1998

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 21

WEDNESDAY, 23 SEPTEMBER 1998

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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 CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 3) 1998

Mr Stanhope (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Children's Services (Amendment) Act 1998*.

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

Title read by Clerk.

Mr Stanhope 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.

3 CRIMES (AMENDMENT) BILL (NO. 6) 1998

Mr Stanhope (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Crimes (Amendment) Act (No. 3) 1998*.

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

Title read by Clerk.

Mr Stanhope 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.

4 MAGISTRATES COURT (AMENDMENT) BILL (NO. 3) 1998

Mr Stanhope (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Magistrates Court (Amendment) Act 1998*.

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

Title read by Clerk.

Mr Stanhope 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.

5 FINANCIAL MANAGEMENT (AMENDMENT) BILL 1998

Mr Osborne, pursuant to notice, presented a Bill for an Act to amend the *Financial Management Act 1996*.

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 (Ms Carnell - Treasurer) and the resumption of the debate made an order of the day for the next sitting.

6 NUCLEAR TESTING - CONDEMNATION OF ACTIONS OF THE PAKISTAN GOVERNMENT

Mr Hird, pursuant to notice, moved -That this Assembly:

(1) strongly condemns the actions of the Pakistan Government in conducting nuclear tests in response to India's testing;

(2) calls on the Pakistan Government to heed international opinion and announce the end of nuclear testing by signing the Nuclear Non-proliferation treaty;

(3) views the actions of the Pakistan Government as divisive as they further impact on the maintenance of harmonious relations between the Pakistan and Indian communities in Canberra; and

(4) urges Pakistan's neighbours not to be drawn into a dangerous escalation of nuclear brinkmanship and encourages them to renew their commitment to world peace.

Further, the Assembly urges the Chief Minister to write to the Prime Minister requesting that he inform, in the strongest possible terms, Pakistan's High Commissioner in Australia of this resolution.

Debate ensued.

Question - put and passed.

7 ACTION - PROPOSED PRIVATISATION

Ms Tucker, pursuant to notice, moved - That the Government receive the support of the Assembly before taking any measures towards privatisation of ACTION, the tendering of any part of ACTION services, or before giving approval to any other operators for the provision of regular scheduled public transport services in the ACT.

Debate ensued.

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

Debate continued.

Papers: Mr Stanhope (Leader of the Opposition), by leave, presented the following papers:

ACTION - Enterprise bargaining agreement - Copies of -

Letter from Guy Thurston, Executive Director, ACTION to Mr Trevor Santi, Branch Secretary, Transport Workers Union of Australia (Canberra Branch), dated 22 September 1998.

Replacement enterprise bargaining agreement headed "WITHOUT PREJUDICE" from Trevor Santi, Branch Secretary, dated 21 September 1998.

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

Debate continued.

Ordered - That the debate be adjourned and the resumption of debate be made an order of the day for a later hour this day.

8 QUESTIONS

Questions without notice were asked.

9 PRESENTATION OF PAPER

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

Australian Health Ministers' Conference and Ministerial Council for Aboriginal and Torres Strait Islander Affairs - Facsimile of communique, dated Wednesday, 8 July 1998.

10 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 -

Julie McKinnon (extension), dated 31 July and 10 August 1998.

Allan Schmidt (short term), dated 3 September 1998 -

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

11 NATIONAL SCIENCE WEEK ACHIEVEMENTS 1998 - PAPER - PAPER NOTED

Ms Carnell (Chief Minister) presented the following paper:

National Science Week Achievements 1998 -

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

Question - put and passed.

12 PRESENTATION OF PAPERS

Ms Carnell (Chief Minister) presented the following papers:

Remuneration Tribunal Act, pursuant to section 12 - Determinations, including statements for -

Part-time holders of public offices -

Health Professions Registration Boards - Determination No. 34, dated 3 September 1998.

Gungahlin Development Authority - Determination No. 35, dated 3 September 1998.

Full-time holders of public offices -

Community and Health Services Complaints Commissioner - Determination No. 36, dated 3 September 1998.

13 PRESENTATION OF PAPERS

Mr Humphries (Manager of Government Business) presented the following papers:

Petition - Out of order

Woden Youth Centre funding - Mr Corbell (1604 residents).

Annual Reports

Annual Reports (Government Agencies) Act, pursuant to section 14 -

Public Authorities, pursuant to section 8 -

Cultural Facilities Corporation - Report and financial statements, including the Canberra Theatre Trust Report for the period 1 July 1997 to 31 October 1997, including the Auditor-General's reports, for 1997-98.

ACTEW Corporation - Report and financial statements, including the Auditor-General's report, for 1997-98.

ACTEW Corporation Subsidiary Report - Reports and financial statements, including the Auditor-General's reports, for:

ACTEW Energy Limited.

ECOWISE Services Limited.

ECOWISE Environmental Limited.

ACTEW Investments Pty Ltd.

ACTEW China Pty Ltd.

ACTTAB Limited - Report and financial statements, including the Auditor-General's report, for 1997-98.

National Exhibition Centre Trust - Report and financial statements for Exhibition Park in Canberra, including the Auditor-General's report, for 1997-98.

Gungahlin Development Authority - Report and financial statements, including the Auditor-General's report, for 1997-98.

Australian Capital Territory Registrar of Financial Institutions - Report and financial statements, including the Auditor-General's report, for 1997-98.

ACT Construction Industry Long Service Leave Board - Report and financial statements, including the Auditor-General's report, for 1997-98.

Legal Aid Commission (A.C.T.) - Report and financial statements, including the Auditor-General's report, for 1997-98.

Public Trustee for the Australian Capital Territory - Report and financial statements, including the Auditor-General's report, for 1997-98.

14 ACTION - PRIVATISATION

The order of the day having been read for the resumption of the debate on the motion of Ms Tucker - That the Government receive the support of the Assembly before taking any measures towards privatisation of ACTION, the tendering of any part of ACTION services, or before giving approval to any other operators for the provision of regular scheduled public transport services in the ACT -

Debate resumed.

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

Ms Carnell (Chief Minister), by leave, moved the following amendment:

Omit "taking any measures towards privatisation of ACTION, the tendering", substitute "privatisation of ACTION, the contracting".

Debate continued.

Ms Carnell and Mr Berry, by leave, again addressed the Assembly.

Debate continued.

Question - That the amendment be agreed to - put.

The Assembly voted -

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

And so it was resolved in the affirmative.

Question - That the motion, as amended, be agreed to - proposed.

Debate continued.

Motion, as amended, agreed to.

15 ACTION TENDER PROCESS

Mr Hargreaves, pursuant to notice, moved - That this Assembly:

(1) noting that:

(a) public transport is a basic essential service providing equal access to all in the community;

(b) in relation to public assets, bottom line financial results are not the sole determinant of successful performance of its function;

(2) calls on the Government to recognise its community service obligations in the provision of public transport services;

(3) requires the Government to adopt proper industrial relations philosophies, dropping the inappropriate comparisons between the negotiated settlement with the Transport Workers Union and the collected expressions of interest in managing ACTION, resulting in the Government's public invitation for such expressions; and

(4) further requires the Government to cease any further tender/expression of interest evaluations until such time as the proper industrial relations process has been completed.

Mr Humphries (Attorney-General) moved - That the question be divided.

Debate ensued.

Mr Osborne, by leave, again addressed the Assembly.

Debate continued.

The debate having been closed by the reply of Mr Humphries -

Mr Hargreaves, by leave, addressed the Assembly.

Question - That the question be divided - put and passed.

Question - That paragraph (1) be agreed to - put and passed.

Question - That paragraph (2) be agreed to - put and passed.

Question - That paragraph (3) be agreed to - put.

The Assembly voted -

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

And so it was negatived.

Question - That paragraph (4) be agreed to - put.

The Assembly voted -

Ayes, 7		Noes, 10	
Mr Berry	Ms Tucker	Ms Carnell	Mr Moore
Mr Corbell	Mr Wood	Mr Cornwell	Mr Osborne
Mr Hargreaves		Mr Hird	Mr Rugendyke
Mr Quinlan		Mr Humphries	Mr Smyth
Mr Stanhope		Mr Kaine	Mr Stefaniak

And so it was negatived.

16 ACTION - ENTERPRISE BARGAINING AGREEMENT - PAPER AND STATEMENT BY MINISTER

Mr Smyth (Minister for Urban Services), by leave, made a statement concerning comments made in the Assembly on 22 September 1998 in relation to the status of the enterprise bargaining agreement between the Transport Workers' Union and ACTION and presented the following paper:

ACTION - Enterprise bargaining agreement - Facsimile of letter from Guy Thurston, Executive Director, ACTION to Mr Brendan Smyth, MLA, Minister for Urban Services, dated 23 September 1998.

17 MINISTER FOR URBAN SERVICES - MOTION OF CENSURE

Mr Stanhope (Leader of the Opposition), by leave, moved - That this Assembly censures Mr Smyth (the Minister for Urban Services) for misleading the Assembly in relation to negotiations between the Transport Workers' Union and ACTION.

Mr Stanhope addressing the Assembly -

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.

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

Debate continued.

Mr Berry sought leave for an extension of time.

Objection being raised, leave not granted.

Suspension of standing orders - Extension of time: Mr Berry moved - That so much of the standing orders be suspended as would prevent Mr Berry having an extension of time.

Closure: Mr Moore (Minister for Health and Community Care) moved - That the question be now put.

Question - That the question be now put - put and passed.

And the question - That the motion to suspend standing orders be agreed to - was put accordingly and passed, with the concurrence of an absolute majority.

Debate continued.

Ms Tucker, by leave, again addressed the Assembly.

Debate continued.

Mr Stanhope, by leave, withdrew his motion.

18 ADJOURNMENT

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

Question - put and passed.

And then the Assembly, at 5.51 p.m., adjourned until tomorrow 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