

1998-99

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MINUTES OF PROCEEDINGS

No. 55

FRIDAY, 2 JULY 1999

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 **JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE) - SCRUTINY REPORT NO. 7 OF 1999 - STATEMENT BY CHAIR**

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) - Scrutiny Report No. 7 of 1999, dated 2 July 1999 -

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

3 **WORKERS' COMPENSATION SYSTEM - SELECT COMMITTEE -ALTERATION TO RESOLUTION OF APPOINTMENT**

Mr Berry, by leave, moved – That paragraph (2) of the resolution of the Assembly of 1 July 1999 appointing the Select Committee on the Workers' Compensation System, be amended by omitting "Thursday, 1 July 1999" and substituting "Friday, 2 July 1999".

Question – put and passed.

4 **LAND (PLANNING AND ENVIRONMENT) (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.

5 **LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO. 2) 1999**

Mr Moore, by leave as an Executive Member, presented a Bill for an Act to amend the *Land (Planning and Environment) Act 1991*.

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

Title read by Clerk.

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

Debate ensued, leave granted to consider Bill.

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.

6 MAGISTRATES COURT (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.

The debate having been closed by the reply of Mr Humphries (Minister for Justice and Community Safety) -

Mr Berry, by leave, addressed the Assembly.

Mr Humphries, by leave, made a statement in relation to the Bill.

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

Detail stage

Bill, by leave, taken as a whole -

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

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

Clause 6, page 3, line 1, proposed new paragraph 259 (2) (a), after “section”, insert “206”.

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

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

7 PSYCHOLOGISTS (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.

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

Mr Corbell moved – That the debate be adjourned.

Question – put.

The Assembly voted –

Ayes, 5

Noes, 8

Mr Berry
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Ms Tucker

Ms Carnell
Mr Cornwell
Mr Humphries
Mr Kaine
Mr Osborne

Mr Rugendyke
Mr Smyth
Mr Stefaniak

And so it was negatived.

Debate continued.

Ms Carnell, by leave, again addressed the Assembly.

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.

8 PAYROLL TAX (AMENDMENT) BILL (NO. 2) 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.

The debate having been closed by the reply of Ms Carnell (Treasurer) -

Mr Quinlan, by leave, again addressed the Assembly.

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.

9 SUSPENSION OF STANDING AND TEMPORARY ORDERS – CONSIDERATION OF THE REPORT OF THE SELECT COMMITTEE ON ESTIMATES 1999-2000 ON THE APPROPRIATION BILL 1999-2000

Mr Hird moved – That so much of the standing and temporary orders be suspended as would prevent order of the day No. 8, Assembly business, relating to the Report of the Select Committee on Estimates 1999-2000, being called on immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 1, Assembly business relating to the Government's Response to the Report of the Select Committee.

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

10 APPROPRIATION BILL 1999-2000

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

Detail stage

Schedule 1 – Appropriations –

Proposed expenditure – Part 1 – Legislative Assembly Secretariat, \$4,044,000 (net cost of outputs) and \$2,994,000 (payments on behalf of the Territory), totalling \$7,038,000 – debated.

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

Debate continued.

Proposed expenditure agreed to.

Proposed expenditure – Part 2 – Auditor-General, \$904,000 (net cost of outputs) – debated and agreed to.

Proposed expenditure – Part 3 – Chief Minister’s, \$67,077,000 (net cost of outputs), \$8,348,000 (capital injection) and \$18,422,000 (payments on behalf of the Territory), totalling \$93,847,000 – debated.

Paper: Ms Carnell (Treasurer) presented a supplementary explanatory memorandum to the Bill.

Ms Carnell, by leave, moved the following amendments together:

Page 4 –

Column 4, omit “8,348,000”, substitute “35,731,241”.

Column 6, omit “93,847,000”, substitute “121,230,241”.

Debate continued.

Mr Quinlan, by leave, was granted an 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 were asked.

12 LEGISLATIVE ASSEMBLY (BROADCASTING OF PROCEEDINGS) ACT - AUTHORITY TO BROADCAST

The Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to subsection 4 (3) – Authorisations (2), dated 2 July 1999, given to specified government offices to receive sound broadcasts of Legislative Assembly and committee proceedings, subject to the certain conditions.

13 ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE - REPORT - ASSEMBLY COMMITTEES - A PROTOCOL FOR GOVERNMENT INTERACTION - GOVERNMENT RESPONSE - PAPER NOTED

Ms Carnell (Chief Minister) presented the following paper:

Administration and Procedure - Standing Committee - Report – A protocol for Government interaction with Assembly committees (*presented 11 March 1999*) - Government response, dated June 1999 -

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

Question – put and passed.

14 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 14 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 8, 1998 - TERRITORY OPERATING LOSSES AND FINANCIAL POSITION: PUBLIC ACCOUNTS COMMITTEE REPORT NO. 17 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 9, 1998 - FINANCIAL AUDITS WITH YEARS ENDING TO 30 JUNE 1998 - GOVERNMENT RESPONSES - PAPERS NOTED

Ms Carnell (Treasurer) presented the following papers:

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Reports -

No. 14 - Review of Auditor-General's Report No. 8, 1998 - Territory operating losses and financial position (*presented 11 March 1999*) - Government response;

No. 17 - Review of Auditor-General's Report No. 9, 1998 - Financial audits with years ending to 30 June 1998 (*presented 22 April 1999*) - Government response -

and moved – That the Assembly takes note of the papers.

Question – put and passed.

15 PRESENTATION OF PAPERS

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

Commonwealth, State and Territory Censorship Scheme - Classification guidelines –

Printed matter (Amendment No. 1) – Schedule 1.

Films and videotapes (Amendment No. 2) – Schedule 2.

Computer games (Amendment No. 1) – Schedule 3.

16 LEAVE OF ABSENCE TO MEMBERS

Mr Humphries (Manager of Government Business) moved - That leave of absence from 3 July to 24 August 1999 inclusive be given to all Members.

Question - put and passed.

17 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 17 – EXISTING PETROL SITES POLICY - GOVERNMENT RESPONSE - PAPER NOTED

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

Urban Services - Standing Committee - Report No. 17 - The existing petrol sites policy (*presented 18 February 1999*) - Government response -

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

Question – put and passed.

18 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 15 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 5, 1998 - HOUSING ASSISTANCE - MANAGEMENT - GOVERNMENT RESPONSE - PAPER NOTED

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

Chief Minister's Portfolio - Standing Committee (incorporating the duties of a Public Accounts Committee) - Public Accounts Committee Report No. 15 - Review of Auditor-General's Report No. 5, 1998 - Management of housing assistance (*presented 11 March 1999*) - Government response -

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

Question - put and passed.

19 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 7 - CANBERRA NATURE PARK - FINAL DRAFT MANAGEMENT PLAN - GOVERNMENT RESPONSE AND PAPERS - MOTION TO TAKE NOTE OF PAPERS

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

Urban Services - Standing Committee - Report No. 7 – Final draft management plan for Canberra Nature Park (*presented 22 September 1998*) - Government response:

Canberra Nature Park –

Horse riding – Management principles and policies, dated April 1999;

Horse riding in Canberra Nature Park – A report to Environment ACT, prepared by Jill Landsberg, Wildlife and Ecology, CSIRO, dated March 1999 -

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

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

20 DISABILITY SERVICES - STRATEGIC PLAN - PAPER - MOTION TO TAKE NOTE OF PAPER

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

Disability services – Strategic plan for disability services in the ACT, dated July 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.

21 PRESENTATION OF PAPERS

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

Calvary Public Hospital - Information Bulletins- Patient Activity Data - April and May 1999.

The Canberra Hospital - Information Bulletins - Patient Activity Data - April and May 1999.

Department of Health and Community Care - Activity report - September, December and March quarters 1998-99.

22 PRESENTATION OF PAPERS

Ms Carnell (Chief Minister) presented the following papers:

Bruce Stadium - Payments to:

CRI Project Management Pty Ltd - Answer to question without notice asked of Ms Carnell by Mr Stanhope (Leader of the Opposition) and taken on notice on 4 May 1999.

Sub-contractors and contractors - Answer to question without notice asked of Ms Carnell by Mr Stanhope and taken on notice on 6 May 1999.

Contractors - Answer to question without notice asked of Ms Carnell by Mr Kaine and taken on notice on 22 April 1999.

Nationwide Venue Management - Answer to question without notice asked of Ms Carnell by Mr Kaine and taken on notice on 21 April 1999.

Fujitsu - Operations in the Territory - Answer to question without notice asked of Ms Carnell by Mr Kaine and taken on notice on 4 May 1999.

Overseas trip - Under Treasurer - Answer to question without notice asked of Ms Carnell by Mr Kaine and taken on notice on 20 April 1999.

Olympic Games - Free travel - Facsimiles of:

Olympic transport until 4 a.m. - Media release from Mr Knight, MP, Olympic Roads and Transport Authority, dated 24 August 1998.

Letter from Michael Knight, Minister for the Olympics, President of SOCOG, to Kate Carnell, MLA, Chief Minister and Treasurer, dated 1 July 1999.

23 APPROPRIATION BILL 1999-2000

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

Detail stage

Schedule 1 - Appropriations -

Proposed expenditure - Part 3 - Chief Minister's, \$67,077,000 (net cost of outputs), \$8,348,000 (capital injection) and \$18,422,000 (payments on behalf of the Territory), totalling \$93,847,000 - and on the amendments moved by Ms Carnell (Treasurer):

Page 4, Part 3 - Chief Minister's -

Column 4, omit "8,348,000", substitute "35,731,241".

Column 6, omit "93,847,000", substitute "121,230,241".

Debate resumed.

Question - That the amendments be agreed to - put.

The Assembly voted -

Ayes, 8		Noes, 7	
Ms Carnell	Mr Rugendyke	Mr Berry	Mr Stanhope
Mr Hird	Mr Smyth	Mr Corbell	Ms Tucker
Mr Humphries	Mr Stefaniak	Mr Hargreaves	
Mr Moore		Mr Kaine	
Mr Osborne		Mr Quinlan	

And so it was resolved in the affirmative.

Question - That the proposed expenditure, as amended, viz:

Proposed expenditure - Part 3 - Chief Minister's, \$67,077,000 (net cost of outputs), \$35,731,241 (capital injection) and \$18,422,000 (payments on behalf of the Territory), totalling \$121,230,241 - be agreed to - put and passed.

Proposed expenditure - Part 4 - ACT Executive, \$2,922,000 (payments on behalf of the Territory) - debated and agreed to.

Proposed expenditure - Part 5 - Government Asset Management, \$13,426,000 (capital injection) - agreed to.

Proposed expenditure - Part 6 - Central Financing Unit, \$2,427,000 (capital injection) and \$20,017,000 (payments on behalf of the Territory), totalling \$22,444,000 - debated and agreed to.

Proposed expenditure - Part 7 - Superannuation and Insurance Provision Unit, \$300,000,000 (capital injection) and \$19,246,000 (payments on behalf of the Territory), totalling \$319,246,000 - debated and agreed to.

Proposed expenditure - Part 8 - Health and Community Care, \$318,691,000 (net cost of outputs), \$32,811,000 (capital injection) and \$9,948,000 (payments on behalf of the Territory), totalling \$361,450,000 - debated -

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

Debate continued.

Ms Tucker addressing the Assembly -

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.

Debate continued.

Mr Moore (Minister for Health and Community Care), by leave, was granted an extension of time.

Proposed expenditure agreed to.

Proposed expenditure - Part 9 - Urban Services, \$223,157,000 (net cost of outputs), \$76,273,000 (capital injection) and \$1,022,000 (payments on behalf of the Territory), totalling \$300,452,000 - debated and agreed to.

Proposed expenditure - Part 10 - The InTACT Group, \$17,640,000 (capital injection) – agreed to.

Proposed expenditure - Part 11 - ACT Housing, nil expenditure - debated and agreed to.

Proposed expenditure - Part 12 - ACTION, \$3,238,000 (capital injection) - debated and agreed to.

Proposed expenditure - Part 13 - ACT Forests, \$340,000 (capital injection) – agreed to.

Proposed expenditure - Part 14 - Justice and Community Safety, \$81,690,000 (net cost of outputs), \$5,369,000 (capital injection) and \$64,590,000 (payments on behalf of the Territory), totalling \$151,649,000 - debated and agreed to.

Proposed expenditure - Part 15 - Education and Community Services, \$392,595,000 (net cost of outputs), \$27,254,000 (capital injection) and \$103,721,000 (payments on behalf of the Territory), totalling \$523,570,000 - debated and agreed to.

Proposed expenditure - Total appropriated to departments, \$1,088,158,000 (net cost of outputs), \$487,126,000 (capital injection) and \$242,882,000 (payments on behalf of the Territory), totalling \$1,818,166,000 -

On the motion of Ms Carnell, by leave, the following amendments were made together:

Page 5 – Total appropriated to departments –

Column 4, omit “487,126,000” (wherever occurring), substitute “514,509,241”.

Column 6, omit “1,818,166,000”, substitute “1,845,549,241”.

Question - That the proposed expenditure, as amended, viz:

Proposed expenditure - Total appropriated to departments, \$1,088,158,000 (net cost of outputs), \$514,509,241 (capital injection) and \$242,882,000 (payments on behalf of the Territory), totalling \$1,845,549,241 -

be agreed to - put and passed.

Proposed expenditure - Part 16 - Treasurer’s Advance, \$18,100,000 - agreed to.

Proposed expenditure - Total appropriations, \$1,088,158,000 (net cost of outputs), \$514,509,241, as amended, (capital injection) and \$242,882,000 (payments on behalf of the Territory), totalling \$1,836,266,000 -

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

Page 5 - Total appropriations - Column 6, omit “1,836,266,000”, substitute “1,863,649,241”.

Question - That the proposed expenditure, as amended, viz:

Proposed expenditure - Total appropriations, \$1,088,158,000 (net cost of outputs), \$514,509,241 (capital injection) and \$242,882,000 (payments on behalf of the Territory), totalling \$1,863,649,241 -

be agreed to - put and passed.

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

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

The Assembly voted -

Ayes, 9		Noes, 6	
Ms Carnell	Mr Osborne	Mr Berry	Mr Wood
Mr Cornwell	Mr Rugendyke	Mr Hargreaves	
Mr Humphries	Mr Smyth	Mr Quinlan	
Mr Kaine	Mr Stefaniak	Mr Stanhope	
Mr Moore		Ms Tucker	

And so it was resolved in the affirmative - Bill, as amended, agreed to.

24 ESTIMATES 1999-2000 - SELECT COMMITTEE - REPORT - APPROPRIATION BILL 1999-2000 - GOVERNMENT RESPONSE - PAPER NOTED

The order of the day having been read for the resumption of the debate on the motion of Ms Carnell (Treasurer) – That the Assembly takes note of the paper (*presented 1 July 1999*) -

Estimates 1999-2000 - Select Committee - Report - Appropriation Bill 1999-2000 - Government response -

Question – put and passed.

25 ESTIMATES 1999-2000 - SELECT COMMITTEE - REPORT - APPROPRIATION BILL 1999-2000 - REPORT NOTED

The order of the day having been read for the resumption of the debate on the motion of Mr Corbell (Chair) – That the report be noted (*presented 22 June 1999*) –

Estimates 1999-2000 – Select Committee – Report - Appropriation Bill 1999-2000, dated June 1999, including a dissenting report -

Question – put and passed.

26 APPROPRIATION (BRUCE STADIUM AND CANDELIVER LIMITED) 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.

Suspension of standing order 76: Mr Humphries (Manager of Government Business) moved – That standing order 76 be suspended for the remainder of this sitting.

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

Debate continued.

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

Appropriation (Bruce Stadium and CanDeliver Limited) Bill 1999 – Draft - Copy of letter from the Auditor-General to the Under Treasurer, dated 2 July 1999.

The debate having been closed by the reply of Ms Carnell -

Mr Osborne, by leave, addressed the Assembly.

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.

The Assembly voted –

Ayes, 9		Noes, 6	
Ms Carnell	Mr Osborne	Mr Berry	Mr Wood
Mr Cornwell	Mr Rugendyke	Mr Hargreaves	
Mr Humphries	Mr Smyth	Mr Quinlan	
Mr Kaine	Mr Stefaniak	Mr Stanhope	
Mr Moore		Ms Tucker	

And so it was resolved in the affirmative - Bill agreed to.

27 FAIR TRADING (FUEL PRICES) (AMENDMENT) BILL 1999

Mr Osborne, by leave, presented a Bill for an Act to amend the *Fair Trading (Fuel Prices) Act 1993*.

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

Title read by Clerk.

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

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

28 WORKERS' COMPENSATION SYSTEM - SELECT COMMITTEE - MEMBERSHIP

The Speaker, pursuant to the resolution of the Assembly of Thursday, 1 July 1999, as amended today, 2 July 1999, informed the Assembly that he had been notified in writing of the nominations of Mr Berry and Mr Cornwell to the Select Committee on the Worker's Compensation System.

Mr Humphries (Manager of Government Business) moved - That the Members so nominated be appointed as members of the Select Committee on the Workers' Compensation System.

Question – put and passed.

29 ABSENCE OF SPEAKER

The Clerk, pursuant to standing order 6, informed the Assembly that the Speaker would be absent for the period 15 July to 14 August 1999 and in that period the Deputy Speaker, Mr Wood would, as Acting Speaker, perform the duties of the Speaker.

30 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 11.12 p.m., adjourned until Tuesday, 24 August 1999 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