

1998-99

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 58

THURSDAY, 26 AUGUST 1999

- 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 **GAMBLING LEGISLATION AMENDMENT BILL 1999**

Mr Humphries (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Casino Control Act 1998*, the *Gaming Machine Act 1987* and the *Interactive Gambling Act 1998*, 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 Quinlan) and the resumption of the debate made an order of the day for the next sitting.

- 3 **MAGISTRATES COURT AMENDMENT BILL (NO 2) 1999**

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Magistrates Court Act 1930*.

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 **ANIMAL DISEASES AMENDMENT BILL 1999**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Animal Diseases Act 1993*.

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.

5 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - BETTERMENT AND CHANGE OF USE CHARGES - ALTERATION TO REPORTING DATE

Mr Hird (Chair), pursuant to notice, moved - That the resolution of the Assembly of 1 July 1999 referring betterment and change of use charges to the Standing Committee on Urban Services for inquiry and report be amended by omitting paragraph (3) and substituting the following paragraphs:

- "(3) the Committee to report to the Assembly by the last sitting day in 1999;
- (4) 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
- (5) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders."

Question - put and passed.

6 ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE - REPORT - ASSEMBLY COMMITTEES - A PROTOCOL FOR GOVERNMENT INTERACTION - MOTION THAT REPORT BE NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell - That the report be noted (*presented 11 March 1999*) -

Administration and Procedure - Standing Committee - Report - A Protocol for Government Interaction with Assembly Committees, dated 3 March 1999 -

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

7 EXECUTIVE BUSINESS - PRECEDENCE

Ordered - That Executive business be called on.

8 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 21 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 1, 1999 - STAMP DUTY ON MOTOR VEHICLE REGISTRATIONS - MOTION THAT REPORT BE NOTED

Mr Quinlan (Chair) presented the following report:

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 21 - Review of Auditor-General's Report No. 1, 1999 - Stamp duty on motor vehicle registrations, dated August 1999, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate adjourned (Ms Carnell - Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

9 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 22 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 2, 1999 - THE MANAGEMENT OF YEAR 2000 RISKS - INTERIM REPORT - REPORT NOTED

Mr Quinlan (Chair) presented the following report:

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 22 - Review of Auditor-General's Report No. 2, 1999 - The Management of Year 2000 Risks - Interim Report, dated 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.

10 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - CAR PARKING AT EPIC - STATEMENT BY CHAIR

Mr Hird (Chair), by leave, informed the Assembly that on 3 August 1999 the Standing Committee on Urban Services resolved to inquire into and report on car parking at EPIC.

11 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 29 - DRAFT VARIATION (NO. 137) TO THE TERRITORY PLAN: O'CONNOR SECTION 86 BLOCK 2, MACPHERSON COURT - REPORT NOTED

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 29 - Draft variation (No. 137) to the Territory Plan: O'Connor section 86 block 2, Macpherson Court, dated 25 August 1999, together with a copy of the extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Question - put and passed.

12 DRAFT DOCUMENT FOR RECONCILIATION

Ms Carnell (Chief Minister), pursuant to notice, moved - That this Assembly:

- (1) supports the proposed Australia-wide consultation strategy on the Draft Document for Reconciliation;
- (2) notes that the Draft Document for Reconciliation also proposes that the following National Strategies to Advance Reconciliation be developed:
 - (a) a National Strategy for Economic Independence;
 - (b) a National Strategy to Address Aboriginal and Torres Strait Islander Disadvantage;
 - (c) a National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights; and
 - (d) a National Strategy to Sustain the Reconciliation Process;
- (3) notes that the consultation process will culminate in May 2000 with an event organised by the Council for Aboriginal Reconciliation to launch its final proposals for a national document for reconciliation;
- (4) commends the consultation process and calls on all Members to actively encourage all residents (including schools, businesses, community organisations and groups) to participate in the consultation process;
- (5) considers that a successful May 2000 reconciliation event attracting broad community participation and support will make a significant contribution to advancing national reconciliation; and

(6) congratulates the Council on its initiative.

Debate ensued.

Mr Stanhope (Leader of the Opposition) addressing the Assembly -

Grave disorder arising in the gallery -

Suspension of sitting: At 11.23 a.m. the Speaker left the Chair until the ringing of the Bells.

Resumption of sitting: At 11.28 a.m. the Speaker resumed the Chair.

Debate continued.

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

Debate continued.

Question - That the motion be agreed to - put and passed.

13 GAMING AND RACING CONTROL BILL 1998

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 Quinlan, by leave, again addressed the Assembly.

Debate continued.

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

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.

14 QUESTIONS

Questions without notice were asked.

15 PRESENTATION OF PAPERS

Ms Carnell (Chief Minister) presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 29 (3) - Cultural Facilities Corporation - Third and Fourth quarterly reports for 1998-99 for the periods 1 January to 31 March 1999 and 1 April to 30 June 1999.

16 PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS - PAPERS - STATEMENT BY MINISTER

Ms Carnell (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79 - Copies of executive contracts or instruments -

Long term contracts:

Roslyn Hughes, dated 19 July 1999.

Michael Venderheide, dated 19 July 1999.

Neil Morgan, dated 8 July 1998.

Short term contracts:

Edward Rayment, dated 10 August 1999.

Irene McKinnon, dated 6 July 1999.

Allan Schmidt, dated 23 June 1999.

Hugo Harnstorf, dated 21 July 1999 -
and, by leave, made a statement in relation to the papers.

17 COOPERATIVES EXPOSURE DRAFT LEGISLATION - PAPERS - CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE - REFERENCE

Mr Humphries (Treasurer) presented the following papers:

Cooperatives Exposure Draft legislation -

Cooperatives Bill 1999.

Explanatory memorandum -

and, pursuant to standing order 214, moved - That the Cooperatives exposure draft legislation, together with the explanatory memorandum be referred to the Standing Committee for the Chief Minister's Portfolio for inquiry into and report by 21 October 1999.

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

18 BATTERY HENS LEGISLATION - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF PAPER

Ms Carnell (Chief Minister), by leave, made a ministerial statement concerning battery hens legislation and presented the following paper:

Battery hens legislation - Ministerial statement, 26 August 1999 -

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

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

19 FOOD STANDARDS - AUSTRALIA NEW ZEALAND COUNCIL MEETING - OUTCOMES - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF PAPER

Mr Moore (Minister for Health and Community Care), by leave, made a ministerial statement concerning the outcomes from the Australia New Zealand Food Standards Council Meeting and presented the following paper:

Food standards - Outcomes from the Australia New Zealand Food Standards Council Meeting held in Canberra on 3 August 1999 - Ministerial statement, 26 August 1999 -

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

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

20 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - McKELLAR AND FISHER SHOPS - SALE OF LAND

The Assembly was informed that Ms Tucker had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The Government's handling of the sale of land at McKellar and Fisher shops by direct grant to Tokich Homes Pty Ltd under the Ecoland proposal."

Discussion ensued.

Discussion concluded.

21 GAMING AND RACING CONTROL BILL 1998

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

Detail stage

Clause 1 -

On the motion of Mr Humphries (Treasurer) the following amendment was made, after debate:

Page 1, line 5, omit “*Gaming*”, substitute “*Gambling*”.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

Clause 3 -

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

Page 2, line 7, insert the following definition: “ ‘code of practice’—see section 14B;”.

On the motion of Mr Humphries the following amendment was made:

Page 2, line 8, definition of “Commission”, omit “*Gaming*”, substitute “*Gambling*”.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 -

On the motion of Mr Humphries the following amendment was made:

Page 3, line 24, subclause (1), omit “*Gaming*”, substitute “*Gambling*”.

Clause 5, as amended, agreed to.

Clause 6 -

Ms Tucker moved the following amendment:

Page 4, line 5, subclause (1), omit the subclause, substitute the following subclause:

“(1) The functions of the Commission are—

- (a) to administer the gaming laws;
- (b) to control, supervise and regulate gaming in the Territory; and
- (c) to perform functions and exercise powers given to the Commission by this or any other Act.”.

Debate continued.

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 Ms Tucker's amendment be agreed to - put and passed.

On the motion of Mr Humphries the following amendment was made:

Page 4, line 14, subparagraph (2) (a) (iv), after "racing" insert "as provided in the *Racing Act 1999*".

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

Page 4, line 17, after paragraph (2) (b) insert the following paragraphs:

- "(ba) monitoring and researching the social effects of gambling and of problem gambling;
- (bb) providing education and counselling services;
- (bc) engaging in community consultation, as appropriate, on matters related to its functions;"

On the motion of Mr Humphries the following amendment was made:

Page 4, line 19, after paragraph (2) (c) insert the following paragraph:

- "(ca) monitoring, researching and funding activities relating to gaming and racing;"

On the motion of Mr Humphries the following amendment was made:

Page 4, line 27, paragraph (2) (f), omit the paragraph.

Clause 6, as amended, agreed to.

New clauses -

On the motion of Ms Tucker the following new clauses were inserted in the Bill, after debate: Page 4, line 37:

"6A. How the Commission must perform its functions

The Commission must perform its functions in the way that best promotes the public interest, and in particular, as far as practicable—

- (a) promotes consumer protection;
- (b) minimises the possibility of criminal or unethical activity; and
- (c) reduces the risks and costs, to the community and to the individuals concerned, of problem gambling.

6B. Community consultation

(1) In performing its functions of reviewing legislation and policies in order to make recommendations to the Minister, the Commission must engage in community consultation.

(2) The Commission's annual report must describe the processes of community consultation used by the Commission."

Clause 7 agreed to.

Clause 8 -

On the motion of Mr Humphries the following amendment was made:

Page 5, line 4, omit the clause, substitute the following clause:

"8. Delegation

The Commission may delegate any of its functions and powers, except this power of delegation."

Clause 8, as amended, agreed to.

Clause 9 agreed to.

Clause 10 -

Mr Quinlan moved the following amendment:

Page 5, line 20, subclause (1), omit the subclause, substitute the following subclause:

“(1) The Commission shall consist of—

- (a) the Chief Executive;
- (b) four other ordinary members of whom one shall have knowledge, experience and qualifications related to providing counselling services to problem gamblers.”.

Debate continued.

Mr Quinlan moved the following amendment to his proposed amendment: Paragraph (1) (b), omit “experience and qualifications”, substitute “experience or qualifications”.

Question - That the amendment to the proposed amendment be agreed to - put and passed.

Question - That the amendment, as amended, be agreed to - put and passed.

Clause 10, as amended, agreed to.

Clauses 11 to 14, by leave, taken together and agreed to.

New Part -

On the motion of Ms Tucker the following new Part was inserted in the Bill, after debate: Page 6, line 3:

**“PART IIA—ROLE OF THE COMMISSION IN DEALING
WITH THE SOCIAL EFFECTS OF GAMBLING**

Division 1—Monitoring and research

14A. Monitoring and research

- (1) The Commission must monitor the social and economic effects of gambling and problem gambling in the Territory, including the need for counselling and other services.
- (2) The Commission may conduct or sponsor research into the social and economic effects of gambling in the Territory.
- (3) The Minister, or a resolution of the Assembly, may require the Commission to address particular matters when performing its functions under this section.
- (4) The Commission must, at intervals of not less than 12 months, provide reports to the Minister on the results of its activities under his section.
- (5) The Minister must cause a report under this section to be laid before the Assembly within 14 sittings days after receiving it.

Division 2—Dealing with social effects of gambling

14B. Code of practice

- (1) The regulations may prescribe 1 or more *codes of practice* to apply to specified classes of persons who are licensed or otherwise authorised to do things under a gaming law.
- (2) A code of practice may include, but is not limited to, guidelines about the following:

- (a) advertising, promotional practices and the offering of inducements;
 - (b) providing objective and accurate information about losing and winning;
 - (c) limiting facilities that make it easy for a gambler to spend more than he or she originally intended, such as automatic teller machines, credit facilities and allowing persons to pay by cheque or credit card;
 - (d) providing mechanisms to allow problem gamblers to exclude themselves using a licensee's facilities for gambling;
 - (e) training staff to recognise and deal appropriately with people who are problem gamblers or are at risk;
 - (f) developing methods of dealing with staff or clients who are problem gamblers or are at risk.
- (3) The Commission must, for each licence under a gaming law that permits the licensee to conduct gambling, develop and review a code of practice to apply to the licensees and make recommendations to the Minister for appropriate regulations.

14C. Education and counselling

(1) The Commission may carry out or sponsor—

- (a) counselling for persons with gambling problems; or
- (b) publicity and education programs—
 - (i) providing consumer information for different kinds of gambling; or
 - (ii) about the risks of gambling; or
 - (iii) about dealing with gambling problems.

(2) The Minister, or a resolution of the Assembly, may require the Commission to address particular matters when performing its functions under this section.”.

Clauses 15 and 16, by leave, taken together and agreed to.

Clause 17 -

On the motion of Mr Humphries the following amendment was made:

Page 7, line 35, subclause (5), omit “section 99 of the *Taxation (Administration) Act 1987* for the purposes of subsection 66 (5) of that Act”, substitute “section 139 of the *Taxation Administration Act 1999* for the purposes of subsection 82 (5) of that Act”.

Clause 17, as amended, agreed to.

Clauses 18 to 25, by leave, taken together and agreed to.

New clause -

On the motion of Mr Humphries the following new clause was inserted in the Bill: Page 11, line 14:

“25A. Investigation of complaints

(1) A person may lodge a complaint with the Commission, in a form approved by the Commission, about compliance with a gaming law.

(2) Where a complaint has been lodged under this section and investigated by the Commission, the Commission may give the complainant information about the results of the investigation if the Commission is satisfied that—

- (a) the complainant has a legitimate interest in the information; and
- (b) giving the information to the complainant would not unreasonably prejudice the privacy or other interests of another person.

(3) The Commission shall include in its annual report a statistical summary of complaints lodged under this section and the results of any investigations resulting from them.”.

Clauses 26 to 30, by leave, taken together and agreed to.

Clause 31 -

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

Page 12, line 39, paragraph (c), omit “or”.

Page 13, line 14 -

Subparagraph (d) (viii), at the end of the subparagraph, add “or”.

Add the following paragraph:

“(e) in accordance with section 25A.”.

Clause 31, as amended, agreed to.

Clauses 32 to 41, by leave, taken together and agreed to.

Clause 42 -

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

Page 14 -

Line 31, omit '*Taxation (Administration) Act 1987*, except for Parts II and VII', substitute '*Taxation Administration Act 1999*, except for Divisions 1, 2 and 3 of Part 9'.

Line 33, paragraph (a), omit "tax".

Clause 42, as amended, agreed to.

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

Mr Humphries moved the following amendment:

Schedule 1, page 17, line 15, paragraph 2 (3) (a), omit the paragraph, substitute the following paragraph:

"(a) the person or the person's spouse has an interest in a business subject to a gaming law;"

Debate continued.

Ms Tucker, by leave, again addressed the Assembly.

Amendment agreed to.

Ms Tucker, by leave, moved the following amendment:

Schedule 1, page 17, line 18, insert the following paragraph:

"(aa) the person or the person's spouse has, within the previous 5 years—

- (i) held, or been a member of the governing body of a corporation that held, a licence under a gaming law; or
- (ii) been employed by a licensee under a gaming law to work on activities governed by the licence."

Debate continued.

Amendment negatived.

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

New clause -

Page 17, line 34, after clause 2 insert the following new clause in Schedule 1 to the Bill:

"2A. Appointment of chairperson

- (1) The Minister shall appoint an ordinary member as chairperson of the Commission.
- (2) The Minister may appoint another ordinary member to act as chairperson when the chairperson is for any reason unable or unavailable to act in that capacity."

Amendments -

Schedule 1 -

Page 18, line 33, paragraph 6 (2) (a), omit "a member", substitute "the member".

Page 19, line 3, paragraph 6 (2) (b), omit "a member", substitute "the member".

Schedule 2 -

Clause 3, page 20, line 6, omit “Chief Executive”, substitute “chairperson”.

Clause 4, page 20, line 8, omit “Chief Executive”, substitute “chairperson”.

Page 20 -

Line 10, paragraph 5 (a), omit “Chief Executive and 1 other member”, substitute “chairperson and 2 other members”.

Line 13, paragraph 5 (c), omit “Chief Executive”, substitute “chairperson”.

Title, omit “**gaming**” and “**Gaming**”, substitute “**gambling**” and “**Gambling**” respectively.

Paper: Mr Humphries presented a supplementary explanatory memorandum to the Bill.

Question - That the amendments be agreed to - put and passed.

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

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

22 GAMBLING AND RACING CONTROL (CONSEQUENTIAL PROVISIONS) 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 -

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 ENVIRONMENT PROTECTION (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 -

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

24 BUILDING (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 -

Debate resumed.

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

Detail stage

Bill, by leave, taken as a whole -

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

Clause 7, page 3, line 11, paragraph (b), proposed new subsection 34 (3A), omit the subsection, substitute the following subsection:

“ (3A) For paragraph (1) (fb), a waste management plan is adequate if—

(a) where—

- (i) a facility exists in the Territory; or
- (ii) the Minister has, in writing, specified a facility outside the Territory as being suitable;

for the reuse or recycling of materials of the kind described in the plan—the plan stipulates that the materials will be disposed of, where practicable, at such a facility; and

- (b) the plan satisfies any other prescribed requirements.’; and”.

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

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

25 ADJOURNMENT

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

Debate ensued.

Question - put and passed.

And then the Assembly, at 6.00 p.m., adjourned until Tuesday, 31 August 1999 at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Stefaniak (Minister for Education) and Mr Rugendyke (on leave).

M.J. McRAE

Clerk of the Legislative Assembly