

1998-99

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 54

THURSDAY, 1 JULY 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 **ESTIMATES 1999-2000 - SELECT COMMITTEE - REPORT - APPROPRIATION BILL 1999-2000 - GOVERNMENT RESPONSE - MOTION TO TAKE NOTE OF PAPER**

Ms Carnell (Treasurer) presented the following paper:

Estimates 1999-2000 - Select Committee - Report - Appropriation Bill 1999-2000 (*presented 22 June 1999*) - Government response -

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

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

Debate adjourned (Mr Corbell).

Mr Humphries (Manager of Government Business), by leave, moved – That the resumption of debate be made an order of the day for consideration immediately after the resolution of any question relating to the conclusion of consideration of order of the day No. 6, Executive business, relating to the Appropriation Bill 1999-2000.

Question - put and passed.

3 **APPROPRIATION (BRUCE STADIUM AND CANDELIVER LIMITED) BILL 1999**

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to retrospectively appropriate money for the purposes of the redevelopment of the Bruce Stadium and for the purposes of CanDeliver Limited.

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

Title read by Clerk.

Ms Carnell 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.

#### **4 GAMBLING AND RACING CONTROL (CONSEQUENTIAL PROVISIONS) BILL 1999**

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to amend certain laws consequent on the enactment of the *Gambling and Racing Control Act 1999*.

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

Title read by Clerk.

Ms Carnell 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.

#### **5 GAMING MACHINE (AMENDMENT) BILL (NO 2) 1999**

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 1987* and for related purposes.

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

Title read by Clerk.

Ms Carnell 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.

#### **6 PAYROLL TAX (AMENDMENT) BILL (NO. 2) 1999**

Ms Carnell (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Payroll Tax Act 1987*.

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

Title read by Clerk.

Ms Carnell 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.

#### **7 LIQUOR (AMENDMENT) BILL 1999**

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Liquor Act 1975* 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.

#### **8 MAGISTRATES COURT (AMENDMENT) BILL 1999**

Mr Humphries (Minister for Justice and Community Safety), 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.

## **9 SUBORDINATE LAWS (AMENDMENT) BILL 1999**

Mr Humphries (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Subordinate Laws Act 1989*.

*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.

## **10 BUILDING (AMENDMENT) BILL 1999**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Building Act 1972*.

*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.

## **11 ENVIRONMENT PROTECTION (AMENDMENT) BILL 1999**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Environment Protection Act 1997* and for related purposes.

*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.

## **12 LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 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.

**13 MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1999**

Mr Smyth (Minister for Urban Services), pursuant to notice, presented a Bill for an Act to amend the *Motor Traffic Act 1936* and for related purposes.

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

**14 CHILDREN AND YOUNG PEOPLE BILL 1999**

Mr Smyth (Minister for Urban Services) on behalf of Mr Stefaniak (Minister for Education), pursuant to notice, presented a Bill for an Act about the welfare of children and young people.

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

**15 CHILDREN AND YOUNG PEOPLE (CONSEQUENTIAL AMENDMENTS) BILL 1999**

Mr Smyth (Minister for Urban Services) on behalf of Mr Stefaniak (Minister for Education), pursuant to notice, presented a Bill for an Act to amend certain Acts, in consequence of the enactment of the *Children and Young People Act 1999* and for other purposes.

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

**16 PSYCHOLOGISTS (AMENDMENT) BILL 1999**

Mr Moore (Minister for Health and Community Care), pursuant to notice, presented a Bill for an Act to amend the *Psychologists Act 1994*.

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

**17 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE – PROPOSED REFERENCE - WORKERS’ COMPENSATION SYSTEM**

Notice No. 1, Assembly business, having been called on -

Mr Berry, pursuant to standing order 127 and at the request of the proposer, fixed a later hour this day for moving the motion.

**18 HEALTH AND COMMUNITY CARE - STANDING COMMITTEE - INQUIRY – PUBLIC HOSPITAL WAITING LISTS - PRINTING, CIRCULATION AND PUBLICATION OF REPORT**

Mr Wood (Chairman), pursuant to notice, moved – That the resolution of the Assembly of 19 November 1998 referring public hospital waiting lists to the Standing Committee on Health and Community Care for inquiry and report be amended by adding the following new paragraphs:

“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

the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.”.

Question – put and passed.

**19 HEALTH AND COMMUNITY CARE - STANDING COMMITTEE – INQUIRY - MEN’S AND BOY’S HEALTH - PRINTING, CIRCULATION AND PUBLICATION OF REPORT**

Mr Wood (Chairman), pursuant to notice, moved - That:

- (1) if the Assembly is not sitting when the Standing Committee on Health and Community Care has completed its inquiry on Men’s and Boy’s Health, 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
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question – put and passed.

**20 URBAN SERVICES - STANDING COMMITTEE - REFERENCE - RURAL RESIDENTIAL DEVELOPMENT**

Mr Corbell, pursuant to notice, moved - That:

- (1) the Standing Committee on Urban Services inquire into and report on proposals for the establishment of rural residential development as a land use with particular regard to:
  - (a) implications for the future metropolitan development of Canberra;
  - (b) impact on the Territory’s “land bank”;
  - (c) environmental and land management issues;
  - (d) financial costs and benefits;
  - (e) provision of Territory services and facilities;

- (f) consistency with Territory and National Capital Plans, and the ACT and Sub Region Strategy; and
  - (g) any other related matter;
- (2) the Government not proceed with the further development of proposals for rural residential development in the Territory until the Standing Committee on Urban Services has reported to the Assembly and the Government has presented its response.

Debate ensued.

Mr Corbell addressing the Assembly -

It being 45 minutes after the commencement of Assembly business -

Mr Berry, by leave, moved - That the time allotted to Assembly business be extended by 45 minutes.

Question – put and passed.

Debate continued.

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

## **21 URBAN SERVICES - STANDING COMMITTEE - REFERENCE - BETTERMENT AND CHANGE OF USE CHARGE**

Mr Corbell, pursuant to notice, moved – That:

- (1) the Standing Committee on Urban Services inquire into and report on the level and charging of betterment and change of use charge with particular regard to:
  - (a) all recommendations of the report entitled *A Study of Betterment and the Change of Use Charge in the ACT*, by Professor Des Nicholls (the Nicholls report); and
  - (b) any other related matter;
- (2) the Government not implement any of the recommendations of the Nicholls Report and maintain the current rate of 75% until the Standing Committee has reported and the Government has presented its response; and
- (3) the Standing Committee report by 30 September 1999, with the Committee authorised to report out of session if the Assembly is not sitting when the inquiry is completed.

Debate ensued.

Mr Smyth (Minister for Urban Services), by leave, moved the following amendments together:

- (1) Paragraph (1) (a), insert after “(the Nicholls report)”, “with the exception of those elements of the report that relate to the recommendation that the *Land (Planning and Environment) Act 1991* be amended to provide for a rate of change of use charge of 50%”;
- (2) Paragraph (1) (b), insert before “any”, “subject to paragraph (a)”;
- (3) Paragraph (2), omit the paragraph.

Debate continued.

Mr Humphries (Attorney-General) addressing the Assembly -

The extended time allotted to Assembly business having expired -

Mr Berry, by leave, moved - That the time allotted to Assembly business be extended until 1.00 p.m.

Question – put and passed.

Debate continued.

Amendments negatived.

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

## **22 HOUSING - SELECT COMMITTEE - PROPOSED APPOINTMENT**

Notice No. 6, Assembly business, having been called on –

Mr Wood, pursuant to standing order 128, fixed a later hour this day for the moving of the motion.

## **23 URBAN SERVICES - STANDING COMMITTEE - INQUIRIES - PRINTING, CIRCULATION AND PUBLICATION OF REPORTS**

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

(1) if the Assembly is not sitting when the Standing Committee on Urban Services has completed its inquiries into:

- (a) tree management and protection policy in the ACT, and/or
- (b) restricted taxi (multicab) plates

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, circulation and publication; and

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

Question – put and passed.

## **24 WORKERS' COMPENSATION SYSTEM - SELECT COMMITTEE - APPOINTMENT**

Mr Berry, by leave, moved – That:

(1) a Select Committee be appointed to inquire into and report on the operation of the worker's compensation system in the ACT with particular reference to:

(a) the impact on the premium pool of employers conduct, particularly in relation to:

- (i) reporting wages;
- (ii) classifying workers; and
- (iii) misrepresenting claims;

(b) the role and resources of ACT Workcover in enforcing the relevant provisions of the *Workers' Compensation Act 1951*, particularly in relation to employers;

- (i) reporting wages;
- (ii) classifying workers; and
- (iii) misrepresenting claims;

(c) the role of independent contractors and labour hire companies, particularly in relation to the premiums collected and claims; and

(d) any related matter;

- (2) the Committee be composed of:
- (a) one Member to be nominated by the Government;
  - (b) one Member to be nominated by the Opposition; and
  - (c) Mr Osborne
- to be notified in writing to the Speaker by 4.00 p.m. on Thursday, 1 July 1999 and duly appointed by the Assembly;
- (3) the Committee report by the first sitting day of 2000; and
- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question – put and passed.

**25 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 19 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 10, 1998 - MANAGEMENT OF SCHOOL REPAIRS AND MAINTENANCE - 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. 19 - Review of Auditor-General's Report No. 10, 1998 - Management of school repairs and maintenance, dated June 1999, together with copies of the extracts of the minutes of proceedings -

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.

**26 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE (INCORPORATING THE DUTIES OF A PUBLIC ACCOUNTS COMMITTEE) - PUBLIC ACCOUNTS COMMITTEE REPORT NO. 20 - REVIEW OF AUDITOR-GENERAL'S REPORT NO. 7, 1998 - MAGISTRATES COURT BAIL PROCESSES - 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. 20 - Review of Auditor-General's Report No. 7, 1998 - Magistrates Court Bail Processes, dated June 1999, together with copies of the extracts of the minutes of proceedings -

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.



**27 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 27 – DRAFT VARIATION (NO. 117) TO THE TERRITORY PLAN: HERITAGE PLACES REGISTER (MT FRANKLIN SKI CHALET, HUTS, HOMESTEADS AND BRUMBY YARDS) - REPORT NOTED**

Mr Hird (Chair) presented the following report:

Urban Services - Standing Committee - Report No. 27 - Draft variation (No. 117) to the Territory Plan: Heritage Places Register (Mt Franklin ski chalet, huts, homesteads and brumby yards), dated 25 June 1999, together with a copy of an extract of the minutes of proceedings -

and moved - That the report be noted.

Question - put and passed.

**28 URBAN SERVICES - STANDING COMMITTEE - INQUIRY - TRAFFIC MANAGEMENT IN RESIDENTIAL STREETS - A WARRANT SYSTEM - STATEMENT BY CHAIR**

Mr Hird (Chair), by leave, informed the Assembly that on 7 May 1999 the Standing Committee on Urban Services resolved to inquire into and report on the use of a warrant system to determine whether traffic calming measures are needed in suburban streets and, if so, what type of calming measures should be introduced.

**29 CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE - INQUIRY - SERVICE PURCHASING ARRANGEMENTS - STATEMENT BY CHAIR - PAPER - STATEMENT NOTED**

Mr Quinlan (Chair), pursuant to standing order 246A, informed the Assembly that on 10 June 1999, the Standing Committee for the Chief Minister's Portfolio resolved that a statement be made concerning the inquiry into service purchasing arrangements.

*Paper:* Mr Quinlan, by leave, presented the following paper:

Chief Minister's Portfolio - Standing Committee - Inquiry into service purchasing arrangements - Statement by Chair, dated June 1999 -

and moved – That the statement be noted.

Question – put and passed.

**30 QUESTIONS**

Questions without notice were asked.

**31 PRESENTATION OF PAPER**

Ms Carnell (Treasurer), presented the following paper:

Financial Management Act, pursuant to section 14, instruments of transfer issued and a statement of reasons.

**32 PRESENTATION OF PAPER**

Ms Carnell (Treasurer), presented the following paper:

Financial Management Act, pursuant to section 15, instruments of transfer issued and a statement of reasons.

**33 PRESENTATION OF PAPERS**

Ms Carnell (Treasurer), presented the following papers:

Financial Management Act -

Pursuant to section 15, instruments (2) directing a reallocation of funds and a statement of reasons for the reallocation.

Pursuant to section 17, instruments (4) varying appropriation related to Commonwealth funding and a statement of reasons for variations to appropriation.

Pursuant to section 19B, an instrument of variation of appropriation and a statement of authorisation of expenditure.

**34 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 22 - DRAFT 1999-00 CAPITAL WORKS PROGRAM - GOVERNMENT RESPONSE - PAPER NOTED**

Ms Carnell (Treasurer) presented the following paper:

Urban Services - Standing Committee - Report No. 22 - The Draft 1999-00 Capital Works Program (*presented 20 April 1999*) - Government response -

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

Question - put and passed.

**35 INDEPENDENT PRICING AND REGULATORY COMMISSION REPORT - ACTEW'S ELECTRICITY, WATER & SEWERAGE CHARGES FOR 1999/2000 TO 2003/2004 - PAPER - PAPER NOTED**

Ms Carnell (Chief Minister) presented the following paper:

Independent Pricing and Regulatory Commission Report - ACTEW's electricity, water & sewerage charges for 1999/2000 to 2003/2004 - Price direction, dated May 1999 -

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

Question - put and passed.

**36 ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE - REFERENCE - PARLIAMENTARY ETHICS ADVISER FOR THE A.C.T. LEGISLATIVE ASSEMBLY - DISCUSSION PAPER**

Ms Carnell (Chief Minister) presented the following paper:

A Parliamentary Ethics Adviser for the ACT Legislative Assembly - Discussion paper -

and moved, pursuant to standing order 214 - That the Discussion Paper entitled *A Parliamentary Ethics Adviser for the ACT Legislative Assembly* be referred to the Standing Committee on Administration and Procedure to inquire into and report.

Question - put and passed.

**37 ABORIGINAL DEATHS IN CUSTODY - IMPLEMENTATION OF RECOMMENDATIONS OF THE ROYAL COMMISSION - IMPLEMENTATION REPORT NOVEMBER 1997 - NOVEMBER 1998 - PAPER NOTED**

Ms Carnell (Chief Minister) presented the following paper:

Aboriginal Deaths in Custody - Implementation of the recommendations of the Royal Commission into Aboriginal deaths in custody – Implementation report, November 1997 - November 1998 -

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

Question – put and passed.

**38 URBAN SERVICES - STANDING COMMITTEE - REPORT NO. 10 - ENVIRONMENT PROTECTION (AMENDMENT) BILL 1998 - EXPOSURE DRAFT - GOVERNMENT RESPONSE - PAPER NOTED**

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

Urban Services - Standing Committee - Report No. 10 - Environment Protection (Amendment) Bill 1998 - Exposure draft (*presented 27 October 1998*) - Government response -

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

Question – put and passed.

**39 INDEPENDENT PRICING AND REGULATORY COMMISSION REPORT - ACTION'S BUS FARES FOR 1999/2000 - PAPER - PAPER NOTED**

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

Independent Pricing and Regulatory Commission Report - ACTION's bus fares for 1999/2000 - Final price direction, dated April 1999 -

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

Question - put and passed.

**40 EDUCATION - STANDING COMMITTEE - REPORT NO. 2 - WORK FOR THE DOLE PROJECT IN PRIMARY SCHOOLS - GOVERNMENT RESPONSE - PAPER NOTED**

Mr Stefaniak (Minister for Education) presented the following paper:

Education - Standing Committee - Report No. 2 - The work for the dole project in primary schools (*presented 11 March 1999*) - Government response, dated July 1999-

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

Debate ensued.

Question – put and passed.

#### 41 SUSPENSION OF STANDING AND TEMPORARY ORDERS - CONSIDERATION OF ASSEMBLY BUSINESS

Mr Wood moved – That so much of the standing and temporary orders be suspended as would prevent notice No. 6, Assembly business, relating to the establishment of a Select Committee on Housing, being called on forthwith.

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

#### 42 HOUSING - SELECT COMMITTEE - APPOINTMENT

Mr Wood, pursuant to notice, moved - That:

- (1) a Select Committee on Housing be established to inquire into and report, by 30 November 1999, on the role of Public Housing in the ACT with particular reference to:
  - (a) the role of government housing policy in alleviating poverty and other forms of disadvantage and contributing to social cohesion;
  - (b) the arrangements for developing regulatory policy for community housing and the competition related issues for providers;
  - (c) the impact on the ACT community of the Government's proposed changes; and
  - (d) any other related matters;
- (2) the Members of the Committee shall be Ms Tucker, Mr Hird and Mr Wood.

Debate ensued.

Mr Smyth (Minister for Urban Services), by leave, moved the following amendments together:

- (1) Paragraph (1), omit “a Select Committee on Housing be established”, substitute “the Standing Committee on Urban Services”;
- (2) Paragraph (1), omit “30 November”, substitute “30 September”; and
- (3) Paragraph (2), omit the paragraph.

Debate continued.

Question – That the amendments be agreed to - put.

The Assembly voted -

Ayes, 8		Noes, 9	
Ms Carnell	Mr Osborne	Mr Berry	Mr Rugendyke
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mr Hird	Mr Stefaniak	Mr Hargreaves	Ms Tucker
Mr Humphries		Mr Kaine	Mr Wood
Mr Moore		Mr Quinlan	

And so it was negatived.

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

**43 JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE - REPORT NO. 3 - ESTABLISHMENT OF AN A.C.T. PRISON - FIRST INTERIM REPORT - REPORT NOTED**

Mr Osborne (Chair) presented the following report:

Justice and Community Safety - Standing Committee - Report No. 3 - Inquiry into the establishment of an ACT prison: justification and siting - First interim report in the prison series, dated 30 June 1999, together with extracts of the minutes of proceedings -

and moved - That the report be noted.

Debate ensued.

Question - put and passed.

**44 ILLICIT DRUG USE - NATIONAL APPROACH: COAG ILLICIT DRUGS DIVERSION INITIATIVE - PAPER - MOTION TO TAKE NOTE OF PAPER**

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

Illicit Drug Use - National approach to illicit drug use and COAG illicit drugs diversion initiative - Ministerial statement, 1 July 1999 -

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

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

**45 RATES AND LAND TAX (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.

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*Detail stage*

Bill, by leave, taken as a whole -

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

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

Clause 2, page 1, line 6, omit the clause, substitute the following clause:

**“2. Commencement**

This Act is taken to have commenced on 1 July 1999.”.

*New clause -*

Page 4, line 1, after clause 13 add the following new clause:

**“14. Insertion**

After section 48 of the Principal Act the following section is inserted:

**‘49. Transitional provision—certain determinations may be retrospective**

‘(1) Despite section 7 of the *Subordinate Laws Act 1989*, if a determination of a fee under section 36—

(a) is made before 31 July 1999; and

(b) is expressed to have effect from a date not earlier than 1 July 1999;

the determination is taken to have effect from that date.

‘(2) This section ceases to operate on 31 July 1999.’”.

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

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

Ms Carnell (Chief Minister) requiring the question to be put forthwith without debate -

Question - put and negatived.

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

**46 AMBULANCE SERVICE LEVY (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.

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*Detail stage*

Bill, by leave, taken as a whole -

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

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

Clause 2, page 1, line 6, omit the clause, substitute the following clause:

**“2. Commencement**

This Act is taken to have commenced on 1 July 1999.”.

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

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

**47 REVENUE LEGISLATION 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.

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*Detail stage*

Bill, by leave, taken as a whole -

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

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

Clause 2, page 1, line 7, omit the clause, substitute the following clause:

**“2. Commencement**

This Act is taken to have commenced on 1 July 1999.”.

Clause 5, page 2, line 22, paragraph (c), omit “prescribed”, substitute “determined”.

Clause 6, page 2, line 25, omit “prescribed”, substitute “determined”.

Clause 7, page 2, line 28, omit “prescribed”, substitute “determined”.

*New clauses -*

Page 2, line 29, after clause 7 insert the following new clause:

**“7A. Insertion**

After section 67 of the Principal Act the following section is inserted:

**‘68. Transitional provision—certain determinations may be retrospective**

‘(1) Despite section 7 of the *Subordinate Laws Act 1989*, if a determination of a fee under section 66—

(a) is made before 31 July 1999 for the purposes of—

(i) paragraph 14 (2) (f); or

(ii) subsection 22 (2); or

(iii) subsection 45G (1); and

(b) is expressed to have effect from a date not earlier than 1 July 1999;

the determination is taken to have effect from that date.

‘(2) This section ceases to operate on 31 July 1999.’.”.

Page 3, line 17, after clause 12 insert the following new clause:

**“12A. Insertion**

After section 20 of the Principal Act the following section is inserted:

**‘21. Transitional provision—certain determinations may be retrospective**

‘(1) Despite section 7 of the *Subordinate Laws Act 1989*, if a determination of a fee under section 18A—

- (a) is made before 31 July 1999 for the purposes of subsection 7AA (2); and
- (b) is expressed to have effect from a date not earlier than 1 July 1999;

the determination is taken to have effect from that date.

‘(2) This section ceases to operate on 31 July 1999.’”.

Page 4, line 13, after clause 16 add the following new clause:

**“17. Insertion**

After section 140 of the Principal Act the following section is inserted:

**‘141. Transitional provision—certain determinations may be retrospective**

‘(1) Despite section 7 of the *Subordinate Laws Act 1989*, if a determination of a fee under section 139A—

- (a) is made before 31 July 1999 for the purposes of subsection 100 (2); and
- (b) is expressed to have effect from a date not earlier than 1 July 1999;

the determination is taken to have effect from that date.

‘(2) This section ceases to operate on 31 July 1999.’”.

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

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

#### **48 BRUCE STADIUM REDEVELOPMENT - PAPERS**

Ms Carnell (Chief Minister), pursuant to order of the Assembly of 5 May 1999, presented the following papers: (*See* Items 13 of *Minutes of Proceedings* Nos 49 of 5 May 1999 and 53 of 30 June 1999).

Bruce Stadium Redevelopment -

Covering letter from Kate Carnell, MLA, Chief Minister to Mr Greg Cornwell MLA, Speaker, ACT Legislative Assembly, dated 29 June 1999.

Letter from Chief Executive, Chief Minister’s Department to Mr Greg Cornwell MLA, Speaker – Certification of papers, dated 29 June 1999 -

Forwarding:

***(1) certified copies of all papers in the possession of the Government and its agencies relating to:***

***(e) any other financial guarantees or other indemnities given in relation to the Bruce Stadium redevelopment –***

Letters between Executive Director, Office of Business Development and Tourism and the following, regarding requests to release details of contracts –

Chairman, Board of Canberra Cosmos Football Club, dated 15 and 16 June 1999, respectively.

General Manager, Australian Capital Territory Rugby Union Limited, dated 24 and 28 May 1999, respectively.

Chief Executive, AHCB Pty Ltd (Canberra Raiders), dated 24 May 1999 and 24 May 1998, respectively.



Letter from Managing Director, P & O Services Pty Ltd to General Manager, The New Bruce Stadium, dated 17 June 1999.

Letter from the General Manager, The New Bruce Stadium to Ticketek, dated 17 June 1999.

***(f) the calling of tenders for the redevelopment and submissions and other correspondence from all tenderers, the assessment of the tenders and the selection of the successful tenders –***

**Bruce Stadium Redevelopment –**

**West stand/seating and associated works – Phase 1 -**

Specification volume 1 - Tender conditions, contract conditions and preliminaries, dated September 1997.

Memorandum to tenderers dated 17 October 1997, including revisions to mechanical specifications.

Invitation to tender from Project Manager, CRI Project Management Pty Limited to Managing Director, Project Co-ordination (Aust) Pty Limited in Association with Tyco, dated 9 September 1997.

Facsimile from Project Co-ordination (Aust) Pty Limited to WT Partnership, dated 7 October 1997, including electrical services technical data.

Tender analysis report from WT Partnership to CRI Project Management Pty Limited, dated 7 October 1997.

Notice to tenderers from CRI Project Management Pty Limited, dated 15 October 1997.

Letter from Tyco International-Project Coordination (Australia) Pty Ltd Joint Venture to CRI Project Management Pty Limited, dated 17 October 1997.

Letter from WT Partnership to CRI Project Management Pty Limited, dated 22 October 1997, concerning price breakdown requests.

Letter from Project Manager, CRI Project Management Pty Limited to Project Officer, ACT Department of Business, the Arts, Sport and Tourism, dated 22 October 1997.

Department of Urban Services internal tender notice, dated 30 September 1997.

Tender submission from The Tyco International-Project Coordination (Australia) Pty Ltd Joint Venture, dated 30 September 1997.

**Bruce Outdoor Stadium Redevelopment -**

**West stand and associated works construction management submission - Phase 2 -**

Invitation to tender from Project Manager, CRI Project Management Pty Limited to Managing Director, Project Co-ordination (Aust) Pty Limited, dated 25 August 1998.

Tender specifications (5 documents).

Letter from Project Manager, Haskins Contractors Pty Ltd to Project Officer, Bruce Operations Pty Ltd, dated 23 June 1999 concerning tenders, including -

Cook–chill tender package.

Concrete pump, place and finish tender package.

Reinforcement fix tender package.

Formwork tender/contract document, dated November 1998; general requirements, dated September 1998.

Construction management submission from Managing Director, Project Coordination (Australia) Pty Ltd to Project Manager, CRI Project Management Pty Limited, dated 8 September 1998.

Letter from Project Manager, CRI Project Management Pty Limited to Project Officer, ACT Office of Business Development and Tourism, dated 18 September 1998, including Construction Management Submission Analysis, dated 13 September 1998.

East stand and associated works - Phase 2 -

Invitation to tender from Project Manager, CRI Project Management Pty Limited to Managing Director, Project Co-ordination (Aust) Pty Limited in Association with Tyco, dated 26 November 1997.

Addendum No. 1, dated 1 December 1997.

Letter from Tyco International-Project Coordination Joint Venture to the Manager, CRI Project Management Pty Ltd, dated 1 December 1997.

Addendum No. 2, dated 11 December 1997.

Addendum No. 3, dated 12 December 1997.

Correspondence from WT Partnership -

Facsimile to Project Officer, ACT Department of Business, the Arts, Sport and Tourism, dated 16 December 1997.

Letter to Project Manager, CRI Project Management Limited, dated 18 December 1997.

Department of Urban Services internal tender notice, dated 16 December 1997.

Notice to tenderers, Project Manager, CRI Project Management Pty Limited, dated 18 December 1997, including Schedules A-C and additional requirements.

Document register, Cox Architects and Planners.

Letter from Project Manager, CRI Project Management Pty Limited to Project Officer, Department of Business, the Arts, Sport and Tourism, dated 19 December 1997.

Letter from WT Partnership to Project Manager, CRI Project Management Pty Ltd, dated 19 December 1997.

Specification volume 2, prepared by Cox Group Pty Ltd, dated November 1997 (3 documents).

Specification volume 3, prepared by Cox Group Pty Ltd dated November 1997 (2 documents).

## Bruce Stadium Redevelopment - Arena and associated work - Phase 1 -

Letter from Project Manager, CRI Project Management Pty Limited to Project Officer, ACT Department of Business, the Arts, Sport and Tourism, dated 8 September 1997, including tender documents (2) prepared by WT Partnership, tender submission conformity, tender price comparison and letter from Engineering Manager, Haskins Contractors Pty Ltd to Project Manager, CRI Project Management Pty Limited, dated 5 September 1997.

Department of Urban Services internal tender notice, 2 September 1997.

Tender price comparison.

Tender submission conformity.

Tender assessment.

Tender documents, including 2 documents and extracts of 2 documents, including general conditions of contract, dated August 1997, specific contract clauses (extracts), schedule of drawings and Bill of Quantities (extracts).

Tender documents -

Addendum No. 1, dated 21 August 1997.

Addendum No. 2 (2), dated 22 August 1997.

Addendum No. 3, dated 29 August 1997.

Facsimile from Technical Services Manager, StrathAyr Pty Ltd to Project Manager, CRI Project Management Pty Ltd, dated 22 August 1997.

Facsimile from Project Manager, CRI Project Management Pty Ltd to Technical Services Manager, StrathAyr Pty Ltd, dated 19 August 1997.

Letter from Director, R A Young Consulting Engineers to the Manager, CRI Project Management Pty Ltd, dated 12 August 1997.

Letter from Technical Services Manager, StrathAyr Pty Ltd to R A Young and Associates Pty Ltd, dated 7 August 1997.

Letter from Director, R A Young Consulting Engineers to Manager, StrathAyr Instant Lawn Pty Ltd, dated 5 August 1997.

Invitation to tender (unsigned) from Project Manager, CRI Project Management Pty Limited to Project Co-ordination (Aust) Pty Limited, dated 15 August 1997.

Tender submitted by Project Co-ordination (Australia) Pty Ltd, dated 2 September 1997.

***(j) contracts and arrangements for the management and operation of the Bruce Stadium, including, but not limited to, cleaning, catering and sale of corporate boxes and suites, merchandising, advertising and naming rights -***

Bruce Stadium Redevelopment -

Design, development and implementation of a marketing campaign and sales program -

Request for tender.

Tender from Spotless Services Limited, dated June 1998.

Letter from General Manager, Corporate Development, Spotless Services Limited to Executive Director, Office of Business Development and Tourism, dated 17 June 1998.

Letter from Director, Bruce Operations Pty Ltd to General Manager, Corporate Development, Spotless Services Limited, dated 8 July 1998.

Draft agreement between Bruce Operations Pty Limited, Nationwide Venue Management Pty Ltd and Spotless Services Australia Limited, dated 30 October 1998.

#### Cleaning of Bruce Outdoor Stadium -

Extension of contract - Letter from Contracts Officer, Department of Urban Services, to Sport and Recreation, Bruce Outdoor Stadium, dated 18 November 1996.

Contract acceptance - Letters from Senior Contracts Officer, Department of Urban Services, to City Group Pty Ltd, dated 31 January 1997 and 13 February 1996.

Request for tender (closing date 7 December 1993).

Provision of usher services - Facsimile from General Manager, Bruce Operations Pty Ltd, to City Group Pty Ltd, dated 5 March 1999, including:

Interest/Property Insured, Certificate of Currency from AMP concerning workers' compensation.

#### Letters relating to cleaning -

Letters from Senior Contracts Officer, Department of Urban Services, to City Group Pty Ltd, dated 31 January 1997 and 13 February 1996.

Letter from Executive Director, Office of Business Development and Tourism to Area Manager, City Group Pty Ltd, dated 17 December 1998.

Letter from Senior Contracts Officer, ACT Contracts and Purchasing, Department of Urban Services, to Manager, City Group Pty Ltd, dated 5 December 1997.

Letter from Contracts Officer, ACT Contracts to Manager, City Group Pty Ltd, dated 6 December 1996.

Acceptance of extension by City Group Pty Ltd, dated 10 December 1996.

Contract - Extracts - 2.8.5, 2.9 to 2.11.3, inclusive, 2.15 to 2.17.2, inclusive 2.38 to 2.41, inclusive and 4.9.

Letter from Senior Contracts Officer, ACT Contracts and Purchasing, Department of Urban Services, to Manager, City Group Pty Ltd, dated 5 December 1997.

#### Provision of turf management services for the Bruce Stadium arena -

Statement of requirements, dated February 1998.

Acknowledgment of acceptance of contract by Stadium Turf Management Pty Ltd, dated 18 March 1998.

Letter from Senior Contracts Officer, Department of Urban Services to Manager, Stadium Turf Management Pty Ltd, dated 26 February 1998.

Provision of security services to Bruce Stadium—Draft agreement, dated 8 March 1999.

#### **49 VETERINARY SURGEONS (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.

Leave granted to dispense with the detail stage.

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

#### **50 SUSPENSION OF STANDING AND TEMPORARY ORDERS - PRECEDENCE TO EXECUTIVE BUSINESS**

Mr Humphries (Manager of Government Business) moved – That so much of the standing and temporary orders be suspended as would prevent precedence being given to the following Executive business orders of the day in sequential order following the consideration of order of the day No. 5 relating to the Gaming and Racing Control Bill 1998:

The order of the day relating to the Gaming Machine (Amendment) Bill (No. 2) 1999; and the order of the day relating to the Payroll Tax (Amendment) Bill (No. 2) 1999.

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

#### **51 APPROPRIATIONS - PROPOSED SELECT COMMITTEE**

Mr Quinlan, by leave, moved - That:

- (1) a Select Committee on Appropriations be appointed to examine the Appropriation (Bruce Stadium and CanDeliver Limited) Bill 1999 and any expenditure proposals contained in any amendments to the Appropriation Bill 1999-2000 and any related matter;
- (2) the Committee be composed of:
  - (a) one Member to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition;
  - (c) two Members to be nominated by either the Independent Members or the ACT Greens;

to be notified in writing to the Speaker by 8.00 p.m. on Thursday, 1 July 1999.
- (3) the Committee report by the first sitting day in November 1999;
- (4) on the Committee presenting its report to the Assembly resumption of debate on the question “That the Appropriation (Bruce Stadium and CanDeliver Limited) Bill 1999 be agreed to in principle” be set down as an order of the day for the next sitting;
- (5) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Debate ensued.

Question - 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 Kaine		Mr Humphries	Mr Stefaniak
Mr Quinlan		Mr Moore	

And so it was negated.

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

## 53 GAMING MACHINE (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.

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 -

Mr Kaine moved the following amendment:

Clause 3, page 2, line 4, proposed new subsection 23A (2), omit "10 July 2000", substitute "30 June 2001".

Question – That the amendment be agreed to - put.

The Assembly voted -

Ayes, 9		Noes, 7	
Mr Berry	Mr Rugendyke	Ms Carnell	Mr Smyth
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Stefaniak
Mr Hargreaves	Ms Tucker	Mr Hird	
Mr Kaine	Mr Wood	Mr Humphries	
Mr Quinlan		Mr Moore	

And so it was resolved in the affirmative.

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

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

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

**55 SITTING PATTERN - NEXT DAY OF MEETING**

Mr Humphries (Manager of Government Business), by leave, moved - That the next meeting of the Assembly be fixed for Friday, 2 July 1999 at 10.30 a.m.

Question – put and passed.

**56 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 6.19 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