

1995-96-97

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 106

THURSDAY, 25 SEPTEMBER 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 **STATUTORY APPOINTMENTS (AMENDMENT) BILL 1997**

Mrs Carnell (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Statutory Appointments Act 1994*.

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 (Mr Corbell) and the resumption of the debate made an order of the day for the next sitting.

3 **INDEPENDENT PRICING AND REGULATORY COMMISSION BILL 1997**

Mrs Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to establish an independent commission to regulate pricing, access and other matters in relation to industries involving the supply of water, electricity and sewerage services, and other industries.

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 (Mr Berry - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

4 **INDEPENDENT PRICING AND REGULATORY COMMISSION
(CONSEQUENTIAL PROVISIONS) BILL 1997**

Mrs Carnell (Treasurer), pursuant to notice, presented a Bill for an Act consequential on the making of the *Independent Pricing and Regulatory Commission Act 1997*.

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 (Mr Berry - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

5 FINANCIAL INSTITUTIONS (REMOVAL OF DISCRIMINATION) BILL 1997

Mrs Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to remove the preference provided under certain laws of the Territory for banks over other financial institutions.

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 (Mr Berry - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

6 DRUGS OF DEPENDENCE (AMENDMENT) BILL 1997

Mrs Carnell (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Drugs of Dependence Act 1989*.

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 (Mr Berry - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

7 INTOXICATED PERSONS (CARE AND PROTECTION) (AMENDMENT) BILL 1997

Mrs Carnell (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Intoxicated Persons (Care and Protection) Act 1994*.

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 (Mr Berry - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

8 CRIMES (AMENDMENT) BILL (NO. 4) 1997

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

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

Title read by Clerk.

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

Debate adjourned (Mr Wood) and the resumption of the debate made an order of the day for the next sitting.

9 BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL 1997

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act relating to the registration of births, deaths, marriages and changes of name and sex and for related purposes.

Paper: Mr Humphries presented an explanatory memorandum to the following Bills:

Births, Deaths and Marriages Registration Bill 1997.

Births, Deaths and Marriages Registration (Consequential Provisions) Bill 1997.

Wills (Amendment) Bill 1997.

Title read by Clerk.

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

Debate adjourned (Mr Wood) and the resumption of the debate made an order of the day for the next sitting.

10 BIRTHS, DEATHS AND MARRIAGES REGISTRATION (CONSEQUENTIAL PROVISIONS) BILL 1997

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain Acts in consequence of the enactment of the *Births, Deaths and Marriages Registration Act 1997*.

Title read by Clerk.

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

Debate adjourned (Mr Wood) and the resumption of the debate made an order of the day for the next sitting.

11 WILLS (AMENDMENT) BILL 1997

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Wills Act 1968*.

Title read by Clerk.

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

Debate adjourned (Mr Wood) and the resumption of the debate made an order of the day for the next sitting.

12 WATER RESOURCES BILL 1997

Mr Humphries (Minister for the Environment, Land and Planning), pursuant to notice, presented a Bill for an Act to provide for the management of the water resources of the Territory and for related 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 Corbell) and the resumption of the debate made an order of the day for the next sitting.

13 ELECTRICITY SUPPLY BILL 1997

Mr Kaine (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to regulate the supply of electricity.

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

Title read by Clerk.

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

Debate adjourned (Mr Corbell) and the resumption of the debate made an order of the day for the next sitting.

14 ELECTRICITY SUPPLY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1997

Mr Kaine (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to make certain transitional provisions, and to amend certain Acts, in consequence of the enactment of the *Electricity Supply Act 1997*.

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

Title read by Clerk.

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

Debate adjourned (Mr Corbell) and the resumption of the debate made an order of the day for the next sitting.

15 CHILDREN'S SERVICES (AMENDMENT) BILL 1997

Mr Stefaniak (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Children's Services Act 1986*.

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

Title read by Clerk.

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

Debate adjourned (Ms McRae) and the resumption of the debate made an order of the day for the next sitting.

16 CRIMES (AMENDMENT) BILL (NO. 5) 1997

Mr Stefaniak (Minister for Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1900*.

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

Title read by Clerk.

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

Debate adjourned (Ms McRae) and the resumption of the debate made an order of the day for the next sitting.

17 VOTE OF THANKS FOR EMERITUS PROFESSOR DOUGLAS WHALAN, AM

Mr Wood (Chair of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation) moved - That the Assembly places on record its appreciation of the assistance given to its successive Standing Committees on Scrutiny of Bills and Subordinate Legislation by its independent legal advisor, Emeritus Professor Douglas Whalan, AM and, on his retirement, records its thanks for the outstanding contribution he has made to the Assembly and the Territory.

Mr Humphries (Attorney-General), Mr Osborne, Mr Whitecross, Mr Stefaniak (Minister for Education and Training) and Mr Moore addressed the Assembly in support of the motion.

Question - put and passed.

18 PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORTS - PRINTING, CIRCULATION AND PUBLICATION

Mr Whitecross (Chair), pursuant to notice, as amended, by leave, moved - That:

- (1) if the Assembly is not sitting and the Standing Committee on Public Accounts completes its inquiry into any Auditor-General's report and/or any matter referred to it by the

Assembly and the Committee's report on its inquiry into the lease/leaseback of the Magistrates Court Building and the Dame Patti Menzies Building before 4 November 1997, 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

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

Debate ensued.

Question - put and passed.

19 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REFERENCE - CURTAIN SHOPPING PRECINCT PETITION

The order of the day having been read for the resumption of the debate on the motion of Ms Reilly - That the petition on the precincts of the Curtin Shopping Centre be referred to the Standing Committee on Planning and Environment -

Debate resumed.

Question - put and passed.

20 LEGAL AFFAIRS - STANDING COMMITTEE - REPORT NO. 2 - SURVEILLANCE CAMERAS - EFFICACY - MOTION THAT REPORT BE NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Osborne (Chair) - That the report be noted (*presented 25 September 1996*) -

Legal Affairs - Standing Committee - Report No. 2 - 'The Electronic Eye' - Inquiry into the Efficacy of surveillance cameras, dated 19 September 1996 -

Debate resumed.

Mr Humphries (Attorney-General), by leave, was granted an extension of time.

Debate continued.

Mr Wood addressing the Assembly -

The time allotted to Assembly business having expired, the debate was interrupted in accordance with standing order 77 and the resumption of the debate made an order of the day for the next sitting.

21 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - REPORT NO. 14 OF 1997 - STATEMENT BY CHAIR

Mr Wood (Chair) presented the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No. 14 of 1997, dated 25 September 1997 -

and, by leave, made a statement with reference to the report.

22 PETROL PRICING - SELECT COMMITTEE - REPORT - MOTION THAT REPORT BE NOTED

Mr Wood (Chair) presented the following report:

Petrol Pricing - Select Committee - Report, dated 18 September 1997, together with a copy of the minutes of proceedings -

and moved - That the report be noted.

Debate adjourned (Mr Humphries - Minister for Fair Trading) and the resumption of the debate made an order of the day for the next sitting.

23 SOCIAL POLICY - STANDING COMMITTEE - REPORT NO. 6 - ADEQUACY OF MENTAL HEALTH SERVICES - MOTION THAT REPORT BE NOTED

Ms Tucker (Chair) presented the following report:

Social Policy - Standing Committee - Report No. 6 - Inquiry into the adequacy of mental health services, dated 19 September 1997, including a dissenting report, dated 19 September 1997, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

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

Ms Tucker, by leave, was granted a further extension of time.

Debate continued.

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

Debate continued.

Debate adjourned (Mrs Carnell - Minister for Health and Community Care) and the resumption of the debate made an order of the day for the next sitting.

24 QUESTIONS

Questions without notice being asked -

Papers: Mrs Carnell (Chief Minister) presented the following papers:

Canberra - Olympic soccer opportunities - Copies of -

Letter to the Editor, Canberra Times, from Hugh White, Chairman, Soccer Canberra, dated 24 September 1997.

Letter to Kate Carnell, MLA, Chief Minister from Steve Doszpot, President, Soccer Canberra, dated 24 September 1997.

“Soccer Canberra backs olympic football” - Press release from Soccer Canberra.

“Whitecross breaks bi-partisan approach to Canberra’s olympic soccer effort” - Press release from The Novell Canberra Cosmos.

Questions continued.

25 CHIEF MINISTER AND MINISTER FOR INDUSTRIAL RELATIONS - MOTION OF CENSURE

Mr Berry (Leader of the Opposition), by leave, moved - That the Chief Minister, Mrs Carnell and the Minister for Industrial Relations be censured for misleading the Assembly.

Debate ensued.

Mrs Carnell (Chief Minister), by leave, again addressed the Assembly.

Debate continued.

Mr Berry, by leave, moved the following amendment: Add “and for disregarding the will of the Assembly”.

Debate continued.

Question - That the amendment be agreed to - put.

The Assembly voted -

Ayes, 5

Noes, 9

Mr Berry
Ms McRae
Ms Reilly
Mr Whitecross
Mr Wood

Mrs Carnell	Mr Moore
Mr Cornwell	Mr Osborne
Mr Humphries	Mr Stefaniak
Mr Kaine	Ms Tucker
Mrs Littlewood	

And so it was negatived.

Debate continued.

Question - That the motion be agreed to - put.

The Assembly voted -

Ayes, 5

Noes, 9

Mr Berry
Ms McRae
Ms Reilly
Mr Whitecross
Mr Wood

Mrs Carnell
Mr Cornwell
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Moore
Mr Osborne
Mr Stefaniak
Ms Tucker

And so it was negatived.

26 PRIVILEGE - STATEMENT BY SPEAKER

The Speaker made a statement concerning a possible breach of privilege concerning the action by a Member of the Standing Committee on Legal Affairs in making public a number of recommendations of the Committee's conclusions on the issue of the establishment of a correctional facility in the ACT.

Having considered the matter the Speaker stated that he was prepared to allow precedence to a motion to refer the matter to a select committee to deal with the matter.

Mr Osborne (Chair of the Standing Committee on Legal Affairs) addressed the Assembly on the matter.

27 PAPER

The Speaker presented the following paper:

ACT Legislative Assembly Secretariat - Report and financial statements, including the Auditor-General's report, for 1996-97.

28 ACT GOVERNMENT WORKFORCE STATISTICAL REPORT - FOURTH QUARTER 1996-97 - PAPER - PAPER NOTED

Mrs Carnell (Chief Minister) presented the following paper:

ACT Government Workforce Statistical Report - Fourth Quarter 1996-97 -
and moved - That the Assembly takes note of the paper.

Question - put and passed.

29 PRESENTATION OF PAPERS

Mrs Carnell (Chief Minister and Treasurer) presented the following papers:

Financial Management Act - Consolidated financial management report for the month ending 31 July 1997.

Public Sector Management Act - Copies of executive contracts -

Sue Birtles (extension).

Anne Thomas (extension).

Linda Webb (performance agreement).

John Wynants (short term contract).

30 TOBACCO LEGISLATION - EXPOSURE DRAFT AND PAPER - PAPERS NOTED

Mrs Carnell (Minister for Health and Community Care) presented the following papers:

Tobacco legislation -

Proposed amendments to ACT tobacco legislation - Discussion paper, dated September 1997.

Tobacco (Amendment) Bill 1997 - Exposure draft -
and moved - That the Assembly takes note of the papers.

Question - put and passed.

31 PAPER

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

Lanyon Market Place - Extension to supermarket - Copy of answer to question taken on notice on 20 February 1996.

32 PRESENTATION OF PAPERS

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

Miscellaneous papers

Community Law Reform Committee of the Australian Capital Territory -

Discussion Paper No. 4 - Sexual assault, dated September 1997.

Report No. 12 - Peaceful assemblies.

Report No. 14 - Appellate structure of the ACT Supreme Court.

Report No. 15 - Street offences.

Report No. 16 - Residential tenancies: Public Housing, dated 23 and 24 September 1997.

Commissioner for the Environment Act - ACT State of the Environment Report for 1997 - Executive summary of recommendations.

Subordinate legislation

Land (Planning and Environment) Act - Criteria for the direct grant of land - commercial, industrial, residential and tourism purposes - No. 228 of 1997 (*Gazette* S282, dated 25 September 1997).

Annual reports

Annual Reports (Government Agencies) Act, pursuant to section 14 -

Chief Executives, pursuant to section 7 -

Attorney-General's Department, Report and financial statements, including the Auditor-General's report for 1996-97, together with reports for:

Administrative Appeals Tribunal.

Chief Coroner.

Community Law Reform Committee.

Discrimination Tribunal.

Guardianship and Management of Property Tribunal.

Mental Health Tribunal.

Office of the Community Advocate.

Parole Board.

Tenancy Tribunal.

Department of Business, the Arts, Sport and Tourism - Report and financial statements, including the Auditor-General's Report for 1996-97, together with reports for:

ACT Heritage Council - Report for 1996-97.

Agents Board of the ACT - Report and financial statements, including the Auditor-General's report for 1996-97.

Bookmakers Licensing Committee.

Occupational Health and Safety Council - Report and financial statements, including the Auditor-General's report for 1996-97.

Report on Joint Ventures.

Emergency Services Bureau - Report and financial statements, including the Auditor-General's report for 1996-97 and the 1996-97 annexed report for the ACT Bush Fire Council.

Department of Health and Community Care - Report and financial statements, including the Auditor-General's report for 1996-97, together with reports for:

Chiropractors and Osteopaths Board.

Dental Board.

Dental Technicians and Dental Prosthetists Board.

Medical Board.

Nurses Board.

Optometrists Board.

Pharmacy Board.

Podiatrists Board.

Psychologists Board.

Physiotherapists Board.

Radiation Council.

Veterinary Surgeons Board.

Public Authorities, pursuant to section 8 -

ACT Electoral Commission - Report for 1996-97.

ACT Health and Community Care Service - Report and financial statements, including the Auditor-General's report for 1996-97.

ACT Human Rights Office - Report for 1996-97.

Australian Federal Police - Report and financial statements on policing in the Australian Capital Territory for 1996-97, including a report from the Australian National Audit Office for 1996-97.

Australian International Hotel School - Report and financial statements for 1 January to 30 June 1997, including the Auditor-General's report.

Criminal Injuries Compensation Act - Criminal Injuries Compensation Scheme - Report for 1996-97.

Director of Public Prosecutions Act - Director of Public Prosecutions - Report for 1996-97.

Healthpact - Report and financial statements, including the Auditor-General's report for 1996-97.

Legal Aid Commission - Report and financial statements, including the Auditor-General's report for 1996-97.

National Exhibition Centre Trust - Report and financial statements for Exhibition Park, including the Auditor-General's report for 1996-97.

Ombudsman Act - Australian Capital Territory Ombudsman - Report for 1996-97.

Public Trustee for the Australian Capital Territory - Management report and financial statements, including the Auditor-General's report for 1996-97.

33 PAPER

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

Community Law Reform Committee - Report No. 13 - Rules of court: Preliminary considerations, dated 9 September 1997.

34 ACT ADMINISTRATION OF JUSTICE - STATISTICS PROFILE - PAPER - MOTION TO TAKE NOTE OF PAPER

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

ACT Administration of Justice - Statistics profile -

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

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

35 PLANNING AND LAND MANAGEMENT - REPORT ON PROGRESS - JULY 1 1996 - JUNE 30 1997 - PAPER - MOTION TO TAKE NOTE OF PAPER

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

Planning and land management - Report on progress - July 1 1996 - June 30 1997 -

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

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

36 AGENCY REGULATORY PLANS - 1997-1998 - PAPER - MOTION TO TAKE NOTE OF PAPER

Mr Kaine (Minister for Regulatory Reform) presented the following paper:

Agency regulatory plans - 1997-1998 -

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

Debate adjourned (Mr Corbell) and the resumption of the debate made an order of the day for the next sitting.

37 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - REPORT NO. 33 - GINNINDERRA DRIVE/MOUAT STREET, LYNEHAM - GOVERNMENT RESPONSE - PAPER NOTED

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

Planning and Environment - Standing Committee - Report No. 33 - Report on Ginninderra Drive/Mouat Street, Lyneham (being the first outcome of the inquiry by the Standing Committee on Planning and Environment into proposals for the John Dedman Parkway and Ginninderra Drive/Mouat Street, Lyneham) (*presented 2 September 1997*) - Government response -

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

Question - put and passed.

38 PAPER

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

Stirling Avenue/Federal Highway - Forward planning intention - Copy of letter from Trevor T Kaine, MLA, Minister for Urban Services to The Hon John Sharp MP, Minister for Transport and Regional Development, dated 17 September 1997.

39 LIQUOR (AMENDMENT) BILL (NO. 3) 1997

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 Moore 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.

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.

40 WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 1997

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.

41 ANNUAL LEAVE (AMENDMENT) BILL 1997

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.

42 LONG SERVICE LEAVE (AMENDMENT) BILL 1997

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.

43 PUBLIC HEALTH BILL 1997

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.

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

Health Promotion - Ottawa Charter.

Debate continued

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

Detail stage

Clauses 1 to 87, by leave, taken together -

Mrs Carnell (Minister for Health and Community Care), by leave, moved the following amendments together:

Clause 4, page 2, line 16, paragraph (b), omit the paragraph, substitute the following paragraph:

“(b) through the monitoring of health indicators, to provide the public with information about the health of the population and to design and implement appropriate policies and programs for the maintenance and improvement of the population’s health;”.

Clause 7, page 6, line 24, omit the clause, substitute the following clause:

“Chief Health Officer

7. (1) The Minister shall, by instrument, appoint a person to be the Chief Health Officer.

(2) The Chief Health Officer shall be—

(a) a public servant; and

(b) a medical practitioner.

(3) An instrument of appointment is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(4) The Minister may, by instrument, suspend the Chief Health Officer from duty on grounds of misbehaviour or physical or mental incapacity, being grounds the particulars of which are stated in the instrument.

(5) An instrument of suspension is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(6) Following the suspension of the Chief Health Officer, the Minister may, by instrument, revoke the appointment of the Chief Health Officer if—

(a) after the last day on which the instrument of suspension could have been disallowed under the *Subordinate Laws Act 1989*, the instrument has not been disallowed; and

(b) the Minister is satisfied that the grounds for suspension stated in the instrument of suspension still exist.”.

Clause 8, page 7 -

Line 2, subclause (1), omit “Subject to subsection 7 (3), the”, substitute “The”.

Line 4, paragraph (1) (a), omit all the words from and including “, whether” to and including “7 (2)”.

Line 9, after subclause (1), insert the following subclause:

“(1A) An acting Chief Health Officer shall be a medical practitioner.”.

Clause 10, page 7, line 34, after paragraph (1) (d), insert the following paragraphs:

- “(da) health promotion activities;
- (db) harm minimisation activities;
- (dc) access and equity indicators relevant to health;
- (dd) social indicators relevant to health;
- (de) health services performance against minimum standards of care;
- (df) intersectoral activities relevant to health;”.

Mr Berry (Leader of the Opposition) moved - That the debate be adjourned.

Question - put and negatived.

Amendments agreed to.

Clauses, as amended, agreed to.

Clause 88 -

On the motion of Ms Tucker the following amendment was made:

Page 48, line 18, paragraph (1) (a), omit “6 months”, substitute “3 months”.

Clause, as amended, agreed to.

Clauses 89 to 101, by leave, taken together and agreed to.

Clause 102 -

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

Page 55, line 5, subclause (1), after paragraph (a), insert the following paragraph:

- “(ab) advise the patient of his or her rights under paragraph 99 (c);”.

Clause, as amended, agreed to.

Clauses 103 to 112, by leave, taken together and agreed to.

Clause 113 -

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

Page 61, line 22, paragraph (1) (d), omit the paragraph.

Clause, as amended, agreed to.

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

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

44 PUBLIC HEALTH (MISCELLANEOUS PROVISIONS) BILL 1997

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 -

Mr Berry (Leader of the Opposition) moved - That the debate be adjourned.

Question - put.

The Assembly voted -

Ayes, 5

Noes, 7

Mr Berry
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

Mrs Carnell
Mr Cornwell
Mr Humphries
Mr Kaine
Mrs Littlewood

Mr Moore
Mr Osborne

And so it was negatived.

Debate resumed.

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

Detail stage

Clauses 1 to 19, by leave, taken together and agreed to.

Clauses 20 and 21, by leave, taken together, debated and negatived.

Clause 22 negatived.

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

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

45 ADJOURNMENT

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

Debate ensued.

Question - put and passed.

And then the Assembly, at 6.41 p.m., adjourned until Tuesday, 4 November 1997 at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Hird (on leave) and Ms Horodny (on leave).

M.J. McRAE
Clerk of the Legislative Assembly