

1989-90-91

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MINUTES OF PROCEEDINGS**

No. 142

TUESDAY, 10 DECEMBER 1991

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- 1 The Assembly met at 2.30 p.m. pursuant to adjournment. The Speaker (Mr Prowse) took the Chair and read the Prayer.
  
- 2 **PETITIONS:** The Clerk announced that the following Members had lodged petitions for presentation:
  - Ms Follett, from 385 residents, requesting that the Assembly prevent the retailing of new goods from halls, exhibition centres and showgrounds except to the extent that such retailing is incidental to bona fide fairs and exhibitions.
  - Mr Humphries, Mr Kaine and Dr Kinloch from 188, 123 and 133 residents respectively, requesting that the Assembly reject any move towards the legalisation of euthanasia and to provide for the establishment of a hospice as an expression of the Assembly's true concern for the welfare of the aged and terminally ill of our community.
  - Mr Kaine, from 50 residents, requesting that the Assembly reject any move to make marijuana available to the public under any circumstances.
 Petitions received.
  
- 3 **QUESTIONS:** Questions without notice were asked.
  
- 4 **SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS - PAPERS:** The following papers were presented:
  - Associations Incorporation Act -  
 Association Incorporation Regulations - No. 31 of 1991 (S140, dated 3 December 1991).  
 Notice of Commencement of remaining provisions (S140, dated 3 December 1991).
  - Door-to-Door Trading Act - Door-to-Door Trading Regulations - No. 32 of 1991 (S140, dated 3 December 1991).
  - Stock Diseases (Amendment) Act - Declarations (2), section 11B(1) and Section 11H(1) (G48, dated 4 December 1991).
  
- 5 **MATTER OF PUBLIC IMPORTANCE - DISCUSSION - GAMBLING:** The Assembly was informed that Dr Kinloch had proposed that a matter of public importance be submitted for discussion, namely, "Problem gambling: the need for counselling and rehabilitative services."
  - Discussion ensued.
  - Discussion concluded.
  
- 6 **INTERIM PLANNING ACT - VARIATIONS TO THE TERRITORY PLAN - GUNGAHLIN SUBURBS - MOTION FOR PARTIAL REJECTION:** Mr Jensen, by leave, moved - That the proposed variation to the Territory Plan for the Gunghalin suburbs of Amaroo, Casey, Harrison, Ngunnawal and Nicholls, tabled on 26 November 1991, be partially rejected by omitting:
  - (a) the words " identifying these suburbs on the plan as 'Defined Land', and by" in lines 4 and 5 of the Introduction on page 1 of the Schedule;
  - (b) the words "'Defined Land' (under the *Interim Planning Act 1990*)" in the legend to Figure 1 at page 3; and
  - (c) the words "of 'defined land'" in the subheading at the base of Figure 1 at page 3.
 Debate ensued.  
 Question - put.

The Assembly voted –

Ayes, 5

Mr Collaery  
Mr Jensen  
Dr Kinloch  
Mr Moore  
Mr Stevenson

Noes, 12

Mr Berry	Mr Kaine
Mr Connolly	Ms Maher
Mr Duby	Mrs Nolan
Ms Follett	Mr Prowse
Mrs Grassby	Mr Stefaniak
Mr Humphries	Mr Wood

And so it was negatived.

- 7 INTERIM PLANNING ACT – VARIATIONS TO THE TERRITORY PLAN – THEODORE – MOTION FOR PARTIAL REJECTION:** Mr Jensen, by leave, moved – That the proposed variation to the Territory Plan relating to block 17, section 609, Theodore, tabled on 26 November 1991, be rejected.

Debate ensued.

Question – put and negatived.

- 8 SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION – STANDING COMMITTEE – REPORT AND STATEMENT:** Mrs Grassby (Presiding Member) presented the following report: Scrutiny of Bills and Subordinate Legislation – Standing Committee – Report No. 22 of 1991, dated 10 December 1991 – and, by leave, made a statement with reference to the report.

- 9 POLICE SERVICES – FUNDING – PRESIDENT BUSH'S VISIT – MINISTERIAL STATEMENT:** Mr Connolly (Attorney-General), by leave, made a ministerial statement concerning the arrangements for funding of police services for the forthcoming visit of President Bush.

- 10 APPROPRIATION (AMENDMENT) BILL 1991:** Ms Follett, pursuant to notice, presented a Bill for an Act to amend the *Appropriation Act 1991–92*.

Title read by Clerk.

Ms Follett moved – That this Bill be agreed to in principle.

*Paper:* Ms Follett presented an explanatory memorandum to the Bill.

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

- 11 ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) (AMENDMENT) BILL 1991:** The Assembly, according to order, again resolved itself into detail stage for further consideration of the Bill.

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*Detail stage*

Clause 1 debated and agreed to.

Clauses 2 and 3, by leave, taken together and agreed to.

Clause 4 –

On the motion of Mr Connolly (Attorney-General) the following amendment was made, after debate: Page 2, line 13, proposed new subparagraph 3 (4) (a) (iii) omit "prescribed decision", substitute "decision made under the *Land (Planning and Environment) Act 1991* or the *Heritage Objects Act 1991*".

Clause, as amended, agreed to.

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

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

- 12 AIR POLLUTION (AMENDMENT) BILL (NO. 2) 1991:** 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.

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*Detail stage*

Bill, by leave, taken as a whole –  
On the motion of Mr Wood (Minister for the Environment, Land and Planning) the following amendment was made: Clause 5, Page 4, line 7, proposed new paragraph 42E (1) (b), omit "is in effect", substitute "or 42BB (1) is in effect, without reasonable excuse".  
Bill, as a whole, as amended, agreed to.

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

- 13 TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1991:** 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.

- 14 MOTOR TRAFFIC (AMENDMENT) BILL (No. 2) 1991:** 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 GAS LEVY BILL 1991:** 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.

- 16 TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1991:** 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.

- 17 POSTPONEMENT OF ORDERS OF THE DAY:** Ordered – That orders of the day Nos. 7 to 10, executive business, be postponed until the next day of sitting.

- 18 FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL (NO. 2) 1991:** 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.

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*Detail stage*

Bill, by leave, taken as a whole –  
On the motion of Mr Connolly (Minister for Urban Services) the following amendment was made:  
Page 1, clause 3, line 10, after "Division 2", insert "of Part III".

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

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

**19 SUPERANNUATION (LEGISLATIVE ASSEMBLY MEMBERS) BILL 1991:** 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.

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*Detail stage*

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7 –

Mr Stefaniak, by leave, moved the following amendments together:

Page 4, line 23, subparagraph (b), omit the paragraph, substitute the following paragraph

(b) "The Chief Minister or, in his or her absence a government member nominated by the Chief Minister";

Page 4, line 26, subparagraph (c), omit the paragraph, substitute the following paragraph (c) "The Leader of the Opposition or, in his or her absence an opposition member nominated by the Leader of the Opposition; and".

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*Adjournment negated:* It being 9.30 p.m. – The question was proposed – That the Assembly do now adjourn.

Mr Berry (Deputy Chief Minister) requiring the question to be put forthwith without debate –

Question – put and negated.

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Debate continued.

Amendments negated.

On the motion of Mr Collaery, by leave, the following amendments were made together:

Page 4, line 25, paragraph (1) (b) after the word "members" add, "or an alternate Government member elected in accordance with the relevant procedures at a meeting, convened by the Speaker, of Government members."

Page 4, line 28, paragraph (1) (c) after the words "members" add "or an alternate Opposition member elected in accordance with the relevant procedures at a meeting, convened by the Speaker, of Opposition members."

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 8 to 12, by leave, taken together and agreed to.

Clauses 13 and 14, by leave, taken together –

Mr Prowse, by leave, moved the following amendments together:

Page 6, Clause 13, line 18, subclause (3), after "electing" insert "or within such further period as the Board in writing allows".

Page 6, Clause 14, line 32, subclause (10), after "section" insert "or within such further period as the Board in writing allows".

Debate continued.

Question – That the amendments be agreed to – put.

The Assembly voted –

Ayes, 11

Noes, 5

Mr Collaery	Ms Maher
Mr DUBY	Mr Moore
Mr Humphries	Mrs Nolan
Mr Jensen	Mr Prowse
Mr Kaine	Mr Stefaniak
Dr Kinloch	

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Wood

And so it was resolved in the affirmative.

Clauses, as amended, agreed to.

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

On the motion of Mr Prowse the following amendment was made, after debate: clause 19, Page 9, line 13, subclause (3), after "decision" insert "within a period not exceeding 30 days".

Remainder of Bill, as amended, agreed to.

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Question – That this Bill, as amended, be agreed to – put.

The Assembly voted –

Ayes, 16

Noes, 1

Mr Berry	Mr Kaine
Mr Collaery	Dr Kinloch
Mr Connolly	Ms Maher
Mr DUBY	Mr Moore
Ms Follett	Mrs Nolan
Mrs Grassby	Mr Prowse
Mr Humphries	Mr Stefaniak
Mr Jensen	Mr Wood

Mr Stevenson
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And so it was resolved in the affirmative – Bill agreed to.

**20 AIR POLLUTION (AMENDMENT) BILL 1991:** 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.

**21 WATER POLLUTION (AMENDMENT) BILL 1991:** 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.

**22 LAKES (AMENDMENT) BILL 1991:** 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.

**23 ADJOURNMENT:** Mr Berry (Deputy Chief Minister) moved – That the Assembly do now adjourn.  
Question – put and passed.  
And then the Assembly, at 10.38 p.m., adjourned until tomorrow 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