Government's *No Waste by 2010* Strategy, dated November 1999 -

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

Question – put and passed.

## 18 GREENHOUSE STRATEGY – A.C.T. – PAPER – MOTION TO TAKE NOTE OF PAPER

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

ACT Greenhouse strategy – The ACT's commitment to reduce the threat of global warming, prepared by Environment ACT -

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

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

## 19 PRESENTATION OF PAPERS

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

### **Subordinate legislation (including explanatory statements unless otherwise stated) and commencement provisions**

Administration Act – Delegation of powers under the *Public Health Act 1997* – Instrument No. 9 of 2000 (S2, dated 14 January 2000).

Building Act – Approval of courses for eligibility for the grant of builder's licences – Instrument No. 303 of 1999 (No. 1, dated 6 January 2000).

Electoral Act – Appointment of Acting Electoral Commissioner – Instrument No. 13 of 2000 (No. 4, dated 27 January 2000).

Electricity Act – Appointment of Chairperson, Deputy Chairperson, members and deputy members of the Electrical Licensing Board – Instrument No. 279 of 1999 (No. 51, dated 22 December 1999).

Emergency Management Act – Emergency Management Regulations 1999 – Subordinate Law 1999 No 36 (S69, dated 24 December 1999).

*Emergency Management Act 1999* – Notice of commencement (1 January 2000) of Part VI Division 3 and (24 December 1999) of remaining provisions, except for section 72 which will commence on a date yet to be fixed or in accordance with subsection 2(3) (S69, dated 24 December 1999).

Gambling and Racing Control Act –

Acting appointment as Chief Executive of the Gambling and Racing Commission – Instrument No. 281 of 1999 (S68, dated 22 December 1999).

Appointment of members to the Gambling and Racing Commission – Instruments Nos 282 to 284 (inclusive) of 1999 (S68, dated 22 December 1999).

Appointment of person to be a Chairperson and member of the Gambling and Racing Commission – Instrument No. 285 of 1999 (S68, dated 22 December 1999).

*Gambling and Racing Control Act 1999* – Notice of commencement (1 December 1999) of remaining provisions (S63, dated 1 December 1999).

*Gambling and Racing Control (Consequential Provisions) Act 1999* – Notice of commencement (1 December 1999) of remaining provisions except for the provisions in the Schedule that amend sections 60B, 60D, 60E, 60G and 60K of the *Gaming Machine Act 1987* specified in item 1 under the heading "Further amendments" (S63, dated 1 December 1999).

*Gambling Legislation Amendment Act 1999* – Notice of commencement (1 December 1999) of remaining provisions (S63, dated 1 December 1999).

Gaming Machine Act – Determination of fees – Instrument No. 280 of 1999 (S68, dated 22 December 1999).

Hotel School Act – Appointments of Chairperson, Deputy Chairperson and members of the Australian International Hotel School Board of the Australian Capital Territory – Instrument No. 5 of 2000 (S2, dated 14 January 2000).

Independent Pricing and Regulatory Commission Act – Variation to specified requirements under section 16 of the Act, relating to investigations – Instrument No. 276 of 1999 (No. 50, dated 15 December 1999).

Justices of the Peace Act – Appointment of Justices of the Peace – Instrument No. 304 of 1999 (No. 2, dated 13 January 2000).

Land (Planning and Environment) Act –

Approved form of land management agreement (excluding explanatory statement) – Instrument No. 271 of 1999 (No. 50, dated 15 December 1999).

Land (Planning and Environment) Regulations Amendment –

Subordinate Law 1999 No 34 (No. 51, dated 22 December 1999).

Subordinate Law 2000 No 2 (S4, dated 14 February 2000).

Legal Practitioners Act – Appointment of members to the Professional Conduct Board of The Law Society of the ACT – Instrument No. 278 of 1999 (No. 51, dated 22 December 1999).

Milk Authority Act – Appointment of Chairperson of the Board of the ACT Milk Authority – Instrument No. 273 of 1999 (No. 50, dated 15 December 1999).

Motor Traffic Act –

Determination of fees – Impounding and seizure – Instrument No. 12 of 2000 (No. 4, dated 27 January 2000).

Determination of maximum taxi fares including provision of New Year's Eve surcharge – Instrument No. 302 of 1999 (S68, dated 22 December 1999).

Motor Traffic Regulations Amendment – Subordinate Law 1999 No 33 (S63, dated 1 December 1999).

Motor Traffic Regulations Amendment – Subordinate Law 1999 No 37 (S1, dated 4 January 2000).

Motor Traffic Regulations – Declaration of declared holiday period – Friday 24 December 1999 to Monday 3 January 2000 (inclusive) – Instrument No. 275 of 1999 (No. 50, dated 15 December 1999).

Nature Conservation Act – Appointment of Chairperson, Deputy Chairperson and member to the Flora and Fauna Committee – Instrument No. 277 of 1999 (No. 51, dated 22 December 1999).

Plumbers, Drainers and Gasfitters Board Act – Appointment of members to the Plumbers, Drainers and Gasfitters Board and appointment of deputy member to the Plumbers, Drainers and Gasfitters Board – Instrument No. 268 of 1999 (No. 49, dated 8 December 1999).

Public Health Act –

Determination of fees – Instrument No. 10 of 2000 (S2, dated 14 January 2000).

Public Health Regulations 2000 – Subordinate Law 2000 No 1 (S2, dated 14 January 2000).

Public Health Risk (Boarding Houses) Declaration 2000 – Instrument No. 7 of 2000 (S2, dated 14 January 2000).

Public Health Risk (Hairdressing) Declaration 2000 – Instrument No. 8 of 2000 (S2, dated 14 January 2000).

Public Health (Hairdressing) Code of Practice 2000 – Instrument No. 11 of 2000 (S2, dated 14 January 2000).

Public Place Names Act –

Determination of street nomenclatures in the Divisions of

Nicholls – Instrument No. 305 of 1999 (No. 3, dated 20 January 2000).

O'Connor and Macquarie – Instrument No.1 of 2000 (No. 3, dated 20 January 2000).

Amaroo – Instrument No. 2 of 2000 (No. 3, dated 20 January 2000).

Public Trustee Act – Appointment of member of the Public Trustee Investment Board – Instrument No. 6 of 2000 (No. 3, dated 20 January 2000).

Rates and Land Tax Act – Determination of interest rates – Instrument No. 3 of 2000 (S2, dated 14 January 2000).

Rates and Land Rent (Relief) Act – Notice fixing rates of interest – Instrument No. 4 of 2000 (S2, dated 14 January 2000).

*Territory Owned Corporations Amendment Act (No 2) 1999* – Notice of commencement (5 January 2000) of remaining provisions (S1, dated 4 January 2000).

University of Canberra Act – Approval of Statute No. 38, Courses and Awards Amendment (No. 2) 1999 – Instrument No. 274 of 1999 (No. 50, dated 15 December 1999).

Victims of Crime Act – Victims of Crime Regulations 1999 – Subordinate Law 1999 No 35 (S69, dated 24 December 1999).

*Victims of Crime (Financial Assistance) (Amendment) Act 1999* – Notice of commencement (24 December 1999) of remaining provisions (S69, dated 24 December 1999).

Vocational Education and Training Act –

Appointment of Members to the Accreditation and Registration Council – Instruments Nos 286 and 287 of 1999 (S68, dated 22 December 1999).

Appointment of Chairperson to the Accreditation and Registration Council – Instrument No. 288 of 1999 (S68, dated 22 December 1999).

Appointment of Members to the Accreditation and Registration Council – Instruments Nos 289 to 292 (inclusive) of 1999 (S68, dated 22 December 1999).

Appointment of Members to the Vocational Education and Training Authority – Instruments Nos 293 and 294 of 1999 (S68, dated 22 December 1999).

Appointment of Chairperson to the Vocational Education and Training Authority – Instrument No. 296 of 1999 (S68, dated 22 December 1999).

Appointment of Members to the Vocational Education and Training Authority – Instruments Nos 297 to 301 (inclusive) of 1999 (S68, dated 22 December 1999).

**Miscellaneous paper**



Territory Owned Corporations Act, pursuant to subsection 9 (2) – ACTEW Corporation Limited – Summary of changes to the Constitution.

### **Performance reports**

Financial Management Act, pursuant to section 25A – Quarterly departmental performance reports for the December 1999-2000 quarter for the:

Chief Minister's Department.

Education and Community Services.

Department of Health and Community Care.

Department of Justice and Community Safety.

Department of Treasury and Infrastructure.

Urban Services.

## **20 FINANCIAL MANAGEMENT ACT – APPROVAL OF GUARANTEE – PAPER – STATEMENT BY MINISTER**

Mr Humphries (Treasurer) presented the following paper:

Financial Management Act, pursuant to subsection 47 (3) – Approval of a guarantee under an agreement between the Australian Capital Territory and the CPS Credit Union Co-operative (ACT) Limited under the New Enterprise Loan Guarantee Scheme, including an explanatory statement –

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

## **21 1999-2000 CAPITAL WORKS PROGRAM – PROGRESS REPORT – SEPTEMBER QUARTER – PAPER – STATEMENT BY MINISTER**

Mr Humphries (Treasurer) presented the following paper:

1999-2000 Capital Works Program – Progress report – September quarter –

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

## **22 CRIMES AMENDMENT BILL (NO 3) 1999**

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.

## **23 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 4.11 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, except Mr Hargreaves (on leave).

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**M.J. McRAE**  
Clerk of the Legislative Assembly