

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 12

WEDNESDAY, 16 MARCH 2005

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) 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 **SUSPENSION OF STANDING ORDERS—CONSIDERATION OF PRIVATE MEMBERS' BUSINESS**

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent notice No. 4, Private Members' business, relating to the proposed censure of the Minister for Health, being called on forthwith.

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

3 **MINISTER FOR HEALTH—PROPOSED MOTION OF CENSURE**

Mr Smyth (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes that the:
 - (a) inpatient cost weighted separations target for 2004-05 is down 2232 on the 2003-04 result;
 - (b) average number of additions per month to the elective surgery waiting list has reduced since 2001;
 - (c) amount of elective surgery at Calvary year-to-date is down 13% on 2003-04;
 - (d) amount of surgery at The Canberra Hospital year-to-date is down 7% on 2003-04; and
 - (e) that elective surgery waiting lists are at a record 5035; and
- (2) censures the Minister for Health for his comprehensive mishandling of the Health portfolio.

Debate ensued.

Closure: Mr Quinlan (Treasurer) moved—That the question be now put.

Point of Order: Mrs Dunne took a point of order and asked the Speaker to use his discretion to not apply a closure motion in accordance with standing order 70.

Speaker's ruling: The Speaker ruled that he would not use his discretion and would allow the closure motion to be moved.

Dissent from Speaker's ruling moved: Mrs Dunne, by leave, moved—That the Speaker's ruling be dissented from.

Debate ensued.

Closure: Mr Corbell (Minister for Health) moved—That the question be now put.

Question—That the question now be put—put.

The Assembly voted—

AYES, 10		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

Question—That Mrs Dunne's motion of dissent be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negated.

Question—That the question on the closure of Mr Smyth's motion be now put—put.

The Assembly voted—

AYES, 10		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

Question—That Mr Smyth's motion of censure be agreed to—put.

The Assembly voted—

AYES, 7		NOES, 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negatived.

4 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2005

Mr Smyth (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Public Sector Management Act 1994*.

Paper: Mr Smyth presented an explanatory statement to the Bill.

Title read by Clerk.

Mr Smyth moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Stanhope—Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

5 WORKING CONDITIONS IN THE A.C.T.

Mr Gentleman, pursuant to notice, moved—That this Assembly:

- (1) expresses its concern about the Office of the Employment Advocate's advocacy of employment contracts that distinguish between voluntary and compulsory overtime and calculate weekly hours by average, rather than consideration of actual hours worked;
- (2) notes that these moves undermine efforts by the ACT Government, unions and the community to achieve a balance between work and life;
- (3) recognises some of the benefits of flexibility, particularly incorporating family friendly conditions into Canberra's workplaces; and
- (4) reaffirms the importance of workers having access to secure employment, regular working hours and appropriate remuneration for work performed.

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.

6 QUESTIONS

Questions without notice were asked.

7 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—NATIONAL LIVING WAGE CASE

The Assembly was informed that Mr Gentleman had proposed that a matter of public importance be submitted to the Assembly for discussion, namely, "The importance of the national living wage case to working Australians and Canberrans."

Discussion ensued.

Discussion concluded.

8 WORKING CONDITIONS IN THE A.C.T.

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman (*see* [Entry 5](#), page 115)—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 10		NOES, 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

9 COMMISSIONERS AND STATUTORY OFFICE HOLDERS—APPOINTMENT PROCESSES

Dr Foskey, by leave, having amended her notice, pursuant to notice, moved—That this Assembly:

- (1) acknowledges the invaluable contribution to the Territory of the ACT's outgoing Community Advocate;
- (2) recognises that the ACT Government has publicly advertised for applicants for that position; and
- (3) calls on the ACT Government to commit to a transparent, merit-based selection process in appointing and in principle re-appointing all commissioners and statutory office holders.

Debate ensued.

Question—put and passed.

10 RESTORATIVE JUSTICE IN THE A.C.T.

Ms Porter, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) the *Crimes (Restorative Justice) Act 2004* commenced on 31 January 2005;
 - (b) the Act achieves the Government's election commitment to expand restorative justice options in the ACT and that it also meets a key crime prevention and sentencing strategy of the ACT Criminal Justice Strategic Plan 2002-05;
 - (c) the scheme is considered by academics and practitioners to be innovative and progressive in its attempt to encompass the widest range of cases possible for restorative justice;
 - (d) the ACT scheme will be introduced in two phases, with young offenders being eligible in the first year and adult offenders in the second year; and
 - (e) ACT Policing will continue to conduct diversionary conferencing under the new administrative arrangements; and

- (2) recognises the achievement of the Government in establishing a restorative justice scheme in the ACT that will enhance the rights of victims by ensuring they are given high priority in the administration of justice.

Debate ensued.

Question—put and passed.

11 ADJOURNMENT

It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.29 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

Tom Duncan
Clerk of the Legislative Assembly