

1995-96-97

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 99

WEDNESDAY, 27 AUGUST 1997

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

2 PETITION

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

Mr Moore, from 25 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

3 PROCEEDINGS - AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises:

- (1) the recording on video tape without sound by television networks of proceedings during question time, today, Wednesday, 27 August 1997;
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule; and
- (3) the taking of still photographs during question time, today, Wednesday, 27 August 1997 and the use of such photographs in the print media generally.

Question - put and passed.

4 DEATH OF KATIE BENDER

Mrs Carnell (Chief Minister) moved - That Members of the Legislative Assembly express their deep sympathy and support for the family and friends of Katie Bender who was so tragically killed whilst observing the demolition of the old Royal Canberra Hospital building.

Mr Berry (Leader of the Opposition), Mr Moore and Ms Horodny addressed the Assembly in support of the motion and all Members present having stood, in silence -

Question - passed.

5 PRIME MINISTER - OCCUPANCY OF PRIME MINISTER'S LODGE

Mr Wood, pursuant to notice, moved - That this Assembly condemns the Prime Minister of Australia, John Howard, for his arrogant refusal to live in the Prime Minister's Lodge - an act which demonstrates his contempt for the Australian Capital Territory and its people.

Debate ensued.

On the motion of Mr Moore the following amendment was made, after debate: Omit all words after "condemns", substitute "the decision of the Prime Minister of Australia, Mr John Howard, to refuse to make the Prime Minister's lodge in Canberra his primary residence - a decision which demonstrates his contempt for the ACT and its people and calls on all Members of this Assembly to join petitioners in Canberra in calling on Mr Howard to make Canberra his primary residence."

Debate continued.

Motion, as amended, agreed to.

6 ELECTORAL (AMENDMENT) BILL (NO. 2) 1996

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -

Debate resumed.

Mr Whitecross, by leave, again addressed the Assembly.

Debate continued.

Mr Wood moved - That the debate be adjourned.

Question - put.

The Assembly voted -

Ayes, 6

Noes, 11

Mr Berry	Mr Wood	Mrs Carnell	Mrs Littlewood
Mr Corbell		Mr Cornwell	Mr Moore
Ms McRae		Mr Hird	Mr Osborne
Ms Reilly		Ms Horodny	Mr Stefaniak
Mr Whitecross		Mr Humphries	Ms Tucker
		Mr Kaine	

And so it was negatived.

Debate continued.

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

Detail stage

Bill, by leave, taken as a whole -

Mr Humphries (Attorney-General) sought leave to move his circulated amendments together.

Objection being raised, leave not granted.

On the motion of Mr Humphries the following amendment was made, after debate: Clause 4, page 2, lines 8 and 9, paragraph (b), omit the paragraph, substitute the following paragraph:

"(b) by omitting from paragraph (1) (b) 'February' and substituting 'October'; and".

On the motion of Mr Humphries the following amendment was made: Clauses 5 to 8, page 2, lines 18 to 30, omit the clauses.

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

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

7 QUESTIONS

Questions without notice being asked -

Paper: Mr Humphries (Minister for Police and Emergency Services) presented the following paper:

ANU Students' Association elections - Copy of letter from Mr Humphries, MLA, Attorney-General and Minister for Police and Emergency Services to Ms Sue Robinson, President, Australian Labor Party - ACT Branch, dated 5 June 1997.

Questions continued.

8 AUDITOR-GENERAL'S REPORT - NO. 7 OF 1997 - DISABILITY PROGRAM AND COMMUNITY NURSING - PUBLICATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 7 of 1997 - The Disability Program and Community Nursing, dated 26 August 1997.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 7 of 1997.

Question - put and passed.

9 PAPER

Ms Tucker, by leave, presented the following paper:

Energy - Workbook for fuel combustion activities - Extract - Table B.2 prepared by National Greenhouse Gas Inventory Committee.

10 PRESENTATION OF PAPERS

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

Miscellaneous paper

Remuneration Tribunal Act - Determination No. 21, including statement No. 21 for the Chief Justice of the Supreme Court, dated 28 July 1997.

Petition - Out of order

Sale and use of fireworks - Mr Hird (28 residents).

11 THREDBO LANDSLIDE - ACT'S RESPONSE - MINISTERIAL STATEMENT - PAPER NOTED

Mr Humphries (Minister for Police & Emergency Services), by leave, made a ministerial statement concerning the ACT's response to the Thredbo landslide and presented the following paper:

Thredbo landslide - ACT's response - Ministerial statement, 27 August 1997 -

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

Debate ensued.

Question - put and passed.

12 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 28 - DRAFT VARIATION TO THE TERRITORY PLAN (NO. 76): RESIDENTIAL LAND USE POLICIES - AREA SPECIFIC POLICY: PALMERSTON - REPORT NOTED

Mr Moore (Chair) presented the following report:

Planning and Environment - Standing Committee - Report No. 28 - Draft variation to the Territory Plan (No. 76): Residential land use policies - Area specific policy: Palmerston section 142, blocks 7 & 8 and section 143, blocks 8 and 9, dated 5 July 1997, together with an extract of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

13 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 29 - DRAFT PLAN OF MANAGEMENT FOR THE MURRUMBIDGEE RIVER CORRIDOR - REPORT NOTED

Mr Moore (Chair) presented the following report:

Planning and Environment - Standing Committee - Report No. 29 - Draft plan of management for the Murrumbidgee River Corridor, dated 8 August 1997, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

14 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 30 - DRAFT VARIATION TO THE TERRITORY PLAN (NO. 64): B2 COMMERCIAL LAND USE POLICIES - LOCAL CENTRES (PART B2D) - REPORT NOTED

Mr Moore (Chair) presented the following report:

Planning and Environment - Standing Committee - Report No. 30 - Draft variation to the Territory Plan (No. 64): B2 commercial land use policies - Local centres (Part B2D), dated 8 August 1997, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Question - put and passed.

15 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 31 - FURTHER REPORT ON DRAFT VARIATION TO THE TERRITORY PLAN (NO. 55): RESIDENTIAL LAND USE POLICIES - PROVISIONS FOR TEMPORARY CARE ACCOMMODATION - REPORT NOTED

Mr Moore (Chair) presented the following report:

Planning and Environment - Standing Committee - Report No. 31 - Further report on draft variation to the Territory Plan (No. 55): Residential land use policies - Provisions for temporary care accommodation, dated 8 August 1997, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Question - put and passed.

16 LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS NOS 55, 64 AND 76 TO THE TERRITORY PLAN - PAPERS

Mr Humphries (Minister for the Environment, Land and Planning) presented the following papers:

Land (Planning and Environment) Act - Approvals of variations to the Territory Plan, together with background papers, copies of the summaries and reports, and copies of any directions or reports required for:

Variation No. 55 - Provisions for temporary care accommodation.

Variation No. 64 - B2 commercial land use policies - Local centres (Part B2D).

Variation No. 76 - Area specific policy Palmerston - section 142, blocks 7 & 8 and section 143, blocks 8 & 9.

17 STANDING ORDERS 5A, 5B AND 69 (a) - PROPOSED AMENDMENTS

Ms Tucker, pursuant to notice, moved - That:

- (1) The heading to chapter II of standing orders be amended by omitting "Leader of the Opposition";
- (2) Standing orders 5A and 5B be omitted; and
- (3) Standing order 69 (a) be amended by inserting "or" after "Minister" and omitting "or Leader of the Opposition".

Debate ensued.

Mr Wood addressing the Assembly -

Adjournment negatived: 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 negatived.

Debate continued.

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

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

Debate continued.

Question - That the motion be agreed to - put.

The Assembly voted -

Ayes, 3

Ms Horodny
Mr Moore
Ms Tucker

Noes, 14

Mr Berry	Ms McRae
Mrs Carnell	Mr Osborne
Mr Corbell	Ms Reilly
Mr Cornwell	Mr Stefaniak
Mr Hird	Mr Whitecross
Mr Humphries	Mr Wood
Mr Kaine	
Mrs Littlewood	

And so it was negatived.

18 ADJOURNMENT

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

Question - put and passed.

And then the Assembly, at 5.57 p.m., adjourned until tomorrow at 10.30 a.m.

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

M.J. McRAE
Clerk of the Legislative Assembly