

1998-99

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 66

WEDNESDAY, 20 OCTOBER 1999

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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 **PETITION**

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Stanhope, from 278 residents, requesting that the Assembly ensure that:

- resources for the ACT's public oncology services are fully maintained; and
- resource allocation decisions be based on present and future patient needs rather than on financial or administrative considerations.

3 **ONCOLOGY SERVICES - PETITION - STATEMENT BY MEMBER**

Mr Stanhope (Leader of the Opposition), by leave, made a statement in relation to his petition regarding resources for the ACT's public oncology services.

4 **HOLIDAYS AMENDMENT BILL 1999**

Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Holidays Act 1958*.

Title read by Clerk.

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

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

5 **AUDITOR-GENERAL AMENDMENT BILL 1999**

Mr Quinlan, pursuant to notice, presented a Bill for an Act to amend the *Auditor-General Act 1996*.

*Paper:* Mr Quinlan presented an explanatory memorandum to the Bill.

Title read by Clerk.

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

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

## **6 DISCRIMINATION 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.

## **7 SCHOOL BURSARS - REPAYMENT OF MONIES**

Mr Berry, pursuant to notice, moved - That the Government repay all monies deducted from the pay of school bursars as a result of the long running dispute with the bursars over pay and conditions.

Debate ensued.

*Papers:* Mr Stefaniak (Minister for Education) presented the following papers:

Industrial dispute - Notification of Alleged Industrial Dispute CPSU and Minister for Education - Facsimile copy of letter from National Legal and Industrial Officer, CPSU to the Deputy Industrial Registrar, Australian Industrial Relations Commission, dated 26 July 1999.

Industrial action in schools - Facsimile of minute to Bursar from Director, Human Resources, Australian Capital Territory Education & Community Services, dated 20 July 1999.

*Workplace Relations Act 1996* (Commonwealth) - Copies of printouts of sections 187AA, 187AB, 187AC and 187AD - Austlii (Commonwealth Consolidated Acts).

Debate continued.

*Paper:* Mr Humphries (Attorney-General) presented the following paper:

School bursars - Motion regarding payment of school bursars - Facsimile of advice from Chief Solicitor, Australian Capital Territory Government Solicitor to Mr Gary Humphries MLA Attorney-General, dated 20 October 1999.

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

Debate continued.

Debate adjourned (Ms Tucker) and the resumption of the debate made an order of the day for a later hour this day.

## **8 QUESTIONS**

Questions without notice were asked.

## **9 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 -

Short term contracts:

David Ellwood, dated 18 October 1999.

Desmond McKee, dated 6 September 1999.

Schedule D variations:

Irene McKinnon, dated 17 September 1999.

Allan Schmidt, dated 17 September 1999.

Hugo Harmstorf, dated 6 September 1999 -  
and, by leave, made a statement in relation to the papers.

## 10 GAMING MACHINE ACT - COMMISSIONER FOR A.C.T. REVENUE - SECOND REPORT - PAPER - PAPER NOTED

Mr Humphries (Treasurer) presented the following paper:

Gaming Machine Act, pursuant to section 54D - Commissioner for ACT Revenue - Second Report - Contributions made by Gaming Machine Licensees to Charitable or Community Organisations - 1 July 1998 to 30 June 1999, dated 28 September 1999 -

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

Debate ensued.

Question - put and passed.

## 11 SCHOOL BURSARS - REPAYMENT OF MONIES

The order of the day having been read for the resumption of the debate on the motion of Mr Berry - That the Government repay all monies deducted from the pay of school bursars as a result of the long running dispute with the bursars over pay and conditions -

Debate resumed.

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

Mr Berry, by leave, moved the following amendment:

After "Government" insert the words "adopt the same policy of wages payment for bursars as applies to other ACT Government employees engaged in industrial disruption and".

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

Debate continued.

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*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.

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Debate continued.

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

Bursar - ACT Department of Education and Community Services - Approved duty statement dated 7/8/1998.

Debate continued.

Question - That Mr Berry's amendment 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 Stanhope

Mr Humphries  
Mr Kaine

Mr Smyth  
Mr Stefaniak

And so it was negatived.

Question - That the motion 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.

## 12 POSTPONEMENT OF ORDER OF THE DAY

Ordered - That order of the day No. 2, private Members' business, relating to the Territory Owned Corporations (Amendment) Bill 1999 be postponed until the next day of sitting.

## 13 CHILDREN'S SERVICES 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 -

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

Clause 2, page 1, line 5, omit the clause, substitute the following clause:

#### **"2 Commencement**

- (1) Section 1 and this section commence on the day this Act is notified in the *Gazette*.
- (2) The remaining provisions commence on 1 December 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.

## 14 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 5.34 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.

**M.J. McRAE**  
Clerk of the Legislative Assembly