

1995-96-97

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 92

TUESDAY, 17 JUNE 1997

- 1** The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Cornwell) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITIONS

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

Mr Moore, from 419 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

Ms Horodny, from 698 residents, requesting that the Assembly abolish the battery cage system of egg production in the ACT.

3 SUSPENSION OF STANDING ORDERS - MOTION - *BRINGING THEM HOME* REPORT

Mr Berry moved - That so much of the standing orders be suspended as would prevent Mrs Carnell (Chief Minister) moving a motion concerning the *Bringing them home* report forthwith.

Debate ensued.

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

4 *BRINGING THEM HOME* REPORT - MOTION IN RESPONSE

Mrs Carnell (Chief Minister) moved - That this Assembly:

- (1) apologises to the Ngun(n)awal people and other Aboriginal and Torres Strait Islander people in the ACT for the hurt and distress inflicted upon any people as a result of the separation of Aboriginal and Torres Strait Islander children from their families;
- (2) assures the Aboriginal and Torres Strait Islander peoples of this Territory that the Assembly regards the past practices of forced separation as abhorrent and expresses our sincere determination that they will not happen in the ACT;

- (3) affirms its commitment to a just and proper outcome for both the grievances of Aboriginal and Torres Strait Islander people adversely affected by those policies and the recommendations of the *Bringing them home* Report;
- (4) acknowledges that the Government is negotiating a Regional Agreement with the Ngun(n)awal people in relation to the Ngunnawal Native Title claim in the ACT; and
- (5) by this resolution seeks to take an important step in the healing process which is fundamental to reconciliation between Aboriginal and Torres Strait Islander peoples and the non-indigenous members of the ACT community.

Debate ensued.

Question - put and passed.

5 ESTIMATES 1997-98 - SELECT COMMITTEE - REPORT - APPROPRIATION BILL 1997-98 - MOTION THAT REPORT BE NOTED

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

Estimates 1997-98 - Select Committee - Report - Appropriation Bill 1997-98, dated 16 June 1997, together with the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Ms Tucker, by leave, was granted an extension of time.

Debate continued.

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

6 RATES AND LAND TAX (AMENDMENT) BILL 1997

Mrs Carnell (Treasurer), by leave, presented a Bill for an Act to amend the *Rates and Land Tax Act 1926*.

Paper: Mrs Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mrs Carnell 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.

7 UNCLAIMED MONEYS (AMENDMENT) BILL 1997

Mrs Carnell (Treasurer), by leave, presented a Bill for an Act to amend the *Unclaimed Moneys Act 1950*.

Paper: Mrs Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mrs Carnell 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.

8 TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1997

Mrs Carnell (Treasurer), by leave, presented a Bill for an Act to amend the *Territory Owned Corporations Act 1990*.

Paper: Mrs Carnell presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mrs Carnell 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.

9 QUESTIONS

Questions without notice were asked.

10 AUDITOR-GENERAL'S REPORT - NO. 4 OF 1997 - ACT PUBLIC HOSPITALS - SAME DAY ADMISSIONS; NON GOVERNMENT ORGANISATION - AUDIT OF POTENTIAL CONFLICT OF INTEREST - PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 4 of 1997 - ACT Public hospitals - Same day admissions; Non Government organisation - Audit of potential conflict of interest, dated 17 June 1997.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1997.

Question - put and passed.

11 PRESENTATION OF PAPERS

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

Subordinate legislation and commencement provisions

Administrative Appeals Tribunal Act and Tenancy Tribunal Act - Determination of fees and charges applicable in the Administrative Appeals Tribunal and the Tenancy Tribunal - No. 107 of 1997 (S166, dated 12 June 1997).

Agents Act -

Declaration - No. 99 of 1997 (S162, dated 11 June 1997).

Determination of fees - No. 62 of 1997 (S95, dated 15 April 1997).

Bookmakers Act - Determination of directions for the operation of a sports betting venue - No. 76 of 1997 (S122, dated 14 May 1997).

Building Act -

Adoption of the Building Code of Australia and Preparation and Publication of an ACT Appendix to the Building Code of Australia - No. 80 of 1997 (S139, dated 21 May 1997).

Adoption and Modification of the Building Code of Australia - No. 81 of 1997 (S139, dated 21 May 1997).

ACT Appendix to the Building Code of Australia - No. 82 of 1997 (S139, dated 21 May 1997).

Canberra Institute of Technology (Amendment) Act - Notice of commencement (10 June 1997) of remaining provisions (S157, dated 5 June 1997).

Children's Services Act - Notice of commencement (1 June 1997) of subsection 103 (2) (S121, dated 14 May 1997).

Consumer Credit (Administration) Act - Determination in respect of Australian Central Credit Union - No. 78 of 1997 (S124, dated 14 May 1997).

Crimes (Amendment) Act (No. 2) - Notice of commencement (30 May 1997) of remaining provisions (S149, dated 30 May 1997).

Dentists Act - Determination of fees - No. 98 of 1997 (S161, dated 10 June 1997).

Drugs of Dependence Act - Instrument of appointment to the Treatment Assessment Panels - No. 65 of 1997 (S97, dated 15 April 1997).

Firearms Act - Notice of commencement (17 May 1997) of remaining provisions (S135, dated 16 May 1997).

Health Professions Boards (Procedures) Act and Medical Practitioners Act - Instruments of appointment to the Medical Board of the ACT -

No. 90 of 1997 (S154, dated 4 June 1997).

No. 91 of 1997 (S154, dated 4 June 1997).

No. 92 of 1997 (S154, dated 4 June 1997).

No. 93 of 1997 (S154, dated 4 June 1997).

Housing Assistance Act -

Variation to Homebuyer Housing Assistance Program - No. 73 of 1997 (S119, dated 6 May 1997).

Variation to Rent Relief Program - No. 74 of 1997 (S120, dated 7 May 1997).

Magistrates Court Act and Coroners Act - Determination of fees and charges applicable in the Magistrates Court, the Small Claims Court and the Coroner's Court - No. 106 of 1997 (S166, dated 12 June 1997).

Mental Health (Treatment and Care) Act - Revocation of appointment of a Mental Health Officer - No. 70 of 1997 (S104, dated 18 April 1997).

Motor Traffic (Amendment) Act - Notice of commencement (20 May 1997) of remaining provisions, other than sections 8 and 9 and that part of section 10 that provides for the insertion of sections 13D and 13T (as renumbered by the Act) into the *Motor Traffic Act 1936* (S128, dated 20 May 1997).

Nature Conservation Act -

Declaration of species and an ecological community - No. 89 of 1997 (S152, dated 30 May 1997).

Determinations of criteria to be applied by Conservator when giving directions to -

Occupier of land for protection of native animals, plants and timber - No. 63 of 1997 (S96, dated 15 April 1997).

Owner in relation to treatment of a diseased native animal or plant - No. 64 of 1997 (S96, dated 15 April 1997).

Occupational Health and Safety Act - Variation to approved Code of Practice - ACT First Aid in the Workplace - No. 100 of 1997 (S163, dated 11 June 1997).

Prohibited Weapons Act - Notice of commencement (22 May 1997) of remaining provisions (S140, dated 22 May 1997).

Prostitution Act - Determination of fees payable on commencing to operate a brothel or escort agency and annually thereafter - No. 77 of 1997 (S123, dated 14 May 1997).

Radiation Act - Instruments of appointment to the Radiation Council -

No. 59 of 1997 (S91, dated 10 April 1997).

No. 60 of 1997 (S91, dated 10 April 1997).

No. 61 of 1997 (S91, dated 10 April 1997).

Remuneration Tribunal Act -

Determination to specify that the Offices of Chair and Member of ACT Health and Community Care Service Board are Offices for which the Remuneration Tribunal shall determine remuneration and fees payable - No. 83 of 1997 (S145, dated 27 May 1997).

Interim determination of fees for Members of the ACT Health and Community Care Service Board - No. 84 of 1997 (S146, dated 27 May 1997).

Supreme Court Act - Determination of fees and charges applicable in the Supreme Court - No. 105 of 1997 (S166, dated 12 June 1997).

Tenancy Tribunal Act - Variation of Commercial and Retail Leases Code of Practice - No. 94 of 1997 (S158, dated 4 June 1997).

Miscellaneous paper

Public Health Bill 1997 - Revised explanatory memorandum to the Bill.

Purchasing contracts

1997-98 Purchasing contracts between the Department of Health and Community Care and the following organisations -

ACT Community Care for the provision of community based health and disability services.

Calvary Hospital ACT Incorporated for the purchase of hospital services.

The Canberra Hospital for the purchase of hospital services.

12 ACTION - REVIEW - PAPER - PAPER NOTED

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

ACTION - Review of ACTION's services prepared by Roger Graham & Associates Pty Ltd, dated May 1997 -

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

Debate ensued.

Mr Whitecross (Leader of the Opposition), by leave, was granted an extension of time.

Debate continued.

Question - put and passed.

13 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - MEDICINAL USE OF CANNABIS

The Assembly was informed that Mr Moore had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The use of cannabis for medicinal purposes."

Discussion ensued.

Paper: Mr Moore, by leave, presented the following paper:

Medicinal cannabis - An opportunity - Paper prepared by Sarah Beech for Mr Michael Moore, MLA.

Discussion continued.

Mrs Carnell (Minister for Health and Community Care) addressing the Assembly -



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

Mrs Carnell (Chief Minister) requiring the question to be put forthwith without debate -

Question - put and negatived.

Discussion continued.

Mr Moore sought leave to speak again.

Objection being raised, leave not granted.

Suspension of standing orders - Member to speak again: Mr Moore moved - That so much of the standing orders be suspended as would prevent Mr Moore speaking again.

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

Discussion continued.

Mr Berry, by leave, again addressed the Assembly.

Discussion concluded.

14 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - REPORT NO. 6 OF 1997 - STATEMENT BY CHAIR

Mr Wood (Chair) presented the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No. 6 of 1997, dated 21 May 1997 -

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

15 LEGAL PRACTITIONERS (AMENDMENT) BILL 1997

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.

16 WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 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.

Detail stage

Bill, by leave, taken as a whole -

On the motion of Mr Kaine (Minister for Industrial Relations) the following amendment was made:
Schedule 1, page 5, lines 20-21, amendment to heading to Part IV, omit the amendment.

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

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

17 DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997

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 -

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

18 MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1997

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.

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

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

19 ADJOURNMENT

Mr Kaine (Minister for Industrial Relations) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly, at 6.44 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