

1995-96-97

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 88

THURSDAY, 8 MAY 1997

- 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 **TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1997**
Mrs Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Taxation (Administration) Act 1987*.
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 Whitecross - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.
- 3 **GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1997**
Mrs Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 1987*.
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 Whitecross - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.
- 4 **DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997**
Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Domestic Violence Act 1986*.
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.

5 CANBERRA CULTURAL AUTHORITY BILL 1997

Mr Humphries (Minister for Arts and Heritage), pursuant to notice, presented a Bill for an Act to establish the Canberra Cultural Authority 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 Wood) and the resumption of the debate made an order of the day for the next sitting.

6 TRANS-TASMAN MUTUAL RECOGNITION BILL 1997

Mr Kaine (Minister for Regulatory Reform), pursuant to notice, presented a Bill for an Act relating to the recognition of regulatory standards adopted in New Zealand regarding goods and occupations.

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 Wood) and the resumption of the debate made an order of the day for the next sitting.

7 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - INQUIRY - STRATEGIC DEVELOPMENT OPTIONS FOR AINSLIE/O'CONNOR - ALTERATION TO REPORTING DATE

Mr Moore (Chair), pursuant to notice, moved - That the resolution of the Assembly of 21 November 1996 which referred the matter of the strategic Development Options for Ainslie/O'Connor to the Standing Committee on Planning and Environment for inquiry and report, be amended by omitting from paragraph (1) "by 31 May 1997".

Question - put and passed.

8 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - INQUIRY - COMMUNITY CONSULTATION ON LEGISLATION - ALTERATION TO REPORTING DATE

Mr Wood (Chair), pursuant to notice, moved - That the resolution of the Assembly of 20 February 1997 which referred the matter of community consultation on legislation to the Standing Committee on Scrutiny of Bills and Subordinate Legislation for inquiry and report, be amended by omitting "by the last sitting day in June 1997".

Question - put and passed.

9 SOCIAL POLICY - STANDING COMMITTEE - PROPOSED REFERENCE - COMPULSORY WEARING OF BICYCLE HELMETS

Mr Moore, pursuant to notice, moved - That the Standing Committee on Social Policy:

- (1) inquire into and report on the compulsory wearing of bicycle helmets with particular reference to:
 - (a) the effects of the helmets law on cycling, injuries to cyclists and public health;

- (b) whether the available evidence indicates that bicycle helmets reduce serious injury for (i) adults (over 18 years old) and (ii) children to the extent that the compulsory wearing of helmets is supported;
 - (c) the need to apply the same laws to adults and children;
 - (d) the role of laws which enforce self-protection within a democratic system with reference to internationally accepted standards;
 - (e) any other related matter; and
- (2) if the Assembly is not sitting when the Committee has completed its inquiry 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
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Mr Kaine (Minister for Urban Services), by leave, was granted an extension of time.

Debate continued.

Ms Tucker moved the following amendment: Omit "Standing Committee on Social Policy", substitute "Standing Committee on Legal Affairs".

Debate continued.

It being 45 minutes after the commencement of Assembly business -

Ordered - That the time allotted to Assembly business be extended by 30 minutes.

Debate continued.

Amendment negatived.

Debate continued.

Question - That the motion be agreed to - put.

The Assembly voted -

Ayes, 8		Noes, 9	
Mrs Carnell	Mrs Littlewood	Mr Berry	Ms Reilly
Mr Cornwell	Mr Moore	Mr Corbell	Ms Tucker
Mr Hird	Mr Stefaniak	Ms Horodny	Mr Whitecross
Mr Humphries		Ms McRae	Mr Wood
Mr Kaine		Mr Osborne	

And so it was negatived.

10 PROPOSED NEW PRIVATE HOSPITAL - PROPOSED SELECT COMMITTEE

Mr Berry, pursuant to notice, moved - That:

- (1) a Select Committee be appointed to inquire into and report on the establishment of a new private hospital at or near The Canberra Hospital with particular reference to:
 - (a) current provision of both public and private beds in the ACT and the appropriate ratio of public/private beds as well as the overall requirement for beds in the ACT and surrounding region;
 - (b) the possible inter-relationship of the proposed new private hospital with The Canberra Hospital;

- (c) the impact of any new beds in the private sector on:
 - (i) the current public hospitals in the ACT;
 - (ii) the current private hospitals in the ACT;
 - (d) the current and projected requirements of different types/categories of beds in the ACT including different levels of acute care beds and day care bed requirements as well as other possible combinations;
 - (e) the financial arrangements associated with the proposed new private hospital - including land allocations and proposed working and transfer arrangements;
 - (f) the impact on the citizens of the ACT in the climate where the number of private beds are rising at the same time as private health insurance is falling;
 - (g) any other related matters;
- (2) no further contracts be entered into for the establishment of a private hospital until the report of the Committee has been considered by the Assembly;
 - (3) the Committee shall be composed of 3 Members, 1 Member nominated by the Government, 1 Member nominated by the Opposition and 1 other Member from either the independents or the ACT Greens. The nominations shall be notified to the Speaker in writing by 4.00 p.m. 13 May 1997;
 - (4) if the Assembly is not sitting when the Assembly has completed its inquiry, the Committee shall send its report to the Speaker, or in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication;
 - (5) the forgoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Mrs Carnell (Minister for Health and Community Care) addressing the Assembly -

The extended time allotted to Assembly business having expired -

Suspension of standing orders - Continuation of Assembly business: Mr Berry moved - That so much of the standing orders be suspended as would enable the Assembly to consider and vote on notice No. 4, Assembly business, relating to a proposed select committee on a new private hospital.

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

Debate continued.

Mrs Carnell, by leave, was granted an extension of time.

Debate continued.

On the motion of Mr Humphries (Attorney-General) the following amendment was made: After proposed subparagraph (1) (f) insert the following subparagraph:

“(fa) any economic or employment benefits of the new private hospital;”.

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

11 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE - REPORT NO. 4 OF 1997 - MOTION THAT REPORT BE NOTED

Mr Wood (Chair) presented the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No. 4 of 1997, dated 22 April 1997 -

and moved - That the report be noted.

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

12 QUESTIONS

Questions without notice being asked -

Paper: Mrs Carnell (Treasurer) presented the following paper:

Economic forecasts - Copy of table of key economic indicators for 1995-96 and forecasts for 1996-97 - 2000-01 for South Australia, Western Australia, Tasmania, ACT and the Northern Territory.

It being 3.00 p.m., questions were interrupted pursuant to the order of the Assembly of 6 May 1997.

13 APPROPRIATION BILL 1997-98

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: Mrs Carnell (Treasurer) presented the following paper:

Dealing with change: An economic development strategy for the Australian Capital Region, dated May 1997.

Debate continued.

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

14 PRESENTATION OF PAPERS

Mrs Carnell (Chief Minister) presented the following papers:

Financial Management Act - Approval of Guarantee - Payment by Canberra Cosmos (Soccer Canberra Pty Ltd) of \$200,000 to the Advance Bank Limited, dated 29 April 1997.

Public Sector Management Act - Copies of executive contracts -

Kenneth Archer, dated 29 April 1997.

Terence Golding, dated 29 April 1997.

Kenneth Whitcombe, dated 29 April 1997.

Michael Peedom, dated 29 April 1997.

David Hunt, dated 29 April 1997.

Philip Walker, dated 29 April 1997.

Philip Mitchell, dated 29 April 1997.

John Flutter (termination).

Bruce Dockrill (termination).

Garrick Calnan (extension of temporary contract) -

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

15 PAPER

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

Bail (Amendment) Bill 1997 - Revised explanatory memorandum to the Bill.

**16 NATIONAL ENVIRONMENT PROTECTION COUNCIL - 1995-96 REPORT - PAPER
- STATEMENT BY MINISTER**

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

National Environment Protection Council - Report and financial statements, including the Commonwealth Auditor's report for 1995-96 -

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

17 SOCIAL POLICY - STANDING COMMITTEE - REPORT NO. 5 - SKATEBOARDS AND IN-LINE SKATES - MOTION THAT REPORT BE NOTED

Ms Tucker (Chair) presented the following report:

Social Policy - Standing Committee - Report No. 5 - Inquiry into the use of skateboards and in-line skates near shops, dated 15 April 1997, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Mr Hird addressing the Assembly -

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

Mr Stefaniak (Minister for Education and Training) requiring the question to be put forthwith without debate -

Question - put and negatived.

Debate continued.

Debate adjourned (Mr Stefaniak - Minister for Children's & Youth Services) and the resumption of the debate made an order of the day for the next sitting.

18 PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT NO. 25 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 9, 1996 - ACT CULTURAL DEVELOPMENT FUNDING PROGRAM - MOTION THAT REPORT BE NOTED

Mr Whitecross (Chair) presented the following report:

Public Accounts - Standing Committee - Report No. 25 - Review of Auditor-General's Report No. 9, 1996 - ACT Cultural Development Funding Program, dated May 1997, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

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

19 PLANNING AND ENVIRONMENT - STANDING COMMITTEE - INQUIRY - ACTON/KINGSTON LAND SWAP - STATEMENT BY CHAIR

Mr Moore (Chair), pursuant to standing order 246A, made a statement to the Assembly that on 2 May 1997 the Standing Committee on Planning and Environment resolved to inform the Assembly that it had completed its inquiry into the Acton/Kingston land swap which was initiated on 21 April 1995 and which was the subject of two reports: No. 11 entitled *Interim Report on the Acton/Kingston Land Swap* and No. 23 entitled *Further Report on the Acton/Kingston Land Swap*.

20 ADJOURNMENT

Mr Kaine (Minister for Urban Services) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly, at 5.20 p.m., adjourned until Tuesday, 13 May 1997 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