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1998-99

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 73

THURSDAY, 9 DECEMBER 1999

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 **PETITION**

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Stefaniak, from 58 residents, requesting that the Assembly consider the issue of free syringes to diabetics.

3 **LEAVE OF ABSENCE TO MEMBERS**

Mr Humphries (Manager of Government Business) moved - That leave of absence from 10 December 1999 to 15 February 2000 inclusive be given to all Members.

Question - put and passed.

4 **STADIUMS CORPORATION BILL 1999**

Ms Carnell (Chief Minister), pursuant to notice, presented a Bill for an Act to establish the Stadiums Corporation and for other purposes.

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

Title read by Clerk.

Ms Carnell 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 **INDEPENDENT COMPETITION AND REGULATORY COMMISSION
AMENDMENT BILL 1999**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Independent Pricing and Regulatory Commission Act 1997*, 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.

6 DEFAMATION BILL 1999

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act about defamation, 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 Stanhope – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

7 INTERPRETATION AMENDMENT BILL 1999

Notice No. 4, Executive business, having been called on –

Mr Humphries (Manager of Government Business), pursuant to standing order 128 fixed a later hour this day for the presentation of the Bill.

8 TOBACCO AMENDMENT BILL (NO 2) 1999

Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Tobacco Act 1927* and to repeal the *Tobacco Licensing Act 1984*, and for other purposes.

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 Stanhope – Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

9 EDUCATION, COMMUNITY SERVICES AND RECREATION – STANDING COMMITTEE – REFERENCE – CANBERRA INSTITUTE OF TECHNOLOGY 1998 REPORT

Ms Tucker (Chair), pursuant to notice, moved - That the Standing Committee on Education, Community Services and Recreation inquire into and report on, as part of its inquiry into departmental annual and financial reports, the Canberra Institute of Technology report and financial statements 1998.

Question – put and passed.

10 WORKERS' COMPENSATION SYSTEM – SELECT COMMITTEE – INQUIRY – ALTERATION TO REPORTING DATE

Mr Berry (Chair), pursuant to notice, moved - That the resolution of the Assembly of 1 July 1999 which appointed the Select Committee on Workers' Compensation, be amended by omitting from paragraph (3) "by the first sitting day of 2000" and substituting "by the last sitting day of May 2000".

Debate ensued.

Question – put and passed.

11 **STANDING COMMITTEES – ANNUAL AND FINANCIAL REPORTS 1998-99 – INQUIRY - ALTERATION TO REPORTING DATE**

Mr Humphries (Manager of Government Business), pursuant to notice, moved - That the resolution of the Assembly of 2 September 1999 referring the 1998-99 Annual Reports to the Standing Committees, be amended by omitting from paragraph (1) "1 February 2000" and substituting "by the first sitting day of February 2000".

Question – put and passed.

12 **STANDING COMMITTEES – REFERENCE – DRAFT 2000-01 BUDGET**

Mr Humphries (Manager of Government Business), pursuant to notice, moved - That:

- (1) the draft 2000-01 Budget for each appropriation unit be referred to the relevant General Purpose Standing Committee, to consider the expenditure proposals, revenue estimates and the capital works program for each portfolio and make recommendations that maintain or improve the operating result;
- (2) the draft total Territory financial position be referred to the Standing Committee on Finance and Public Administration (incorporating the Public Accounts Committee);
- (3) the relevant draft budget documents be provided by the Treasurer to the Presiding Member of each Standing Committee by 17 January 2000;
- (4) the Committees report by 28 March 2000;
- (5) if the Assembly is not sitting when the Committees complete their inquiries, the Committee may send their reports to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication;
- (6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Ms Tucker moved the following amendment:

Paragraph (1), omit “, to consider the expenditure proposals, revenue estimates and the capital works program for each portfolio and make recommendations that maintain or improve the operating result”, substitute “for inquiry and report”.

Debate continued.

Mr Humphries addressing the Assembly –

It being 45 minutes after the commencement of Assembly business the debate was interrupted in accordance with standing order 77 -

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 Assembly business having precedence of Executive business until the Assembly has concluded its consideration of Assembly business order of the day No. 1.

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

Debate continued.

Mr Quinlan and Ms Tucker, by leave, again addressed the Assembly.

Debate continued.

Question – That Ms Tucker’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 the motion be agreed to – 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 – Motion agreed to.

13 WORKERS COMPENSATION AMENDMENT BILL 1999

Mr Osborne, by leave, presented a Bill for an Act to amend the *Workers Compensation Act 1951*.

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

Title read by Clerk.

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

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

14 GOVERNMENT CONTRACTING AND PROCUREMENT PROCESSES – SELECT COMMITTEE – COMMERCIAL-IN-CONFIDENCE DOCUMENTS – PUBLICATION

The order of the day having been read for the resumption of the debate on the motion of Mr Osborne – That this Assembly requires the Government to submit the following agreements to the Select Committee on Government Contracting and Procurement Processes:

- (a) hirer’s agreement between Bruce Operations Pty Ltd and the Canberra Raiders;
- (b) hirer’s agreement between Bruce Operations Pty Ltd and the ACT Brumbies;
- (c) hirer’s agreement between Bruce Operations Pty Ltd and the Canberra Cosmos; and
- (d) Agreement between the ACT Government and the Sydney Olympic Organising Committee (SOCOG) for the staging of Olympic football in Canberra.

And directs that the Select Committee, and its members, regard these documents as being commercial-in-confidence and not publish them, or extracts from them, without the express permission of a majority of members of the Assembly.

The foregoing provisions of this resolution has effect notwithstanding anything contained in the Standing Orders –

Debate adjourned (Mr Rugendyke) and the resumption of the debate made an order of the day for a later hour this day.

15 FINANCE AND PUBLIC ADMINISTRATION - STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) - REPORT NO. 3 - IMPLEMENTATION OF SERVICE PURCHASING ARRANGEMENTS - REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration - Standing Committee (incorporating the Public Accounts Committee) - Report No. 3 – Report on the implementation of service purchasing arrangements in the ACT, dated 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.

16 FINANCE AND PUBLIC ADMINISTRATION - STANDING COMMITTEE (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 23 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 2, 1999 – MANAGEMENT OF YEAR 2000 RISKS – FINAL REPORT - REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Finance and Public Administration - Standing Committee (incorporating the Public Accounts Committee) - Public Accounts Committee Report No. 23 - Review of Auditor-General's Report No. 2, 1999 – The management of year 2000 risks – Final report, dated 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.

17 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - REPORT NO. 7 – JOINT EMERGENCY SERVICES CENTRE (JESC) PROPOSAL - MOTION THAT REPORT BE NOTED

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee - Report No. 7 – The Joint Emergency Services Centre (JESC) Proposal, dated 6 December 1999, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate adjourned (Mr Humphries – Minister for Justice and Community Safety) and the resumption of the debate made an order of the day for the next sitting.

18 HEALTH AND COMMUNITY CARE – STANDING COMMITTEE – INQUIRY – CANNABIS USE – STATEMENT BY CHAIR

Mr Wood (Chairman), by leave, informed the Assembly that on 8 December 1999 the Standing Committee on Health and Community Care resolved to inquire into and report on the use of cannabis. The terms of reference are:

“Noting the reported effects on health of cannabis use and the ACT policy of harm minimisation, the Committee will inquire into and report on:

- the role of legal sanctions in addressing issues of individual cannabis use;
- the impact of the use of Simple Cannabis Offence Notices in responding to individual cannabis use; and
- any other related matter.”.

19 QUESTIONS

Questions without notice were asked.

20 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORT - NO. 4 OF 1999 – FINANCIAL AUDITS WITH YEARS ENDING TO 30 JUNE 1999 - PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 4 of 1999 – Financial audits with years ending to 30 June 1999, dated 9 December 1999.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1999.

Question - put and passed.

21 PRESENTATION OF PAPER

Ms Carnell (Chief Minister), presented the following paper:

Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3) – Canberra Tourism and Events Corporation - Quarterly report for July-September 1999.

22 PRESENTATION OF PAPERS

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

Subordinate legislation (including explanatory statements) and a commencement provision

Bookmakers Act – Revocation and determination of maximum number of sports betting licences that may be granted – Instrument No. 272 of 1999 (S66, dated 8 December 1999).

Health Professions Board (Procedures) Act and Medical Practitioners Act – Appointment of member of the Medical Board of the ACT – Instrument No. 267 of 1999 (No. 48, dated 1 December 1999).

Justices of the Peace Act – Appointment of Justices of the Peace – Instrument No. 266 of 1999 (No. 47, dated 24 November 1999).

Land (Planning and Environment) Act –

Determination of fees – Instrument No. 265 of 1999 (No. 47, dated 24 November 1999).

Specification of criteria for granting certain classes of leases – Instrument No. 269 of 1999 (S66, dated 8 December 1999).

Determination of conditions – Instrument No. 270 of 1999 (S66, dated 8 December 1999).

Land (Planning and Environment) Regulations Amendment – Subordinate Law 1999 No 31 (No. 48, dated 1 December 1999).

Lands Acquisition Act - Lands Acquisition Regulations 1999 – Subordinate Law 1999 No 30 (No. 47, dated 24 November 1999).

Liquor (Amendment) Act 1999 – Notice of commencement (30 November 1999) of provisions 37 (No. 47, dated 24 November 1999).

Medical Practitioners Act. *See* “Health Professions Boards (Procedures) Act.

Motor Traffic Act – Motor Vehicle (Third Party Insurance) Regulations Amendment – Subordinate Law 1999 No 32 (S64, dated 29 November 1999).

Miscellaneous paper

ACT Administration of Justice – Statistical profile for July to September 1999.

23 PRESENTATION OF PAPER

Mr Humphries (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 25 – Consolidated Annual Financial Statements for the 1998-99 financial year, together with the Auditor-General’s report for 1998-99.

24 1998-99 CAPITAL WORKS PROGRAM – PROGRESS REPORT - JUNE QUARTER - PAPER AND STATEMENT BY MINISTER

Mr Humphries (Treasurer) presented the following paper:

1998-99 Capital Works Program - Progress report – June quarter – and, by leave, made a statement in relation to the paper.

25 PAPER

Ms Carnell (Chief Minister), having added to an answer, presented the following paper:

Disability and disadvantaged in the ACT - DADA ACT – Answer to question without notice asked of Ms Carnell by Mr Wood and taken on notice.

26 PRESENTATION OF PAPERS

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

Calvary Public Hospital - Information Bulletin - Patient Activity Data – October 1999.

The Canberra Hospital - Information Bulletin - Patient Activity Data - October 1999.

Department of Health and Community Care - Activity report - First quarter – Financial year: 1999-2000, dated November 1999.

27 REPUBLIC OF IRELAND – BUSINESS DELEGATION - PAPER - PAPER NOTED

Mr Humphries (Deputy Chief Minister) presented the following paper:

Report of the Business Delegation to the Republic of Ireland – September 1999 - and moved - That the Assembly takes note of the paper.

Question – put and passed.

28 McKELLAR SHOPPING CENTRE – DIRECT GRANT OF LAND TO TOKICH HOMES PTY LTD – INDEPENDENT INVESTIGATION - PAPER – MOTION TO TAKE NOTE OF PAPER

Mr Humphries (Attorney-General) presented the following paper:

Independent investigation into various matters surrounding the direct grant of land at McKellar Shopping Centre to Tokich Homes Pty Ltd – Report, dated October 1999 -

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.

29 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 30 – EXHIBITION PARK - CARPARKING - GOVERNMENT RESPONSE – PAPER NOTED

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

Urban Services - Standing Committee - Report No. 30 – Carparking at Exhibition Park in Canberra (EPIC) (*presented 2 September 1999*) - Government response -

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

Question – put and passed.

30 MATTER OF PUBLIC IMPORTANCE - DISCUSSION – TEMPORARY ACCOMMODATION ALLOWANCE

The Assembly was informed that Mr Corbell had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, “The Chief Minister’s failure to accept responsibility for the inappropriate payments of Temporary Accommodation Allowance to Senior Executives in the ACT Public Service.”.

Discussion ensued.

Paper: Ms Carnell (Chief Minister) presented the following paper:

Temporary accommodation allowance – Facsimile of minute from the Acting Commissioner for Public Administration, Chief Minister’s Department, dated 9 December 1999.

Discussion continued.

Discussion concluded.

31 INTERPRETATION AMENDMENT BILL 1999

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Interpretation Act 1967*.

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

Title read by Clerk.

Suspension of standing and temporary orders – Consideration of Bill: Mr Humphries moved – That so much of the standing and temporary orders be suspended as would prevent the Bill from being considered at all stages forthwith.

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

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

Debate ensued.

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.

32 DAYS OF MEETING – 2000

Mr Humphries (Manager of Government Business), pursuant to notice, moved – That, unless the Speaker fixes an alternate day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2000:

| | | | |
|----------------|----|----|----|
| February | 15 | 16 | 17 |
| February/March | 29 | 1 | 2 |
| | 7 | 8 | 9 |
| | 28 | 29 | 30 |
| May | 9 | 10 | 11 |
| May | 23 | 24 | 25 |
| June | 27 | 28 | 29 |
| August | 29 | 30 | 31 |
| September | 5 | 6 | 7 |
| October | 10 | 11 | 12 |
| | 17 | 18 | 19 |
| November | 28 | 29 | 30 |
| December | 5 | 6 | 7 |

Question – put and passed.

33 CANDELIVER LIMITED - DISPOSAL

Mr Humphries (Treasurer), pursuant to notice, moved - That this Assembly, pursuant to subsection 16 (4) of the *Territory Owned Corporations Act 1990* and noting that the voting shareholders of CanDeliver Limited support the disposal, approves the disposal of the main undertakings of CanDeliver Limited.

Debate ensued.

Mr Osborne addressing the Assembly -

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

Mr Stefaniak (Minister for Education) requiring the question to be put forthwith without debate -

Question - put and negatived.

Debate continued.

Question – put and passed.

34 WATER RESOURCES 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.

35 KINGSTON FORESHORE DEVELOPMENT AUTHORITY BILL 1999

The Assembly, according to order, resumed consideration at the detail stage.

Detail stage

Clause 1 agreed to.

Clauses 2 to 10, by leave, taken together and agreed to.

Clause 11 –

Ms Tucker moved the following amendment:

Page 8, line 32, after subclause (1), insert the following subclause:

“(1A) For paragraph (1) (a), of the 6 persons appointed by the Minister—

- (a) 1 of those persons must be a resident of south Canberra who is familiar with the diversity of interests of the residents of Kingston and surrounding suburbs; and
- (b) 1 of those persons must have tertiary qualifications, and expertise, in urban planning and design; and
- (c) 1 of those persons must have tertiary qualifications, and expertise, in environment protection.”.

Debate continued.

Question – That the amendment be agreed to – put.

The Assembly voted -

Ayes, 3

Mr Kaine
Mr Osborne
Ms Tucker

Noes, 14

| | |
|---------------|--------------|
| Mr Berry | Mr Moore |
| Ms Carnell | Mr Quinlan |
| Mr Corbell | Mr Rugendyke |
| Mr Cornwell | Mr Smyth |
| Mr Hargreaves | Mr Stanhope |
| Mr Hird | Mr Stefaniak |
| Mr Humphries | Mr Wood |

And so it was negatived.

Clause 11 agreed to.

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

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

Clause 20, page 11, line 28, add the following new subclauses:

“(6) The chairperson must, from time to time, give to the Minister a statement of all disclosures of interest made under subsections (1) and (2), and the Minister must cause a copy of the statement to be laid before the relevant committee of the Legislative Assembly within 14 days after receiving it.

(7) In subsection (6)—

relevant committee means—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purposes of subsection (6); or
- (b) where no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.”.

Clause 32, page 17, line 3, subclause (1), omit “Any consideration”, substitute “Subject to generally accepted accounting principles, any consideration”.

Schedule, page 23, line 7, subclause 1 (2), omit the subclause, substitute the following new subclauses:

“(2) Before appointing a person, the Minister must—

- (a) consider the suitability of the person for appointment having regard to the person’s expertise and knowledge; and
- (b) consult with the relevant committee of the Legislative Assembly; and
- (c) consider any recommendation made by the committee, being a recommendation made within 30 days after the consultation.

(2A) In subsection (2)—

relevant committee means—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purposes of subsection (2); or
- (b) where no nomination in paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.”.

Debate continued.

Mr Humphries (Treasurer) moved the following amendment to Mr Quinlan’s proposed amendment:

Clause 20, after proposed new subclause (6), insert the following new subclause:

“(6A) A statement under subsection (1) or (2) is confidential to the relevant committee and must not be published in any way.”.

Question – That Mr Humphries’ amendment to Mr Quinlan’s proposed amendment be agreed to – put and passed.

Question – That Mr Quinlan’s amendments, as amended, be agreed to – put and passed.

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

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

36 **SUSPENSION OF STANDING AND TEMPORARY ORDERS – PRECEDENCE TO ASSEMBLY 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. 1, Assembly business, being called on forthwith.

Debate ensued.

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

37 **GOVERNMENT CONTRACTING AND PROCUREMENT PROCESSES – SELECT COMMITTEE – COMMERCIAL-IN-CONFIDENCE DOCUMENTS – PUBLICATION**

The order of the day having been read for the resumption of the debate on the motion of Mr Osborne – That this Assembly requires the Government to submit the following agreements to the Select Committee on Government Contracting and Procurement Processes:

- (a) hirer's agreement between Bruce Operations Pty Ltd and the Canberra Raiders;
- (b) hirer's agreement between Bruce Operations Pty Ltd and the ACT Brumbies;
- (c) hirer's agreement between Bruce Operations Pty Ltd and the Canberra Cosmos; and
- (d) Agreement between the ACT Government and the Sydney Olympic Organising Committee (SOCOG) for the staging of Olympic football in Canberra.

And directs that the Select Committee, and its members, regard these documents as being commercial-in-confidence and not publish them, or extracts from them, without the express permission of a majority of members of the Assembly.

The foregoing provisions of this resolution has effect notwithstanding anything contained in the Standing Orders –

Debate resumed.

Mr Osborne, by leave, addressed the Assembly without closing the debate.

On the motion of Mr Osborne, by leave, the following amendment was made, after debate:

Omit all words after "That", substitute the following words:

"to assist the Select Committee on Contracting and Procurement Processes in its inquiry, this Assembly requires the Chief Minister to present to the Chair of the Committee by 12 noon, Friday 10 December 1999, the following documents relating to Bruce Stadium:

- (1) hirer's agreement between Bruce Operations Pty Ltd and the Canberra Raiders;
- (2) hirer's agreement between Bruce Operations Pty Ltd and the ACT Brumbies;
- (3) hirer's agreement between Bruce Operations Pty Ltd and the Canberra Cosmos; and
- (4) agreement between the ACT Government and the Sydney Olympic Organising Committee (SOCOG) for the staging of the Olympic football in Canberra."

Question – That the motion, as amended, viz:

That to assist the Select Committee on Contracting and Procurement Processes in its inquiry, this Assembly requires the Chief Minister to present to the Chair of the Committee by 12 noon, Friday 10 December 1999, the following documents relating to Bruce Stadium:

- (1) hirer's agreement between Bruce Operations Pty Ltd and the Canberra Raiders;

- (2) hirer's agreement between Bruce Operations Pty Ltd and the ACT Brumbies;
- (3) hirer's agreement between Bruce Operations Pty Ltd and the Canberra Cosmos; and
- (4) agreement between the ACT Government and the Sydney Olympic Organising Committee (SOCOG) for the staging of the Olympic football in Canberra –

be agreed to - put and passed.

38 MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1998 - COMMENTS BY MEMBER ON RADIO – STATEMENTS BY MEMBERS - PAPERS

Mr Osborne, by leave, made a statement concerning a statement made on radio by Mr Hargreaves in relation to the Motor Traffic (Amendment) Bill (No. 4) 1998 –

and, by leave, presented the following papers:

Comments made on radio by Mr Hargreaves –

Facsimile of transcript of interview on ABC radio news, 9 December 1999.

Cover page of The Oxford English Dictionary.

Copy of the Oxford English Dictionary definition of 'bovver'.

Mr Hargreaves, by leave, also made a statement.

39 POSTPONEMENT OF ORDER OF THE DAY

Mr Humphries (Manager of Government Business) moved - That order of the day No. 3, Executive business, relating to the Victims of Crime (Financial Assistance) (Amendment) Bill 1998, be postponed until a later hour this day.

Debate ensued.

Question – put and passed.

40 DISCHARGE OF ORDER OF THE DAY

Mr Moore (Minister for Health and Community Care), pursuant to standing order 152, moved – That order of the day No. 4, Executive business, relating to the Drugs of Dependence (Amendment) Bill (No. 2) 1998 be discharged from the *Notice Paper*.

Question – put and passed.

41 SUPERVISED INJECTING PLACE TRIAL 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.

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

Debate continued.

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

Debate continued.

Mr Stefaniak (Minister for Education), by leave, was granted an extension of time.

Paper: Mr Stefaniak presented the following paper:

Survey of Young People 1999 – Ministerial Youth Advisory Council.

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

Safe injecting rooms – Parliament of New South Wales - Report on the establishment of trial of safe injecting rooms by the Joint Select Committee into Safe Injecting Rooms, dated February 1998.

Debate continued.

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

Debate continued.

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

Suspension of standing order 76: Mr Moore (Minister for Health and Community Care) moved – That standing order 76 be suspended for the remainder of the sitting.

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

Debate continued.

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

Debate continued.

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

The Assembly voted -

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

And so it was resolved in the affirmative – Bill agreed to in principle.

Detail stage

Clauses 1 and 2, by leave, taken together and agreed to.

Clause 3 –

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

Page 1, line 10, insert the following definitions:

“advisory committee means the advisory committee established by section 9A.

chairperson means the chairperson of the advisory committee.

deputy chairperson means the deputy chairperson of the advisory committee.”.

Page 2, line 7, insert the following definitions:

“internal management protocol means a protocol approved under section 5C.

law enforcement protocol means a protocol approved under section 5B.

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

Page 2, line 23, definition of *supervised injecting place*, paragraph (a), omit “drugs of dependence”, substitute “substances”.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 –

Mr Stanhope moved the following amendment:

Page 3, line 2, omit the clause, substitute the following clause:

“5 Declaration of facility

- (1) The Minister may, by notice in the Gazette, declare a place to be the facility for this Act.
- (2) The Minister may declare a place to be the facility only if—
 - (a) the Minister is satisfied the place is a hygienic environment suitable for use—
 - (i) to give drug dependent persons access to clean equipment to allow such a person to administer a substance to himself or herself at the place; and
 - (ii) to provide for the safe disposal of the equipment; and
 - (b) a law enforcement protocol has been approved under section 5A and published as required by section 5B; and
 - (c) an internal management protocol has been approved under section 5C; and
 - (d) approved criteria for the scientific trial have been presented to the Assembly as required by section 5D; and
 - (e) the place to be declared as the facility is one that has been recommended by the advisory committee.
- (3) A declaration takes effect—
 - (a) on the day on which it is published in the Gazette; or
 - (b) if a later day is stated in the declaration—on that day.
- (4) The Minister must publish a copy of the declaration in a newspaper.”.

On the motion of Mr Moore the following amendment was made to Mr Stanhope’s proposed amendment:

New clause -

After proposed clause 5, insert the following new clause:

“5AA Declaration of operators

- (1) The Minister may, after consultation with the advisory committee, by notice in the Gazette, declare a person to be the operator of the facility.
- (2) The Minister shall not declare a non-government organisation to be the operator other than in accordance with a recommendation of the advisory committee.”.

Question – That Mr Stanhope’s amendment, as amended, be agreed to – put and passed.

Clause 5, as amended, agreed to.

New clauses –

Mr Stanhope moved the following new clauses be inserted in the Bill: Page 3, line 10:

“5A Law enforcement protocol

(1) The Minister may, after consultation with the advisory committee, by instrument approve a protocol that deals with—

- (a) the detection, investigation and prosecution of offences by a person who self-administers a substance at the facility; and
- (b) anything else necessary or convenient to be dealt with to give effect to the object of this Act;

as the law enforcement protocol for this Act.

(2) The Minister must ensure that a protocol is approved under this section that will allow the facility to function in accordance with the object of this Act.

(3) The Minister must not approve a protocol that has the effect of exempting a member of the staff of the facility from the operation of a law in relation to the possession, use or dealing in substances.

5B Publication of law enforcement protocol

(1) As soon as practicable after making an instrument under section 5A, the Minister must publish in a newspaper notice of the effect of the instrument.

(2) The notice must state the places where a copy of the law enforcement protocol may be bought or, at any reasonable time, inspected.

(3) The Minister must ensure that—

- (a) copies of the law enforcement protocol may be bought at each place stated for that purpose in the notice; and
- (b) a copy of the law enforcement protocol is, at any reasonable time, available for inspection at each place stated for that purpose in the notice.

5C Approval of internal management protocol

(1) The Minister may, by instrument, approve a protocol relating to the facility as the internal management protocol for this Act.

(2) Before making an instrument under subsection (1), the Minister must be satisfied that the following requirements will be met:

- (a) the facility must be under the supervision of a supervisor;
- (b) the supervisor must have general oversight of the clinical operations of the facility and responsibility for ensuring that adequate clinical procedures are used in the facility;
- (c) each member of staff of the facility who directly supervises injection of substances at the facility must be a doctor or a nurse;
- (d) each member of staff of the facility who issues equipment at the facility for use in injection of substances at the facility must hold an approval under Part 7 of the Drugs of Dependence Act;
- (e) the facility must contain, or provide satisfactory access to—

- (i) primary health care services (including medical consultation and medical assessment services); and
- (ii) drug and alcohol counselling services; and
- (iii) health education services; and
- (iv) drug and alcohol detoxification and rehabilitation services; and
- (v) services for testing for blood borne diseases;
- (f) the health and safety of staff and users of the facility must be protected, having regard to the design of, and services provided by, the facility;
- (g) any recommendations of the advisory committee concerning the operation of the facility must be given effect;
- (h) any regulations concerning the operation of the facility must be complied with.

5D Criteria for assessing the facility

- (1) The Minister must consult the advisory committee on the appropriate criteria, and must attempt to agree with the committee on a set of criteria.
- (2) If a set of criteria is agreed, the Minister must approve them.
- (3) If agreement is not possible—
 - (a) the advisory committee must set out its preferred criteria (*alternative criteria*); and
 - (b) the Minister must approve a set of criteria and a statement of the reasons why they are approved instead of the alternative criteria (*Minister's reasons*).
- (4) The Minister must present a copy of the approved criteria, together with any alternative criteria and Minister's reasons, to the Legislative Assembly within 3 sitting days after the approval.
- (5) In this section—

criteria means criteria by which the scientific trial of the effects of giving drug dependent persons a place to self-administer a substance is to be assessed.”.

On the motion of Mr Moore the following amendment was made to Mr Stanhope's proposed new clauses, after debate:

After proposed subclause 5C (1), insert the following:

“(1A) An operator shall manage the facility in accordance with the internal management protocol.”.

Question – That Mr Stanhope's proposed new clauses, as amended, be inserted in the Bill – put and passed.

Clause 6 agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

New clauses –

On the motion of Mr Stanhope the following new clauses were inserted in the Bill: Page 4, line 13:

“8A Things not permitted by this Act

This Act does not permit—

- (a) the members of the staff of the facility to sell or possess or use a substance in the facility; or

- (b) a drug dependent person to sell or supply a substance in the facility; or
- (c) a drug dependent person to possess in the facility more than 0.5 grams of a substance; or
- (d) a drug dependent person to possess a substance outside the facility.

8B Provision of injecting equipment at facility

Despite any other provision of this Act or of another law of the Territory, it is lawful for a member of the staff of the facility to provide, at the facility, sterile equipment to another person for use by the other person, at the facility, to self-administer a substance, if the other person—

- (a) agrees to return the equipment after use for safe disposal; and
- (b) unless the member of the staff knows, or reasonably believes, that the other person has previously administered a substance to himself or herself—the other person has been offered counselling or rehabilitation or medical services at the facility.

8C Provision of information about the facility

Despite any other provision of this Act or of another law of the Territory, it is lawful for a person to give, for the purposes of this Act, information about the operation of the facility to—

- (a) the Legislative Assembly or a committee of the Assembly; or
- (b) the Minister or a public employee acting in the course of his or her duties on behalf of a Minister; or
- (c) the advisory committee; or
- (d) a person appointed in writing by the Minister to review the effectiveness of the facility in meeting the relevant objectives of this Act.”.

Clause 9 agreed to.

New Parts –

Mr Stanhope moved the following new parts be inserted in the Bill: Page 4, line 27:

‘PART 2A—ADVISORY COMMITTEE

9A Advisory committee

An advisory committee, to be called the Supervised Drug Injection Trial Advisory Committee, is established.

9B Functions and powers of committee

- (1) The functions of the advisory committee are—
 - (a) to make written recommendations to the Minister about the matters mentioned in subsection 9L (1); and
 - (b) to perform such other functions as are conferred on the advisory committee by this Act, the regulations or another law of the Territory.
- (2) The advisory committee has the power necessary or convenient for the performance of its functions.

9C Constitution

- (1) Subject to subsection (2), the advisory committee consists of 16 members made up as follows:

- (a) the chief executive;
- (b) 1 person nominated by, and representing, each of the following persons or bodies:
 - (i) the Australian Federal Police;
 - (ii) the Director of Public Prosecutions;
 - (iii) the ACT Legal Aid Office;
 - (iv) the ACT Ambulance Service;
 - (v) the Australian Institute of Criminology;
 - (vi) the Australian Medical Association;
 - (vii) the Canberra City Heart Business Association;
 - (viii) the Women's Information Resources and Education on Drugs and Dependency (WIREDD);
 - (ix) an association representing residents of an area where the facility is, or is to be, located;
 - (x) Assisting Drug Dependents Inc;
 - (xi) National Centre for Epidemiology and Health;
 - (xii) Canberra Injectors Network;
 - (xiii) Australian Intravenous League;
 - (xiv) Alcohol and other Drugs Council of Australia;
 - (xv) the Winnunga Nimmityjah Aboriginal Health Service.
- (2) The regulations may reduce or extend the membership of the advisory committee.
- (3) Each member of the advisory committee is appointed by the Minister, by instrument, for a term not exceeding 3 years, and may be reappointed.
- (4) A member holds office—
 - (a) for the term stated in the instrument of appointment; and
 - (b) on such terms and conditions (if any) in relation to matters not provided for by this Act as are stated in the instrument of appointment.
- (5) The committee is duly constituted, and may (subject to any relevant provision of this Act) perform its functions, despite any vacancy in its membership.

9D Chairperson and deputy chairperson

The Minister must appoint in writing—

- (a) a member of the advisory committee to be chairperson of the advisory committee; and
- (b) a member of the advisory committee to be deputy chairperson of the advisory committee.

9E Cancellation of appointment

- (1) The Minister may cancel the appointment of a member because of the misbehaviour or physical or mental incapacity of the member.
- (2) The Minister must cancel the appointment of a member if the member—

- (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (b) is absent for 3 consecutive meetings; or
 - (c) is convicted in Australia or elsewhere of an offence punishable by imprisonment for 1 year or longer.
- (3) For paragraph (2) (b), an absence on leave is to be disregarded.

9F Resignation

A member may resign his or her office by signed notice of resignation given to the Minister.

9G Convening meetings

- (1) The chairperson, or if the chairperson cannot do so, the deputy chairperson, must call such meetings of the advisory committee—
- (a) as the chairperson or the deputy chairperson considers necessary for the efficient performance of its functions; or
 - (b) as the Minister directs, by written notice given to the chairperson or the deputy chairperson.
- (2) The chairperson must call a meeting of the advisory committee if asked by 3 members.

9H Leave of absence

The advisory committee may grant leave of absence (either before, or at the earliest practicable time after, the absence occurs) to a member.

9I Procedure

- (1) The chairperson presides at a meeting of the advisory committee when he or she is present.
- (2) If the chairperson is not present, the deputy chairperson presides.
- (3) If the chairperson and the deputy chairperson are both absent from a meeting, the members present must elect a member present to preside.
- (4) The member presiding at a meeting may give directions in relation to the procedure to be followed for the meeting.
- (5) The member presiding at a meeting has a deliberative vote and, if there is an equality of votes, a casting vote.
- (6) The advisory committee must keep minutes of its proceedings.
- (7) A meeting of the advisory committee may be called by telephone, television or any other device which permits instantaneous audio communication, with or without instantaneous visual communication.

9J Quorum

At a meeting of the advisory committee, a majority of the members for the time being of the advisory committee is a quorum.

9K Administration

The advisory committee may make arrangements with the chief executive for the provision of administrative or secretarial services to the advisory committee.

PART 2B—CONSULTATION WITH COMMITTEE

9L Minister must consult committee

- (1) The Minister must consult the advisory committee about—
- (a) any place to be declared to be the facility; and
 - (b) the operation of the facility (including the hours of operation); and
 - (c) the conditions of access to the facility; and
 - (d) the terms and conditions on which persons under 18 may attend the facility; and
 - (e) the way in which, and the criteria by which, the effectiveness of the operation of the facility may be evaluated.
- (2) If the Minister decides not to give effect to a recommendation of the advisory committee about a matter mentioned in subsection (1), the Minister must—
- (a) give a written statement of the reasons to the chairperson within 14 days after making the decision; and
 - (b) present a copy of the statement to the Legislative Assembly, within 3 sitting days after making the decision.

9M Criteria for deciding place for facility

In deciding whether to recommend a place to the Minister as the facility, the advisory committee must have regard to—

- (a) the cost of setting up and maintaining the facility at the place; and
- (b) the capacity to maintain the place in a hygienic condition; and
- (c) the capacity of the place to meet the objective of giving drug dependent persons using the place access to counselling, medical treatment, detoxification and other health promotion services; and
- (d) the means of safe disposal of injecting equipment after use.

9N Review of the operation of scientific trial

- (1) The advisory committee must, as soon as practicable after the end of each 6 months following the date of effect of the declaration of the facility, give the Minister a report on—
- (a) the operation of the facility during the 6 months; and
 - (b) the views of the advisory committee about the scientific trial during the 6 months.
- (2) The advisory committee must, before the expiry of this Act—
- (a) arrange an assessment of the scientific trial against the criteria approved under section 5D; and
 - (b) give to the Minister a report containing the assessment together with a recommendation either that the scientific trial continue for a stated time, or that it cease.
- (3) The Minister must present a copy of each report to the Legislative Assembly within 6 sitting days after receiving the report.

On the motion of Mr Moore the following amendment to Mr Stanhope's proposed new Parts was made:

Proposed new paragraph 9C (1) (b), after the proposed subparagraph (xv), insert the following:

“(xvi) the Youth Coalition of the ACT.”.

On the motion of Mr Moore, by leave, the following further amendment to Mr Stanhope’s proposed new Parts was made:

Proposed new paragraph 9C (1), omit “16”.

Question – That Mr Stanhope’s proposed new Parts, as amended, be agreed to – put and passed.

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

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

The Assembly voted -

Ayes, 10

Noes, 7

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

And so it was resolved in the affirmative – Bill, as amended, agreed to.

42 PAPERS

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

Health Care Workers – Charter from Pontifical Council for Pastoral Assistance to Health Care Workers, Vatican City, 1995.

ACT Drug Strategy 1999 – Links with complementary documents/processes (page 9).

The Assembly continuing to sit past 12 midnight –

FRIDAY, 10 DECEMBER 1999

43 VICTIMS OF CRIME (FINANCIAL ASSISTANCE) (AMENDMENT) BILL 1998

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 Kaine 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.

Debate continued.

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

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

Debate continued.

Paper: Mr Humphries (Attorney-General) presented the following paper:

Crime Compensation – Blowouts - Copy of extract, dated 8 December 1999, from *The Sydney Morning Herald* entitled “Crime compo blow-out prompts call for curbs”.

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.

Clause 5 -

Ms Tucker moved the following amendment:

Page 3, line 38, proposed new section 2, definition of “extremely serious injury”, omit the definition.

Debate continued.

Amendment negatived.

On the motion of Mr Stanhope (Leader of the Opposition) the following amendment was made, after debate:

Page 4, line 10, proposed new section 2, insert the following definition:

“ ‘health professional’ includes a registered psychologist under the *Psychologists Act 1994*.”.

Mr Rugendyke moved the following amendment:

Page 8, line 34, proposed new subsection 9 (2), omit the subsection.

Debate continued.

Question – That Mr Rugendyke’s amendment 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 – Mr Rugendyke’s amendment agreed to.

Ms Tucker moved the following amendment:

Page 9, line 11, after proposed new paragraph 10 (1) (c), insert the following paragraph:

“(ca) reasonable compensation for the victim’s incapacity (if any) to continue to perform unpaid domestic work and childcare;”.

Debate continued.

Question – That Ms Tucker’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.

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

Page 9 –

Line 12, proposed new paragraph 10 (1) (d), omit the paragraph, substitute the following paragraphs:

- “(d) unless paragraph (e) or (f) applies—special assistance in an amount of \$30,000;
- (e) if the victim is a police officer, ambulance officer or firefighter, and the criminal injury was sustained in the course of the exercise of his or her functions as a police officer, ambulance officer or firefighter—special assistance by way of reasonable compensation for pain and suffering in an amount of no more than \$50,000;
- (f) if the criminal injury was sustained as a result of a violent crime consisting of an offence against sections 92A to 92L of the *Crimes Act 1900* (in Part 3A ‘Sexual offences’)—special assistance by way of reasonable compensation for pain and suffering in an amount of no more than \$50,000.”.

Line 16, proposed new subsection 10 (2), after “court”, insert “under paragraph (1) (d)”.

Debate continued.

Ms Tucker moved the following amendment to Mr Rugendyke’s proposed amendments:

Page 9, line 12, after proposed new paragraph 10 (1) (e), insert the following paragraph:

“(ea) if the criminal injury was sustained as a result of a violent crime consisting of conduct constituting domestic violence under the *Domestic Violence Act 1986*—special assistance by way of reasonable compensation for pain and suffering in an amount of no more than \$50,000;”.

Debate continued.

Question – That Ms Tucker’s amendment to Mr Rugendyke’s proposed amendments 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.

Ms Tucker moved the following further amendment to Mr Rugendyke’s proposed amendments:

Page 9, line 12, after proposed new paragraph 10 (1) (f), insert the following paragraph:

“(g) if the criminal injury is, in the court’s opinion, particularly serious and has persisted for a considerable period, or is likely to persist indefinitely or for considerable period—special assistance by way of reasonable compensation for pain and suffering in an amount of no more than \$50,000.”.

Debate continued.

Question – That Ms Tucker’s further amendment to Mr Rugendyke’s proposed amendments 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 Rugendyke’s amendments be agreed to – put and passed.

Ms Tucker, by leave, moved the following amendment:

Page 9, line 18, proposed new paragraph 10 (2) (b), omit the paragraph.

Debate continued.

Question – That Ms Tucker’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.

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

Page 9, line 30, proposed new subsections 10 (4) and (5), omit the subsections, substitute the following subsection:

“(4) An applicant under this section in respect of a criminal injury must serve a copy of the application on each other person whom the applicant believes to be entitled to financial assistance under this section in respect of that injury.”.

On the motion of Mr Rugendyke, by leave, the following amendment was made:

Page 9, line 33, proposed new section 10, add the following subsection:

“(6) In this section—

ambulance officer means—

- (a) a member of the ACT Ambulance Service, or its Chief Officer, under the *Emergency Management Act 1999*; or
- (b) a casual volunteer under that Act while participating in an operation undertaken by the ACT Ambulance Service.

firefighter means—

- (a) a member of the Australian Capital Territory Fire Brigade, or the Fire Commissioner; or
- (b) a volunteer who, at or immediately after a fire, has placed his or her services at the disposal of the Fire Commissioner, while exercising functions under section 7 of the *Fire Brigade Act 1957*; or
- (c) a bushfire brigade member, a fire control officer, an emergency volunteer firefighter, or the Chief Fire Control Officer, under the *Bushfire Act 1936*; or
- (d) a member of a firefighting organisation established in any area of a State or another Territory, while assisting at or immediately after a fire in the Territory.”.

Mr Stanhope, by leave, moved the following amendment:

Page 9, line 34, proposed new section 11, omit the section, substitute the following section:

“11 **What is an extremely serious injury?**

- ‘(1) An extremely serious injury is an injury that satisfies all the requirements of this section.
- ‘(2) The injury must be a criminal injury.
- ‘(3) The injury must reasonably require treatment by a health professional.
- ‘(4) The injury must result in 1 or more of the following consequences to the primary victim:

- (a) impairment of a bodily function;
- (b) loss of a bodily function;
- (c) disfigurement;
- (d) mental or behavioural disturbance or disorder;
- (e) loss of a foetus.

‘(5) The injury must result in a considerable reduction to the primary victim’s quality of life.’.

Debate continued.

Question – That Mr Stanhope’s amendment be agreed to – put and negatived.

Ms Tucker, by leave, moved the following amendment:

Page 10, line 25, proposed new paragraph 12 (1) (c), add “, or another reasonably appropriate community service organisation or office holder (for example, a rape crisis service, a domestic violence support service or an aboriginal health service)”.

Debate continued.

Question – That Ms Tucker’s amendment be agreed to – put and negatived.

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

Page 10, line 30, after proposed new section 12, insert the following section:

“12A Exhaustion of workers’ compensation remedies

(1) If a criminal injury arises out of or in the course of the primary victim’s employment, the victim may not apply for financial assistance until—

- (a) an application has been made by the victim, or on the victim’s behalf, for workers’ compensation under the applicable workers’ compensation law; and
- (b) either workers’ compensation is awarded to the victim, or workers’ compensation is refused following any applicable arbitration procedure under that workers’ compensation law.

(2) In this section—

workers’ compensation law means the *Workers’ Compensation Act 1951*, or any other law applying in the Territory that provides for the payment of compensation for injuries arising out of or in the course of employment.

Note Under s 33 and s 34 of this Act, if a primary victim has received, or is entitled to receive, an amount of workers’ compensation in respect of his or her criminal injury, any amount of financial assistance the primary victim might otherwise be awarded under this Act is reduced by that amount. Under s 32 of this Act, if the amount of workers’ compensation exceeds the amount of financial assistance that would otherwise be awarded, no financial assistance is payable under this Act.”.

Ms Tucker, by leave, moved the following amendment:

Page 10, line 31, proposed new section 13, omit the section, substitute the following section:

“ ‘13 Maximum award—primary victims and responsible persons

‘(1) The maximum financial assistance that may be awarded under this Division to the primary victim for a criminal injury is \$50,000.

‘(2) The maximum financial assistance that may be awarded under this Division to any person responsible for the maintenance of a primary victim is \$30,000.’.

Debate continued.

Question – That Ms Tucker’s amendment be agreed to – put and negatived.

On the motion of Mr Stanhope, by leave, the following amendment was made:

Page 11, line 30, proposed new subsection 16 (2), omit the subsection, substitute the following subsection:

“(2) A related victim applying for financial assistance in relation to the death of a primary victim must serve a copy of the application on each other person whom the applicant believes to be another related victim in relation to the deceased primary victim.”.

Mr Stanhope, by leave, moved the following amendment:

Page 12, line 17, proposed new paragraph 18 (2) (b), omit “such proportion of \$30,000 as the court thinks fit, such that the total amount of special assistance awarded is \$30,000”, substitute “such amount as the court thinks fit, such that the total amount of special assistance awarded does not exceed \$30,000”.

Debate continued.

Question – That Mr Stanhope’s amendment be agreed to – put and negatived.

On the motion of Ms Tucker, by leave, the following amendment was made, after debate:

Page 14, line 39, proposed new subsection 29 (1), omit “of its choice”, substitute “chosen by the victim from a list of health professionals approved by the Minister as having suitable expertise for examining and treating injuries of the type allegedly suffered by the victim”.

Mr Stanhope, by leave, moved the following amendment:

Page 15, line 3, proposed new subsection 29 (3), after “refuses”, insert, without reasonable excuse,”.

Debate continued.

Question – That Mr Stanhope’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.

On the motion of Mr Stanhope, by leave, the following amendment was made, after debate:

Page 17, line 23, proposed new subsection 36 (3), definition of “intoxicated”, omit “substance specified in Column 1 of Schedule 1 to the *Drugs of Dependence Regulations*”, substitute “drug of dependence, or a prohibited substance, within the meaning of the *Drugs of Dependence Act 1989*”.

Mr Humphries moved the following amendment:

Page 21, line 10, after proposed new section 45, insert the following section:

“45A Legal fees

A legal practitioner must neither charge nor seek to recover in respect of a proceeding under this Act an amount by way of fees that exceeds the amount allowable under the regulations.”.

Debate continued.

Question – That Mr Humphries’ amendment be agreed to – 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 – Mr Humphries’ amendment agreed to.

Clause 5, as amended, agreed to.

New clause –

On the motion of Ms Tucker the following new clause was inserted in the Bill: Page 27, line 34:

“5A Insertion

The Principal Act is amended by inserting after section 35 the following section:

‘69A Review of Act and victims services scheme

‘(1) The Minister must commission an independent review covering the operation of this Act and the victims services scheme during the 2 year period after this section commences.

‘(2) The Minister must table the final report of the review in the Legislative Assembly within 3 months after the end of that 2-year period.’”.

Clauses 6 and 7, by leave, taken together and agreed to.

Clauses 8 and 9, by leave, taken together –

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

Clause 8 –

Page 29, line 9, after paragraph 8 (c), insert the following paragraph:

“(ca) by inserting in subsection (1) the following definition:

‘ “board” means the Victims Assistance Board established under Division 4.2;’; and”.

Clause 9 –

Page 29, line 16, proposed new section 19, omit the section, substitute the following new Division heading and section:

“Division 4.1—Management of scheme**‘19 Establishment and administration**

‘(1) A victims services scheme is established under this division.

‘(2) The Minister is responsible for the administration and operation of the scheme, taking into consideration the recommendations of the board.

- ‘(3) The following matters may be prescribed under the regulations:
- (a) conditions for eligibility for the scheme;
 - (b) different levels of service for different categories of victim, or for victims in different circumstances;
 - (c) the performance of functions in relation to the scheme by the coordinator (other than functions inconsistent with the coordinator’s other functions under this Act);
 - (d) any other matters necessary or convenient for the establishment, administration or operation of the scheme.

‘(4) The Minister must seek and consider the advice of the board about regulations proposed to be made for subsection (3).

‘(5) If the Minister decides not to give effect to a recommendation, or advice, of the board about a matter mentioned in subsection (2) or (3), the Minister must give a written statement of the reasons to the chairperson within 14 days after making the decision.’.

Page 30, line 8, proposed new section 21, omit the section.

Proposed new Division -

Page 30, line 27, after proposed new section 22, insert the following Division:

“Division 4.2—Victims Assistance Board

‘22A Establishment

The Victims Assistance Board is established under this Division.

‘22B Functions and powers

- ‘(1) The functions of the board are as follows:
- (a) to give written advice to the Minister about the administration and operation of the victims services scheme, and any regulations proposed to be made for subsection 19 (3);
 - (b) to perform such other functions as are conferred on the board by this Act, the regulations or another law of the Territory.

‘(2) The board has the power necessary or convenient for the performance of its functions.

‘22C Constitution

‘(1) The board consists of a minimum of 3 members, appointed by the Minister, made up as follows:

- (a) at least 1 legal practitioner, who may not be a public servant;
- (b) at least 1 health professional, who may be a registered psychologist under the *Psychologists Act 1994*, but who may not be a public servant;
- (c) at least 1 person nominated by, and representing, an organisation (whether or not incorporated) that has the object of representing the views of victims of crime.

‘(2) Each member may be appointed for a term not exceeding 3 years, and may be reappointed.

‘(3) A member holds office—

- (a) for the term stated in the instrument of appointment; and

- (b) on such terms and conditions (if any) in relation to matters not provided for by this Act as are stated in the instrument of appointment.

‘22D Chairperson and deputy chairperson

The Minister must appoint—

- (a) a member of the board to be its chairperson; and
- (b) a member of the board to be its deputy chairperson.

‘22E Early termination of appointment

‘(1) The Minister may terminate the appointment of a member before the expiry of his or her term of office because of the misbehaviour or physical or mental incapacity of the member.

‘(2) The Minister must terminate the appointment of a member early if the member—

- (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
- (b) is absent for 3 consecutive meetings; or
- (c) is convicted in Australia or elsewhere of an offence punishable by imprisonment for 1 year or longer.

‘(3) For paragraph (2) (b), an absence on leave is to be disregarded.

‘22F Convening meetings

‘(1) The chairperson, or if the chairperson cannot do so, the deputy chairperson, must call such meetings of the board—

- (a) as the chairperson or the deputy chairperson considers necessary for the efficient performance of its functions; or
- (b) as the Minister directs, by written notice given to the chairperson or the deputy chairperson.

‘(2) The chairperson, or if the chairperson cannot do so, the deputy chairperson, may call a meeting of the board at any time, and must do so at the request of another member.

‘22G Leave of absence

The board may grant leave of absence to a member either before, or at the earliest practicable time after, the absence occurs.

‘22H Procedure

‘(1) The chairperson presides at a meeting of the board when he or she is present.

‘(2) If the chairperson is not present, the deputy chairperson presides.

‘(3) The member presiding at a meeting may give directions in relation to the procedure to be followed for the meeting.

‘(4) The member presiding at a meeting has a deliberative vote and, if there is an equality of votes, a casting vote.

‘(5) The board must keep minutes of its proceedings.

‘(6) A meeting of the board may be called by telephone, television or any other device which permits instantaneous audio communication, with or without instantaneous visual communication.

‘22J Quorum

At a meeting of the board, a majority of the members for the time being of the board is a quorum.

‘22K Administration

The board may make arrangements with the chief executive for the provision of administrative or secretarial services to the board.’”.

Debate continued.

Question – That Mr Stanhope’s amendments be agreed to – put and negatived.

Clauses 8 and 9 agreed to.

Clauses 10 and 11, by leave, taken together and agreed to.

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

Ms Tucker moved the following amendment:

Part VI, page 31, line 11, omit the part, substitute the following part:

‘PART 6—TRANSITIONAL**13 Definitions**

In this Part—

award means an award of compensation made under the Compensation Act, including an interim award under section 16 of that Act.

commencement day means the day on which the provisions of this Act (except sections 1 and 2) commence.

Compensation Act means the *Criminal Injuries Compensation Act 1983*, as in force before the commencement day.

14 Proceedings instituted before commencement day

The Compensation Act continues to apply in relation to an application for compensation under that Act made before the commencement day, and to any award made pursuant to such an application, as if the amendments to the Compensation Act effected by this Act had not been made.”.

Debate continued.

Question – That Ms Tucker’s amendment be agreed to – put.

The Assembly voted -

Ayes, 7

Noes, 8

Mr Berry

Mr Stanhope

Ms Carnell

Mr Rugendyke

Mr Corbell

Ms Tucker

Mr Cornwell

Mr Smyth

Mr Hargreaves

Mr Humphries

Mr Stefaniak

Mr Kaine

Mr Moore

Mr Quinlan

Mr Osborne

And so it was negatived.

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

Schedule 3, page 38, line 10, after the proposed amendment to regulation 3 of the *Criminal Injuries Compensation Regulations*, insert the following proposed amendment:

“New regulation 3A—

After regulation 3 insert the following regulation:

‘3A Maximum legal fees

For section 45A of the Act, the maximum amount of legal fees that a legal practitioner may charge or recover in respect of proceedings under the Act is \$650.’”.

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

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

The Assembly voted -

Ayes, 8

Noes, 7

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

And so it was resolved in the affirmative – Bill, as amended, agreed to.

44 JUSTICE AND COMMUNITY SAFETY – STANDING COMMITTEE – REFERENCE – COMMISSION FOR INTEGRITY IN GOVERNMENT BILL 1999

Mr Osborne (Chair), by leave, moved – That:

- (1) the Standing Committee on Justice and Community Safety inquire into and report on the Commission for Integrity in Government Bill 1999;
- (2) on the Committee presenting its report on the Bill 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 the next sitting;
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question – put and passed.

45 WORKERS’ COMPENSATION SYSTEM – SELECT COMMITTEE – REFERENCE – ALTERATION TO RESOLUTION OF APPOINTMENT – WORKERS COMPENSATION AMENDMENT BILL 1999

Mr Osborne, by leave, moved – That the resolution of the appointment of the Assembly of 1 July 1999 appointing a Select Committee on the Workers’ Compensation System be amended by inserting the following new paragraph before new paragraph (2):

“(1A) the Workers Compensation Amendment Bill 1999 be referred to the Committee and on the Committee presenting its report to the Bill 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 the next sitting.”.

Question – put and passed.

46 ABSENCE OF SPEAKER

The Clerk, pursuant to standing order 6, informed the Assembly that the Speaker would be absent for the period 26 January to 3 February 2000 and in that period the Deputy Speaker, Mr Wood would, as Acting Speaker, perform the duties of the Speaker.

47 ADJOURNMENT

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

Debate ensued.

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

Wetlands, Lake and Stormwater Management for Lake Ginninderra and its Catchment, dated 19 October 1999.

Debate continued.

Question - put and passed.

And then the Assembly, at 4.31 a.m., adjourned until Tuesday, 15 February 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