

**1998**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

**No. 20**

**TUESDAY, 22 SEPTEMBER 1998**

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

- 2 PETITIONS**

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

Ms Carnell, from 40 residents, requesting that the Assembly reverse the decision to cut \$1.6 million to the Institute of the Arts so that it can continue to provide a worthwhile resource within Canberra.

Mr Moore, 2 petitions of similar wording, from 226 residents, requesting that the Assembly vote no to the Health Regulation (Abortions) Bill 1998, and show respect for women's abilities to make informed decisions about reproductive health matters.

- 3 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - ENVIRONMENT PROTECTION (AMENDMENT) LEGISLATION - EXPOSURE DRAFT - ALTERATION TO REPORTING DATE**

Mr Hird (Chair), by leave, moved - That the resolution of the Assembly of 25 June 1998, as amended on 27 August 1998, referring the exposure draft of the Environment Protection (Amendment) legislation to the Standing Committee on Urban Services for inquiry and report, be amended by omitting "22 September 1998" and substituting "27 October 1998".

Question - put and passed.

- 4 SUSPENSION OF STANDING ORDERS - CONSIDERATION OF ASSEMBLY BUSINESS**

Ms Tucker moved - That so much of the standing orders be suspended as would prevent the order of the day No. 8, Assembly business, relating to the presentation of the Standing Committee on Education's report on preschool education, being called on forthwith.

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

- 5 EDUCATION - STANDING COMMITTEE - REPORT NUMBER 1 - PRESCHOOL EDUCATION - MOTION THAT REPORT BE NOTED**

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

Education - Standing Committee - Report Number 1 - The future provision of preschool education, dated 9 September 1998, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Debate adjourned (Mr Stefaniak - Minister for Education) and the resumption of the debate be made an order of the day for the next sitting.

## **6 ACTS REVISION (TAXATION OF TERRITORY AUTHORITIES) 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.

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.

## **7 DANGEROUS GOODS (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.

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.

## **8 FINANCIAL INSTITUTIONS DUTY (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.

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

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### *Detail stage*

Bill, by leave, taken as a whole -

*Paper:* Ms Carnell (Treasurer) presented a supplementary explanatory memorandum to the Bill.

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

*Amendments -*

Clause 2, page 2, line 11, paragraph (4) (d), after "13A," insert "13AA,".

Clause 5, page 3, line 29, paragraph (c), proposed new definition of "interstate financial institution", at the end of the definition, add ", but does not include a registered financial institution".

Clause 7, page 4 -

Line 21, after proposed new paragraph 5 (1) (a), insert the following paragraph:

“(aa) a receipt of money received outside the Territory by a registered financial institution to the credit of an account held by a person who resides within the Territory, except where the institution could not be reasonably expected to know that this Act applies to that receipt;”.

Line 22, proposed new paragraph 5 (1) (b), omit “a receipt”, substitute “any other receipt”.

Line 31, proposed new subsection 5 (1A), omit “to the extent that the institution is liable to pay duty, or is exempt from paying duty;”, substitute “if the institution is liable to pay duty”.

Clause 8, page 5, line 14, at the end of the clause, add the following paragraph:

“(c) by adding at the end of subsection (2) the following paragraph:

- ‘(s) a receipt of money by a registered financial institution, being a receipt prescribed by the regulations as a non-dutiable receipt.’”.

*New clause -*

Page 5, line 14, after clause 8 insert the following clause:

**‘8A. Short-term dealing**

Section 7 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsection:

‘(1) In this Act—

“short-term dealing” means—

- (a) the making or receiving of a deposit (other than a deposit to the credit of an account with a bank that is repayable on demand or to the credit of a current account, in either case, kept by the bank for another person) if the amount of the deposit is no less than \$50,000 and is deposited—
  - (i) at call;
  - (ii) for a term not exceeding 185 days; or
  - (iii) for a term not exceeding 185 days and thereafter at call;
- (b) the making or receiving of a loan or advance if the amount of the loan or advance is not less than \$50,000 and is loaned or advanced—
  - (i) at call;
  - (ii) for a term not exceeding 185 days; or
  - (iii) for a term not exceeding 185 days and thereafter at call;
- (c) a dealing in securities, mortgage-backed securities, bills of exchange, promissory notes, certificates of deposit, or interest-bearing deposits, if the amount involved in the dealing is not less than \$50,000 or the dealing (not being a dealing in a security) is in a bill of exchange, promissory note, certificate of deposit or interest bearing deposit having a nominal value on the day on which the dealing is entered into, or a face value, of not less than \$50,000, and the amount involved in the dealing is invested—
  - (i) at call;
  - (ii) for a term not exceeding 185 days;
  - (iii) for a term not exceeding 185 days and thereafter at call; or
  - (iv) in the case of a dealing in a security, bill of exchange, promissory note, certificate of deposit or interest bearing deposit—for a term exceeding 185 days, where the dealing is completed no later than 185 days after the date of the investment;
- (d) a dealing in securities for the purpose of a securities lending arrangement, if the dealing is completed within 185 days;

- (e) a foreign exchange dealing for the purposes of a foreign exchange hedging agreement if the amount involved in the dealing is not less than \$50,000, and the dealing is completed not later than 185 days after the date on which the agreement was entered into; or
- (f) a futures contract within the meaning of section 72 of the *Corporations Law* if the amount involved in the contract is not less than \$50,000, and the contract is completed within 185 days.’’.

*Amendments -*

Clause 14, page 7, line 3, after proposed new section 13A, insert the following section:

“ 13AA. **Registered financial institutions—deemed registration as agents**

A financial institution that is registered under section 12 and that acts as an agent of an interstate financial institution is to be taken to be registered as an agent under section 13D for the purposes of this Part.’”.

Clause 24, page 13, line 30, after proposed new paragraph 25 (1) (b), insert the following paragraphs:

“(ba) a receipt of money by a short-term dealer that is taken into account in calculating the average daily liability of the dealer, where duty is payable in respect of that liability under section 13H or 15;

(bb) a receipt of money by a certified short-term dealer in respect of a short-term investment;”.

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

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

## 9 DOMESTIC VIOLENCE (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.

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

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### *Detail stage*

Bill, by leave, taken as a whole -

Mr Humphries (Attorney-General) moved the following amendment:

Clause 20, page 8, lines 20 and 21, omit “not exceeding 6 months, or both”, substitute the following:

“not exceeding—

(a) in the case of a first offence—2 years; or

(b) in any other case—5 years;

or both a fine and imprisonment”.

*Paper:* Mr Humphries presented the following paper:

Domestic violence legislation - Proposed amendments - Facsimile of letter from Gary Humphries MLA, Attorney-General to the President, Loan Fathers Association (Australia) Inc, dated 26 August 1998.

Amendment agreed to.

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

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

**10 MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 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 -

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

Leave granted to dispense with the detail stage.

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

**11 BAIL (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 -

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.

**12 PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) (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 -

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.

**13 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 6 - DRAFT VARIATIONS TO THE TERRITORY PLAN (NO. 66 AND NO. 79): HERITAGE PLACES REGISTER (FOURTH AND FIFTH VARIATION) - REPORT NOTED**

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 6 - Draft variations to the Territory Plan (No. 66 and No. 79) relating to the Heritage Places Register (Fourth and Fifth Variation), dated 4 September 1998, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

**14 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 7 - CANBERRA NATURE PARK - FINAL DRAFT MANAGEMENT PLAN - PUBLICATION OF PAPER - REPORT NOTED**

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 7 - Final draft management plan for Canberra Nature Park, dated 10 September 1998, together with extracts of the minutes of proceedings -

and, by leave, moved - That the Assembly authorises the publication of Report No. 7 of the Standing Committee on Urban Services entitled "Final draft management plan for Canberra Nature Park".

Question - put and passed.

Mr Hird moved - That the report be noted.

Debate ensued.

Question - put and passed.

## **15 QUESTIONS**

Questions without notice were asked.

## **16 PRESENTATION OF PAPER**

Ms Carnell (Treasurer) presented the following paper:

Territory Owned Corporations Act, pursuant to subsection 19 (3) - ACTEW Corporation Ltd - Statement of Corporate Intent for 1998-99.

## **17 SUBORDINATE LEGISLATION - PAPERS**

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

Board of Senior Secondary Studies Act - Instrument of appointment of Alternate Member to Board of Senior Secondary Studies until 31 December 2000 - No. 195 of 1998 (No. 35, dated 2 September 1998).

Land (Planning and Environment) Act - Determination of criteria for the direct grant of block 13, Paddys River - No. 196 of 1998 (S187, dated 24 August 1998).

Mediation Act - Mediation Regulations - Subordinate Law No. 29 of 1998 (No. 35, dated 2 September 1998).

Motor Traffic Act - Motor Traffic Regulations (Amendment) - Subordinate Law No. 28 of 1998 (S187, dated 24 August 1998).

Nature Conservation Act - Declaration of special protection status - No. 197 of 1998 (No. 35, dated 2 September 1998).

Tenancy Tribunal Act - Variation to the Commercial and Retail Leases Code of Practice - No. 194 of 1998 (S187, dated 24 August 1998).

## **18 LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION NOS 66 AND 79 TO THE TERRITORY PLAN: HERITAGE PLACES REGISTER (FOURTH AND FIFTH VARIATIONS) - PAPERS AND STATEMENT BY MINISTER**

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

Land (Planning and Environment) Act - Approval of variations to the Territory Plan together with background papers, a copy of the summaries and reports, and a copy of any directions or reports required for the Heritage Places Register (Fourth and Fifth Variations) (Variations Nos 66 and 79) - and, by leave, made a statement in relation to the papers.

## **19 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 1 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 1, 1997 - CONTRACTING POOL AND LEISURE CENTRES - GOVERNMENT RESPONSE - PAPER NOTED**

Mr Stefaniak (Minister for Education) presented the following paper:



Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 1 - Review of Auditor-General's Report No. 1, 1997 - Contracting pool and leisure centres (*presented 24 June 1998*) - Government response - and moved - That the Assembly takes note of the paper.

Debate ensued.

Question - put and passed.

**20 HEALTH MINISTERS' CONFERENCES - MINISTERIAL STATEMENT - PAPER NOTED**

Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning the Australian Health Ministers' Conference; the Australian and New Zealand Food Standards Council; and the Joint Meeting of the Australian Health Ministers' Conference and the Ministerial Council on Aboriginal and Torres Strait Islander Affairs and presented the following paper:

Health Ministers' Conferences -

The Australian Health Ministers' Conference held on 30 July 1998; the Australian and New Zealand Food Standards Council held on 30 July 1998; and the joint meeting of the Australian Health Ministers' Conference and the Ministerial Council on Aboriginal and Torres Strait Islander Affairs held on 8 July 1998 - Ministerial statement, 22 September 1998 -

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

Question - put and passed.

**21 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - DRUG STRATEGY FUNDING**

The Assembly was informed that Mr Stanhope (Leader of the Opposition) had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The widespread concern that community and non-government organisations in the ACT failed to have funding applications approved by the Commonwealth under its National Illicit Drug Strategy Community Partnerships Initiative and Non-Government Organisations Treatment Grants Program and the failure of the ACT Minister for Health and ACT Government to ensure funding for ACT organisations."

Discussion ensued.

The time for the discussion having expired -

Discussion concluded.

**22 ADJOURNMENT NEGATIVED**

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

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

Question - put and negatived.

**23 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 8 OF 1998 - STATEMENT BY CHAIR**

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 8 of 1998, dated 22 September 1998 -

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

**24 ADJOURNMENT**

Ms Carnell (Chief Minister) moved - That the Assembly do now adjourn.

Question - put and passed.

And then the Assembly, at 5.05 p.m., adjourned until tomorrow at 10.30 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**M.J. McRAE**

Clerk of the Legislative Assembly