

1998-1999-2000

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 91

THURSDAY, 25 MAY 2000

- 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 WORKERS' COMPENSATION SYSTEM – SELECT COMMITTEE – REPORT – MOTION THAT REPORT BE NOTED**

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

Workers' Compensation System - Select Committee - Report of the Workers' Compensation System in the ACT, dated 18 May 2000, including a dissenting report, dated 22 May 2000, together with a copy of the minutes of proceedings –

and moved - That the report be noted.

Mr Berry, 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 DUTIES AMENDMENT BILL 2000 (NO 2)**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.

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

- 4 INSURANCE CORPORATION BILL 2000**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to establish the Australian Capital Territory Insurance Corporation (ACTIC) and for other purposes.

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

5 LAND TITLES LEGISLATION AMENDMENT BILL 2000

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Land Titles Act 1925* and the *Land Titles (Unit Titles) Act 1970*.

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

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

Mr Humphries (Minister for Justice and Community Safety), pursuant to notice, presented a Bill for an Act to amend the *Victims of Crime (Financial Assistance) Act 1983*.

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

7 MENTAL HEALTH (TREATMENT AND CARE) AMENDMENT BILL 2000

Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Mental Health (Treatment and Care) Act 1994*.

Paper: Mr Moore presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Moore 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.

8 PSYCHOLOGISTS AMENDMENT BILL 2000

Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Psychologists Act 1994*.

Paper: Mr Moore presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Moore 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.

9 ESTIMATES 2000-2001 - SELECT COMMITTEE – ALTERATION TO REPORTING DATE

Mr Corbell (Chair), pursuant to notice, moved - That the resolution of the Assembly of 11 May 2000, that established the Select Committee on Estimates 2000-2001, be amended by omitting from paragraph (3) "by Friday 23 June 2000" and substituting "by 27 June 2000".

Debate ensued.

Question - put and passed.

10 APPROPRIATION BILL 2000-2001 - GOVERNMENT'S PROGRAM - STATEMENT BY MINISTER

Mr Humphries (Treasurer), by leave, made a statement in relation to the Government's program concerning the Appropriation Bill 2000-2001.

11 EDUCATION, COMMUNITY SERVICES AND RECREATION – STANDING COMMITTEE - INQUIRY - DRAFT THREE YEAR STRATEGIC PLAN FOR PRESCHOOLS - PRINTING, CIRCULATION AND PUBLICATION OF REPORT

Ms Tucker (Chair), pursuant to notice, moved - That the resolution of the Assembly of 21 October 1999 which referred the Draft Three Year Strategic Plan for Preschools in the ACT to the Standing Committee on Education, Community Services and Recreation be amended by adding the following paragraphs:

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

Debate ensued.

Question - put and passed.

12 PRIVILEGES - SELECT COMMITTEE - PROPOSED APPOINTMENT

Mr Corbell, pursuant to notice, moved - That:

- (1) a select committee on privileges be appointed to examine, as a matter of privilege, the matter of the possible improper influence of a witness, Mr Gower in respect of evidence to be given to the Standing Committee on Planning and Urban Services;
- (2) the committee be composed of:
 - (a) a Member to be nominated by the Government;
 - (b) a Member to be nominated by the Opposition; and
 - (c) a Member to be nominated by either the Independent Members, the ACT Greens, or the United Canberra Party;
- (d) to be notified to the Speaker in writing by 4.00 p.m. on 25 May 2000.
- (3) the committee report by the first sitting day in August 2000; and
- (4) the foregoing provisions have effect notwithstanding anything contained in the standing orders.

Debate ensued.

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

Planning and Urban Services - Standing Committee - Public hearings - Gungahlin Drive extension - Copy of statement by President, Gungahlin Community Council Inc.

Debate continued.

Papers: Mr Smyth presented the following papers:

Gungahlin Community Council –

Copy of transcript of interview between Roma Hosking and Canberra FM 104.7, 25 May 2000.

Copy of letter from Pastor, Cornerstone Christian Church and Editor, Gunsmoke Newsletter to Mr Brendan Smyth, dated 9 May 2000 concerning the Standing Committee on Planning and Urban Services' inquiry into the Gungahlin Drive extension.

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

Debate continued.

Ms Tucker addressing the Assembly -

It being 45 minutes after the commencement of Assembly business -

Ordered - That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Mr Moore (Minister for Health and Community Care), by leave, was granted an extension of time.

Debate continued.

Suspension of standing and temporary orders - Precedence to Assembly business: Mr Berry moved - That so much of the standing and temporary orders be suspended as would prevent consideration of notice No. 3, Assembly business, having precedence of notices and orders of the day in the ordinary routine of business after consideration of the Appropriation Bill 2000-2001 today until the Assembly concludes consideration of the matter this day.

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

(See items 20, 32 and 33)

13 QUESTIONS

Questions without notice being asked -

It being 3.00 p.m., questions were interrupted pursuant to the order of the Assembly of 23 May 2000.

Matter of public importance - Withdrawal: The Speaker informed the Assembly that Mr Corbell had withdrawn the matter of public importance submitted for discussion.

14 APPROPRIATION BILL 2000-2001

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 Berry, by leave, was granted an extension of time.

Debate continued.

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

Estimates 2000-2001 - Select Committee - Reference - Appropriation Bill 2000-2001:
Mr Humphries (Treasurer), pursuant to standing order 174, moved - That the Appropriation Bill 2000-2001 be referred to the Select Committee on Estimates 2000-2001.

Question - put and passed.

15 ESTIMATES 2000-2001 – SELECT COMMITTEE – REFERENCE – APPROPRIATION BILL 1999-2000 (NO 3)

Mr Humphries (Treasurer), by leave, moved - That the resolution of the Assembly of 11 May 2000, as amended today, 25 May 2000 which appointed the Select Committee on Estimates 2000-2001 be amended by:

(1) adding to paragraph (1) the following words:

"and also the appropriations provided for in the Appropriation Bill 1999-2000 (No 3)";

(2) inserting the following new paragraph:

"(IA) that the Appropriation Bill 1999-2000 (No 3) stand referred to the Committee and, on the Committee presenting its report to the Assembly, resumption of debate on the question 'That this Bill be agreed to in principle' be set down as an order of the day for a later hour this day' ;";

(3) adding to paragraph (3) the following words:

"and the Appropriation Bill 1999-2000 (No 3)".

Question - put and passed.

16 SUBORDINATE LEGISLATION (INCLUDING EXPLANATORY STATEMENTS UNLESS OTHERWISE STATED) - PAPERS

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

Canberra Institute of Technology Act - Appointments of Members of the Canberra Institute of Technology Advisory Council - Instrument Nos 126 and 127 of 2000 (No. 20, dated 18 May 2000).

Children and Young People Act - Exemption of family day care schemes from the application of subsection 328 (1) of the Act -Instrument No. 125 of 2000 (S16, dated 10 May 2000).

Land (Planning and Environment) Act -

Approval of and copies of Plans of Management for Inner Canberra's Urban Parks and Sportsgrounds and Tuggeranong's Urban Parks and Sportsgrounds - Instrument No. 143 of 2000 (S19, dated 23 May 2000).

Determination of criteria for the authorisation of a refund on termination or surrender of a lease granted under section 163 - Instrument No. 130 of 2000 (No. 20, dated 18 May 2000).

Determination of criteria for the direct grant of Crown leases to community organisations – Instrument No. 131 of 2000 (No. 20, dated 18 May 2000).

Determination of criteria for the direct grant of Crown leases to community organisations for an educational establishment - Instrument No. 132 of 2000 (No. 20, dated 18 May 2000).

Road Transport (Driver Licensing) Act - Road Transport (Driver Licensing) Regulations 2000 - Approval of the code of practice for Accredited Driving Instructors (without explanatory statement) - Instrument No. 129 of 2000 (No. 20, dated 18 May 2000).

Road Transport (General) Act and Road Transport (Safety and Traffic Management) Act - Road Transport (Safety and Traffic Management) Regulations Amendment - Subordinate Law 2000 No 21 (No. 20, dated 18 May 2000).

Road Transport (General) Act and Road Transport (Vehicle Registration) Act - Road Transport Legislation Amendment Regulations -Subordinate Law 2000 No 22 (No. 20, dated 18 May 2000).

Vocational Education and Training Act - Appointment of member of the Vocational Education and Training Authority - Instrument No. 128 of 2000 (No. 20, dated 18 May 2000).

17 LAND (PLANNING AND ENVIRONMENT) ACT – DEVELOPMENT APPLICATION - REVOCATION - PAPER - STATEMENT BY MINISTER

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

Land (Planning and Environment) Act, pursuant to section 229A - Statement relating to the revocation of Development Application 20002308 - Block 13, section 18 Hume –

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

18 PRESENTATION OF PAPERS

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

Mental Health Treatment and Care - Discussion paper - Proposed amendment to the *Mental Health (Treatment and Care) Act 1994* - Procedures for emergency detention, dated May 2000, together with Attachments A and B.

19 ABUSE - A COMMUNITY RESPONSIBILITY - PAPER - STATEMENT BY MINISTER

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

Abuse - A Community Responsibility - A Report Commissioned by the ACT Disability Services Advisory Committee to the Commonwealth and ACT Governments, dated 1998 –

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

20 PRIVILEGES - SELECT COMMITTEE - APPOINTMENT

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell - That:

- (1) a select committee on privileges be appointed to examine, as a matter of privilege, the matter of the possible improper influence of a witness, Mr Gower in respect of evidence to be given to the Standing Committee on Planning and Urban Services;
- (2) the committee be composed of:
 - (a) a Member to be nominated by the Government;
 - (b) a Member to be nominated by the Opposition; and
 - (c) a Member to be nominated by either the Independent Members, the ACT Greens, or the United Canberra Party;
 - (d) to be notified to the Speaker in writing by 4.00 p.m. on 25 May 2000.
- (3) the committee report by the first sitting day in August 2000; and

- (4) the foregoing provisions have effect notwithstanding anything contained in the standing orders -

Debate resumed.

Mr Humphries (Attorney-General) addressing the Assembly -

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

Mr Humphries (Manager of Government Business) requiring the question to be put forthwith without debate.

Question - put and negated.

Debate continued.

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

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

Mr Humphries, by leave, was granted another extension of time.

Mr Humphries moved the following amendment: Omit all words after "That", substitute the following words "the Standing Committee on Planning and Urban Services examine the allegations of possible improper influence of a witness, Mr Gower in respect of evidence to be given to the Standing Committee on Planning and Urban Services, and to report to the Assembly by the last sitting day of June 2000.".

Debate ensued.

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

Question - That Mr Humphries' amendment be agreed to - put.

The Assembly voted –

Ayes, 8		Noes, 8	
Ms Carnell	Mr Rugendyke	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Smyth	Mr Corbell	Ms Tucker
Mr Hird	Mr Stefaniak	Mr Hargreaves	Mr Wood
Mr Humphries		Mr Kaine	
Mr Moore		Mr Quinlan	

And so it was negatives in accordance with standing order 162.

Question - That the motion be agreed to - put.

The Assembly voted -

Ayes, 9		Noes, 7	
Mr Berry	Mr Rugendyke	Ms Carnell	Mr Smyth
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Stefaniak
Mr Hargreaves	Ms Tucker	Mr Hird	
Mr Kaine	Mr Wood	Mr Humphries	
Mr Quinlan		Mr Moore	

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

Privileges - Select Committee - Alteration to resolution of appointment: Mr Corbell, by leave, moved - That the resolution of the Assembly of 25 May 2000 appointing a Select Committee on Privileges be amended by omitting from paragraph (2) (d) the words "by 4.00 p.m., and substituting the words "before the adjournment".

Question - put and passed.

21 EDUCATION, COMMUNITY SERVICES AND RECREATION - STANDING COMMITTEE - INQUIRY - QUAMBY: CORONIAL INQUIRY - GOVERNMENT RESPONSE - ALTERATION TO REPORTING DATE - PRINTING, CIRCULATION AND PUBLICATION OF REPORT

Ms Tucker (Chair), by leave, moved - That the resolution of the Assembly of 24 August 1999 which referred the Government's response to recommendations 1 and 3 of Coroner Somes into the death of Mark Watson to the Standing Committee on Education, Community Services and Recreation be amended by omitting "by the last sitting day of June 2000" and adding the following paragraphs:

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

Question - put and passed.

22 SUSPENSION OF STANDING AND TEMPORARY ORDERS - CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mr Humphries (Manager of Government Business) moved - That so much of the standing and temporary orders be suspended as would prevent order of the day No. 33, private Members' business, relating to the Occupational Health and Safety Amendment Bill 2000 being called on immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 1, Executive business relating to the Occupational Health and Safety Amendment Bill 2000 (No. 2).

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

23 OCCUPATIONAL HEALTH AND SAFETY 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.

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

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

Debate continued.

Mr Smyth (Minister for Urban Services), by leave, was granted an extension of time.

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

The Assembly voted -

Ayes, 7		Noes, 9	
Ms Carnell	Mr Smyth	Mr Berry	Mr Rugendyke
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Stanhope
Mr Hird		Mr Hargreaves	Ms Tucker
Mr Humphries		Mr Osborne	Mr Wood
Mr Moore		Mr Quinlan	

And so it was negatived.

24 OCCUPATIONAL HEALTH AND SAFETY (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 -

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 Berry, by leave, the following amendments were made together, after debate:

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

"2 Commencement

This Act commences immediately after the commencement of section 10 of the *Occupational Health and Safety (Amendment) Act (No. 2) 1999*.

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).".

New clause -

Page 1, add the following new clause to the Bill:

"5 Insertion

After section 25J the following section is inserted:

'25K Application of Financial Management Act 1996

Unless the contrary intention appears, the provisions of Parts 2 to 5 of the *Financial Management Act 1996* apply to the commissioner as if—

- (a) a reference in those provisions to a department included a reference to the commissioner and the staff assisting the commissioner; and
- (b) a reference in those provisions to the responsible chief executive included a reference to the commissioner.'".

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

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

25 TERRITORY SUPERANNUATION PROVISION PROTECTION 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 6, by leave, taken together and agreed to.

Clause 7 –

On the motion of Mr Quinlan the following amendment was made, after debate:

Page 2, line 26, subclasses (1), insert "assets and" before "liabilities".

Clause 7, as amended, agreed to.

Clauses 8 to 10, by leave, taken together and agreed to.

Clauses 11 and 12, by leave, taken together –

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

No. 1. Clause 11, page 4, line 10, after subclause (4), insert the following new subclause:

"(4A) A fee charged by a department under subsection (4) may not be more than the costs and expenses incurred by the department in making or managing the investment."

No. 2. Clause 12, page 4, line 26, add the following new subclause:

"(4) A fee charged by a department under subsection (3) may not be more than the costs and expenses incurred by the department in making or managing the investment."

Clauses 11 and 12, as amended, agreed to.

Clause 13 agreed to.

New clause -

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

On the motion of Mr Humphries the following new clause was inserted in the Bill: Page 4, line 35:

"13A Additional provisions for superannuation

(1) Despite section 6 of the Financial Management Act, the Treasurer may, if the Treasurer considers it appropriate to do so, authorise payment of a stated amount of public money of the Territory that is not required for non-superannuation purposes into a superannuation banking account.

(2) An authorisation under subsection (1) is a disallowable instrument.

(3) An authorisation under subsection (1) 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 stated in the authorisation;

unless the authorisation is disallowed under section 6 of that Act.

(4) In this section:

non-superannuation purposes means purposes other than meeting, or providing for, present or future unfunded liabilities of the Territory, Territory authorities or Territory owned corporations for superannuation benefits for persons mentioned in paragraph 9 (a) or (b)."

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

On the motion of Mr Humphries the following amendment was made: Dictionary, page 9, line 11, definition of *superannuation appropriation*, omit the definition, substitute the following definition:

"superannuation appropriation means an appropriation to the superannuation department declared by the Act by which it is made to be for superannuation and includes—

(a) an appropriation made before the commencement of this Act to—

(i) the department known as the ACT Superannuation Provision Unit; or

(ii) the department known as the ACT Superannuation and Insurance Provision Unit; and

(b) a payment under an authorisation under section 13A."

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

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

26 **SUBSIDIES (LIQUOR AND DIESEL) REPEAL 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.

Ms Tucker, by leave, again addressed the Assembly.

Debate continued.

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 **FIRST HOME OWNER GRANT 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 24, by leave, taken together and agreed to.

Clause 25 –

On the motion of Mr Quinlan the following amendment was made, after debate: Page 13. line 1, paragraphs 1 (a) and (b), omit the paragraphs, substitute the following words "decision in any way".

Clause 25, as amended, agreed to.

Clause 26 –

Mr Quinlan moved the following amendment: Page 13, line 19, subclause (2), omit the subclause.

Debate ensued.

Question - That Mr Quinlan'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.

Clause 26 agreed to.

Clauses 27 to 42, by leave, taken together and agreed to.

Clause 43 -

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

No. 3. Page 20, line 18, subclause (1), omit the subclause.

No. 4. Page 20, line 23, subclause (2), omit "answering the question", substitute "answering a question".

Debate ensued.

Question - That Mr Quinlan's amendments 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.

Clause 43 agreed to.

Remainder of 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 amendments were made together:

New clause -

The following new clause was inserted in the Bill: Page 20, line 29:

"43A Legal professional privilege

If, in response to a requirement to answer a question, provide information or produce a document, a person is entitled to claim, and does claim, legal professional privilege in relation to the requirement, the person does not have to comply with the requirement."

Amendment -

Clause 45, page 22, line 2, omit the clause, substitute the following clause:

"45 False or misleading statements

A person must not knowingly or recklessly in or in relation to an application for a first home owner grant—

(a) state anything that is false or misleading in a material particular; or

(b) omit from a statement anything without which the statement is misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both."

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

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

28 INTERPRETATION 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 adjourned (Mr Osborne) and the resumption of the debate made an order of the day for the next sitting.

29 MILK AUTHORITY (REPEAL) 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.

30 SUSPENSION OF STANDING AND TEMPORARY ORDERS - PRIVILEGES - SELECT COMMITTEE - RESCISSION AND RECONSIDERATION OF RESOLUTIONS OF APPOINTMENT

Mr Humphries (Manager of Government Business) moved - That so much of the standing and temporary orders be suspended as would prevent a motion being moved to rescind the resolutions of the Assembly of earlier this day relating to Mr Humphries' amendment to Mr Corbell's motion appointing a Select Committee on Privileges, and the subsequent resolution amending the resolution and to reconsider the motion and the amendment moved by Mr Humphries forthwith.

Debate ensued.

Question - put.

The Assembly voted –

Ayes, 9

Noes, 8

Ms Carnell	Mr Osborne	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Rugendyke	Mr Corbell	Ms Tucker
Mr Hird	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Humphries	Mr Stefaniak	Mr Kaine	
Mr Moore		Mr Quinlan	

And so it was resolved in the affirmative.

31 SUSPENSION OF STANDING ORDER 76

Mr Humphries (Manager of Government Business) moved - That standing order 76 be suspended for the remainder of the sitting.

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

32 PRIVILEGES - SELECT COMMITTEE - RESCISSION AND RECONSIDERATION

Mr Humphries (Manager of Government Business) moved - That:

- (1) the orders of the Assembly earlier this day appointing a Select Committee on Privileges and the subsequent motion amending paragraph (2) (d) of that resolution; and
- (2) the Assembly's vote on Mr Humphries' amendment to Mr Corbell's motion be rescinded; and
- (3) the Speaker forthwith propose the question – "That Mr Humphries' amendment to Mr Corbell's motion be agreed to".

Debate ensued.

Mr Corbell moved the following amendment:

Paragraph (3), omit "forthwith", substitute ", on the next day of sitting,".

Debate ensued.

Mr Corbell, by leave, again addressed the Assembly.

Debate continued.

Mr Corbell, by leave, again addressed the Assembly.

Mr Osborne, by leave, again addressed the Assembly.

Debate continued.

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

The Assembly voted -

Ayes, 8

Noes, 9

Mr Berry	Mr Stanhope	Ms Carnell	Mr Osborne
Mr Corbell	Ms Tucker	Mr Cornwell	Mr Rugendyke
Mr Hargreaves	Mr Wood	Mr Hird	Mr Smyth
Mr Kaine		Mr Humphries	Mr Stefaniak
Mr Quinlan		Mr Moore	

And so it was negatived.

Question - That Mr Humphries' motion be agreed to - put.

The Assembly voted -

Ayes, 9

Noes, 8

Ms Carnell	Mr Osborne	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Rugendyke	Mr Corbell	Ms Tucker
Mr Hird	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Humphries	Mr Stefaniak	Mr Kaine	
Mr Moore		Mr Quinlan	

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

33 PLANNING AND URBAN SERVICES - STANDING COMMITTEE - REFERENCE OF ALLEGATIONS OF POSSIBLE IMPROPER INFLUENCE OF A WITNESS

The order having been read for the resumption of the debate on the motion of Mr Corbell – That:

- (1) a select committee on privileges be appointed to examine, as a matter of privilege, the matter of the possible improper influence of a witness, Mr Gower in respect of evidence to be given to the Standing Committee on Planning and Urban Services;
- (2) the committee be composed of:
 - (a) a Member to be nominated by the Government;
 - (b) a Member to be nominated by the Opposition; and
 - (c) a Member to be nominated by either the Independent Members, the ACT Greens, or the United Canberra Party;
 - (d) to be notified to the Speaker in writing by 4.00 p.m. on 25 May 2000.
- (3) the committee report by the first sitting day in August 2000; and
- (4) the foregoing provisions have effect notwithstanding anything contained in the standing orders –

and on the amendment moved by Mr Humphries (Attorney-General): Omit all words after "That", substitute the following words "the Standing Committee on Planning and Urban Services examine the allegations of possible improper influence of a witness, Mr Gower in respect of evidence to be given to the Standing Committee on Planning and Urban Services, and to report to the Assembly by the last sitting day of June 2000" –

Mr Berry moved - That the debate be adjourned.

Question - put.

The Assembly voted -

Ayes, 8

Noes, 9

Mr Berry	Mr Stanhope	Ms Carnell	Mr Osborne
Mr Corbell	Ms Tucker	Mr Cornwell	Mr Rugendyke
Mr Hargreaves	Mr Wood	Mr Hird	Mr Smyth
Mr Kaine		Mr Humphries	Mr Stefaniak
Mr Quinlan		Mr Moore	

And so it was negatived.

Mr Kaine moved the following amendment to Mr Humphries' proposed amendment: Omit the words "the Standing Committee on Planning and Urban Services", substitute "the Standing Committee on Justice and Community Safety".

Mr Corbell moved - That the debate be adjourned.

Question - 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.

Question - That Mr Kaine's amendment to Mr Humphries' proposed amendment be agreed to - put and negatived.

Question - That Mr Humphries' amendment be agreed to - proposed.

Mr Berry addressing the Assembly -

Closure moved: Mr Moore (Minister for Health and Community Care) moved - That the question be now put.

The Speaker declining to put the question in accordance with standing order 70 -

The Assembly continuing to sit until past midnight -

FRIDAY, 26 MAY 2000

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

Debate continued.

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

Closure: Mr Humphries moved - That the question be now put.

Question - put.

The Assembly voted -

Ayes, 10		Noes, 7	
Ms Carnell	Mr Moore	Mr Berry	Ms Tucker
Mr Cornwell	Mr Osborne	Mr Corbell	Mr Wood
Mr Hird	Mr Rugendyke	Mr Hargreaves	
Mr Humphries	Mr Smyth	Mr Quinlan	
Mr Kaine	Mr Stefaniak	Mr Stanhope	

And so it was resolved in the affirmative.

And the question - That Mr Humphries' amendment be agreed to - being accordingly put -

The Assembly voted -

Ayes, 9

Noes, 8

Ms Carnell	Mr Osborne	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Rugendyke	Mr Corbell	Ms Tucker
Mr Hird	Mr Smyth	Mr Hargreaves	Mr Wood
Mr Humphries	Mr Stefaniak	Mr Kaine	
Mr Moore		Mr Quinlan	

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

Question - That the motion, as amended, viz:

That the Standing Committee on Planning and Urban Services examine the allegations of possible improper influence of a witness, Mr Gower in respect of evidence to be given to the Standing Committee on Planning and Urban Services, and to report to the Assembly by the last sitting day of June 2000 -

be agreed to - put and passed.

34 POSTPONEMENT OF ORDERS OF THE DAY

Mr Humphries (Manager of Government Business) moved - That orders of the day Nos 8 and 9, Executive business, relating to the Health and Community Care Legislation Amendment Bill 2000 and the Transplantation and Anatomy Amendment Bill 2000 be postponed until a later hour this day.

Question - put and passed.

35 HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTIONS) 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 Government amendments to the Bill.

On the motion of Mr Moore, by leave, the following amendments were made together:

No. 1. Clause 3, page 2, line 28, definition of *restricted substance*, omit the definition, substitute the following definition:

"restricted substance means—

- (a) a Schedule 4 substance for the *Poisons and Drugs Act 1978*, subsection 3 (3); or
- (b) a restricted substance for the *Poisons Act 1933*, subsection 5 (1); or
- (c) a drug of dependence for the *Drugs of Dependence Act 1989*, subsection 3

No. 2. Clause 8, page 4, line 23, subclause (3), omit the subclause, substitute the following subclause:

"(3) This section does not authorise a visiting health professional to possess, or supply to a visitor, a prohibited substance for the *Drugs of Dependence Act 1989*, subsection 3 (1).".

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

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

36 POSTPONEMENT OF ORDERS OF THE DAY

Mr Humphries (Manager of Government Business) moved - That orders of the day Nos 11 to 13, Executive business, relating to the Commissioner for the Environment Bill 2000, the Land (Planning and Environment) Amendment Bill 2000 and the Rates and Land Tax Amendment Bill 2000 be postponed until a later hour this day.

Question - put and passed.

37 RATES AND LAND TAX 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.

38 ADJOURNMENT

Mr Humphries (Manager of Government Business) moved - That the Assembly do now adjourn.

Debate ensued.

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

ACT Community Care Customer Survey - 1998-99 - Answer to question without notice asked of Mr Moore (Minister for Health and Community Care) by Ms Tucker and taken on notice on 29 February 2000.

Debate continued.

Question - put and passed.

And then the Assembly, at 12.45 a.m., adjourned until Tuesday, 27 June 2000 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