

1995

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

No. 22

**THURSDAY, 19 OCTOBER 1995**

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1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Cornwell) ordered the bells to be rung. A quorum having been formed the Speaker 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 Berry, from 1,215 residents, requesting that the Assembly ensure that the Kippax Health Centre is not sold and that the medical, dental and pathology and all other Government provided ancillary services are retained.

3 **PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995**

Mrs Carnell (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Public Sector Management Act 1994*, and for related purposes.

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

Title read by Clerk.

Mrs Carnell moved - That this Bill be agreed to in principle.

Debate adjourned (Ms Follett - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

4 **PUBLIC ACCOUNTS - STANDING COMMITTEE - PROPOSED REFERENCE -  
PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995**

Ms Follett (Leader of the Opposition), by leave, moved - That the Public Sector Management (Amendment) Bill 1995 be referred to the Public Accounts Committee for consideration and report on the first sitting day of December 1995.

Debate ensued.

Mr Berry moved - That the debate be adjourned to a later hour this day and that the resumption of the debate have precedence of Executive business after conclusion of the discussion of the matter of public importance.

Question - put and passed.

## 5 SOCIAL POLICY - STANDING COMMITTEE - PROPOSED REFERENCE - KALEEN YOUTH SHELTER

Ms Tucker, pursuant to notice, moved - That:

- (1) the Standing Committee on Social Policy:
  - (a) inquire into and report on the operation and management of the Kaleen Youth Shelter with particular reference to the benefits or otherwise to youth, staff and the community as a whole of retaining such services in the public sector; and
  - (b) report by 14 December 1995; and
- (2) the Assembly calls on the Government to retain public sector operation and management of the Kaleen Youth Shelter until the Standing Committee on Social Policy has completed its inquiry.

Debate ensued.

It being 45 minutes after the commencement of Assembly business -

Ms Tucker, pursuant to standing order 77(e), moved - That the time allotted to Assembly business be extended by 30 minutes.

Question - put and passed.

Debate continued on the motion.

Question - put.

The Assembly voted -

Ayes, 8

Noes, 9

Mr Berry	Ms Tucker	Mrs Carnell	Mr Kaine
Mr Connolly	Mr Whitecross	Mr Cornwell	Mr Moore
Ms Follett	Mr Wood	Mr De Domenico	Mr Osborne
Ms Horodny		Mr Hird	Mr Stefaniak
Ms McRae		Mr Humphries	

And so it was negatived.

## 6 FAIR TRADING (PETROLEUM RETAIL MARKETING) BILL 1995

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

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### *Detail stage*

Clause 1 debated and agreed to.

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

*Paper:* Mr Humphries (Minister for Consumer Affairs) presented a supplementary explanatory memorandum to the Bill.

On the motion of Mr Humphries, by leave, the following amendments were made together, after debate:

Clause 4, page 3, lines 4 to 12, subclauses (3), (4) and (5), omit the subclauses, substitute the following clauses:

**“Assignment of franchisee’s interest restricted**

4A. An agreement under which a franchisee assigns 50% or more of his or her interest under a franchise agreement (in this Act called an 'assignment agreement') is illegal if -

- (a) the assignment agreement is entered into on or after 17 August 1995; and

- (b) the assignee under that agreement is one of the following:
- (i) a franchisee under another franchise agreement;
  - (ii) a company controlled by that person;
  - (iii) a body corporate related to that person;
  - (iv) an associate of that person;
  - (v) a consortium, joint venture, partnership or other group of persons, however described, being a group in which a franchisor holds an interest at least equal to any other interest held in the group.

### **Control and association**

4B. For the purposes of sections 4 and 4A -

- (a) a company is controlled by a franchisee if it is a company controlled by a franchisee for the purposes of the Franchise Act;
- (b) bodies corporate are related to each other if they are related to each other for the purposes of the Franchise Act; and
- (c) a person is an associate of another person if the person is an associate of that other person for the purposes of the Franchise Act.”.

Clause 6, page 3 -

Line 30, subclause (1), after (4) insert “, 4A”.

Line 34 -

Paragraph (2) (a), omit “or”.

Subclause (2), after paragraph (2) (a) insert the following paragraph:

“(ab) section 4A ceases to apply in relation to an assignment agreement; or”.

Clause 7, page 4, line 8 -

Paragraph (1) (a), omit “or” (last occurring).

Subclause (1), after paragraph (1) (a) insert the following paragraph:

“(ab) an assignor or assignee has engaged, or is proposing to engage, in conduct for the purpose of giving effect to an assignment agreement that is illegal by virtue of section 4A; or”.

Clause 8, page 4 -

Line 28, after “agreement” (first occurring) insert “or an assignment agreement”.

Line 29, paragraph (a), after “4” insert “or 4A, as the case may be”.

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

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

## **7 QUESTIONS**

Questions without notice being asked -

*Paper:* Ms Follett (Leader of the Opposition), by leave, presented the following paper:

Chief Executive of the ACT Government Service - Contract - A copy of an article from *The Canberra Times* "Top PS excess face chopper", dated 11 November 1995.

Questions continued.

*Papers:* Mr De Domenico (Minister for Urban Services) presented the following papers:

Taxi Licence Plates - Copy of -

Quotation - Harold Hird and Associates Pty Ltd, dated 29 September 1995.

Terms and conditions for the auction of the rights to be granted a licence to use a motor vehicle as a taxi, Department of Urban Services, Transport Regulation.

Questions continued.

## **8 PAPER**

Mr De Domenico (Minister for Business, Employment and Tourism), having added to an answer, presented the following paper:

Labour market programs - Letter from Mr De Domenico, MLA to Ms R. Follett, MLA, Leader of the Opposition, dated 19 October 1995.

## **9 PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT NO. 3 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 6, 1994 - VARIOUS AGENCIES - INTER AGENCY CHARGING, MANAGEMENT OF PRIVATE TRUST FUNDS - GOVERNMENT RESPONSE - PAPER NOTED**

Mrs Carnell (Treasurer) presented the following paper:

Public Accounts - Standing Committee - Report No. 3 - Review of Auditor-General's Report No. 6, 1994 - Various Agencies - Inter Agency Charging, Management of Private Trust Funds - Government response -

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

Question - put and passed.

## **10 PAPERS**

The following papers were presented:

Construction Industry Long Service Leave Board - Report, freedom of information and financial statements, including the Auditor-General's report, for 1994-95.

Land (Planning and Environment) Act - Determination No. 148 of 1995 - Criteria for direct grants of crown leases (S264, dated 19 October 1995).

## **11 LANDS ACQUISITION ACT - PRE-ACQUISITION DECLARATION - BELCONNEN - PAPER AND MINISTERIAL STATEMENT**

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

Lands Acquisition Act 1994 - Variation of pre-acquisition declaration - Belconnen, block 1267, dated 27 September 1995 -

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

## **12 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - POLICE PORTFOLIO**

The Assembly was informed that Mr Osborne had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "That the Chief Minister gives serious consideration to the dissolution of the Police portfolio as it is clearly a mere "pop-gun" appointment until such time as the ACT has its own Police Commissioner."

Discussion ensued.

Discussion concluded.

### **13 PUBLIC ACCOUNTS - STANDING COMMITTEE - REFERENCE - PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995**

The order of the day having been read for the resumption of the debate on the motion of Ms Follett (Leader of the Opposition) - That the Public Sector Management (Amendment) Bill 1995 be referred to the Public Accounts Committee for consideration and report on the first sitting day of December 1995 -

Ms Follett, by leave, amended the motion as follows: Omit all words after "That", substitute "notwithstanding the provisions of standing order 174:

- (1) the Public Sector Management (Amendment) Bill 1995 be referred to the Standing Committee on Public Accounts for inquiry and report, by 29 November 1995;
- (2) on the Committee presenting its report to the Assembly resumption of debate on the question 'That this Bill be agreed to in principle' be set down as an order of the day for the next sitting;
- (3) if the Assembly is not sitting when the Standing Committee on Public Accounts has completed its inquiry on the Bill, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication; and
- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders."

Debate continued.

Question - put and passed.

### **14 VOCATIONAL EDUCATION AND TRAINING BILL 1995**

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.

### **15 VOCATIONAL EDUCATION AND TRAINING (CONSEQUENTIAL PROVISIONS) BILL 1995**

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.

### **16 NATURE CONSERVATION ACT - PAPERS - MINISTERIAL STATEMENT - PAPERS NOTED**

The order of the day having been read for the resumption of the debate on the motion of Mr Humphries (Minister for the Environment, Land and Planning) - That the Assembly takes note of the papers (*presented 24 August 1995*) -



Nature Conservation Act -

Determination of criteria No. 99 of 1995.

*Gazette* No. S117, dated 13 July 1995.

Flora and Fauna Assessment Criteria - Tabling statement -

Debate resumed.

Question - put and passed.

## **17 ADJOURNMENT**

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

Question - put and passed.

And then the Assembly, at 4.32 p.m., adjourned until Tuesday, 24 October 1995 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