

1998-99

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 61

THURSDAY, 2 SEPTEMBER 1999

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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 **PETITION**

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

Mr Stanhope, from 2,154 residents, requesting that the Assembly conduct an investigation into the use of haematology and oncology services to acknowledge the need to maintain existing funding.

3 **LAW REFORM (MISCELLANEOUS PROVISIONS) BILL 1999**

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend various Acts and repeal certain Acts for the purpose of law reform, 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.

4 **JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 1999**

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the law relating to justice and community safety, 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.

5 **LAND PLANNING AND ENVIRONMENT AMENDMENT BILL (NO 3) 1999**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*.

*Paper:* Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth 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.

## **6 LANDS ACQUISITION AMENDMENT BILL 1999**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Lands Acquisition Act 1994*.

*Paper:* Mr Smyth presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Smyth 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.

## **7 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - INQUIRIES - PRINTING, CIRCULATION AND PUBLICATION OF REPORTS**

Mr Osborne (Chair), pursuant to notice, moved - That:

(1) if the Assembly is not sitting when the Standing Committee on Justice and Community Safety has completed its reports on:

- (a) the establishment of an ACT prison (Second Interim Report); and/or
- (b) its inquiry into the Joint Emergency Services Centre

the Committee may send its report on the inquiry to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, publication and circulation; and

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

Question - put and passed.

## **8 STANDING COMMITTEES - REFERENCE - ANNUAL AND FINANCIAL REPORTS 1998-99**

Ms Carnell (Chief Minister), pursuant to notice, moved - That, notwithstanding the resolution of the Assembly of 28 April 1998 establishing Standing Committees:

- (1) the Annual and Financial Reports for the financial year 1998-99 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 1995* stand referred, on presentation, to the relevant Standing Committee for inquiry and report by 25 November 1999;
- (2) if the Assembly is not sitting when a Committee completes its inquiry, that Committee may send the relevant report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, publication and circulation; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Debate ensued.

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

After paragraph (2) insert the following new paragraph:

“(2A) that, notwithstanding standing order 229, only one Standing Committee may meet for the consideration of the inquiry into 1998-99 Annual and Financial Reports at any given period of time;”.

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

Paragraph (1), omit “25 November 1999”, substitute “1 February 2000”.

Question - That the motion, as amended, viz:

That, notwithstanding the resolution of the Assembly of 28 April 1998 establishing Standing Committees:

- (1) the Annual and Financial Reports for the financial year 1998-99 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 1995* stand referred, on presentation, to the relevant Standing Committee for inquiry and report by 1 February 2000;
- (2) if the Assembly is not sitting when a Committee completes its inquiry, that Committee may send the relevant report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, publication and circulation;
- (3) that, notwithstanding standing order 229, only one Standing Committee may meet for the consideration of the inquiry into 1998-99 Annual and Financial Reports at any given period of time; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders -

be agreed to - put and passed.

## **9 POSSIBLE CONFLICT OF INTEREST - STATEMENT BY MEMBER**

Mr Osborne, by leave, informed the Assembly that he would not participate in debate and decisions on the Land Planning and Environment Amendment Bill (No 3) 1999 and the Lands Acquisition Amendment Bill 1999 due to a possible conflict of interest under standing order 156.

## **10 HEALTH REGULATION (MATERNAL HEALTH INFORMATION) ACT - MATERNAL HEALTH INFORMATION REGULATIONS 1999 (SUBORDINATE LAW NO. 15 OF 1999) - MOTION FOR DISALLOWANCE**

Mr Berry, pursuant to notice, moved - That, pursuant to the *Subordinate Laws Act 1989*, this Assembly disallows Subordinate Law No. 15 of 1999, being the Maternal Health Information Regulations 1999 made under the *Health Regulation (Maternal Health Information) Act 1998*.

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

Debate continued.

Ms Carnell (Chief Minister) 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 order of the day, Assembly business, relating to the disallowance of the Maternal Health Information Regulations 1999, having precedence over Executive business in the ordinary routine of business this day.

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

Debate continued.

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

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

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

**11 QUESTIONS**

Questions without notice being asked -

*Paper:* Ms Tucker, by leave, presented the following paper:

McKellar Shopping Centre - Transfer of land to Tokich Homes Pty Ltd - Copy of opinion from Gary Corr, Empire Chambers, dated 31 August 1999.

Questions continued.

**12 AUDITOR-GENERAL ACT - AUDITOR-GENERAL'S REPORT - NO. 3 OF 1999 - ANNUAL MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 1999 - PUBLICATION OF PAPER**

The Speaker presented the following paper:

Auditor-General Act - Auditor-General's Report - No. 3 of 1999 - Annual Management Report for the year ended 30 June 1999, dated 2 September 1999.

Mr Humphries (Manager of Government Business), by leave, moved - That the Assembly authorises the publication of the Auditor-General's Report No. 3 of 1999.

Question - put and passed.

**13 FINANCIAL MANAGEMENT ACT - AUTHORISATION OF EXPENDITURE FOR 1998-99 - PAPERS AND STATEMENT BY MINISTER - MOTION TO TAKE NOTE OF PAPER**

Mr Humphries (Treasurer) presented the following papers:

Financial Management Act, pursuant to section 26 - Authorisation of expenditure for 1998-99 under section 18, including the Statement of Reasons for Expenditure against the Treasurer's Advance -

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

Mr Humphries moved - That the Assembly takes note of the paper.

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

**14 PRESENTATION OF PAPERS**

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

1999-2000 Capital Works Program - Call Tender Report (incorporating the Call Tender Schedule).

ACT Administration of Justice - Statistical profile for January to March 1999 and April to June 1999.

**15 TUGGERANONG LAKESHORE MASTER PLAN - PAPER AND STATEMENT BY MINISTER**

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

Tuggeranong Lakeshore Master Plan, dated August 1999 -

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

*Urban Services - Standing Committee - Reference - Tuggeranong Lakeshore Master Plan:*  
Mr Osborne, by leave, moved that the Tuggeranong Lakeshore Master Plan be referred to the Standing Committee on Urban Services for inquiry and report.

Question - put and passed.

**16 PRESENTATION OF PAPERS**

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

Calvary Public Hospital - Information Bulletins - Patient Activity Data - June and July 1999.

The Canberra Hospital - Information Bulletins - Patient Activity Data - June and July 1999.

**17 AUSTRALIAN HEALTH MINISTER'S CONFERENCE - OUTCOMES - MINISTERIAL STATEMENT - PAPER NOTED**

Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning the outcomes from the Australian Health Minister's Conference held in Canberra on 4 August 1999 and presented the following paper:

Outcomes from the Australian Health Minister's Conference held in Canberra on 4 August 1999 - Ministerial statement, 2 September 1999 -

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

Question - put and passed.

**18 LEAVE OF ABSENCE TO MEMBERS**

Mr Humphries (Manager of Government Business) moved - That leave of absence from 3 to 19 September 1999 inclusive be given to Mr Quinlan and Mr Humphries.

Question - put and passed.

**19 HEALTH REGULATION (MATERNAL HEALTH INFORMATION) ACT - MATERNAL HEALTH INFORMATION REGULATIONS 1999 (SUBORDINATE LAW NO. 15 OF 1999) - MOTION FOR DISALLOWANCE**

The order of the day having been read for the resumption of the debate on the motion of Mr Berry - That, pursuant to the *Subordinate Laws Act 1989*, this Assembly disallows Subordinate Law No. 15 of 1999, being the Maternal Health Information Regulations 1999 made under the *Health Regulation (Maternal Health Information) Act 1998* -

Debate resumed.

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

Debate continued.

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

Mr Smyth (Minister for Urban Services) addressing the Assembly -

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

Mr Moore (Minister for Health and Community Care) requiring the question to be put forthwith without debate -

Question - put and negatived.

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Debate continued.

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



Ms Tucker, by leave, again addressed the Assembly.

Debate continued.

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

Question - That the motion 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 Moore		Mr Humphries	Mr Stefaniak
Mr Quinlan		Mr Kaine	

And so it was negatived.

## 20 LEAVE OF ABSENCE TO MEMBER

Mr Corbell moved - That leave of absence from 12 to 27 September 1999 inclusive be given to Mr Stanhope (Leader of the Opposition).

Question - put and passed.

## 21 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 30 - EXHIBITION PARK - CARPARKING - REPORT NOTED

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 30 - Carparking at Exhibition Park in Canberra [EPIC], dated 25 August 1999, together with a copy of the extracts of the minutes of proceedings - and moved - That the report be noted.

Question - put and passed.

## 22 TOBACCO (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 -

Mr Rugendyke moved - That the debate be adjourned.

Question - put.

The Assembly voted -

Ayes, 7

Noes, 8

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

And so it was negatived.

Debate resumed.

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

**23 ADJOURNMENT**

Mr Moore (Minister for Health and Community Care) moved - That the Assembly do now adjourn.

Question - put and passed.

And then the Assembly, at 6.16 p.m., adjourned until Tuesday, 12 October 1999 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