



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2020–2021–2022

MINUTES OF PROCEEDINGS

No 57

MONDAY, 15 AUGUST 2022

- 1 The Assembly met at 9 am, pursuant to adjournment. The Speaker (Ms Burch) took the Chair and made the following acknowledgement of country in the Ngunnawal language:

Dhawura nguna, dhawura Ngunnawal.

Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.

Nginggada Dindi dhawura Ngunnaawalbun yindjumaralidjinyin.

This is Ngunnawal Country.

Today we are gathering on Ngunnawal country.

We always pay respect to Elders, female and male, and Ngunnawal country.

The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 CHIEF MINISTER—PROPOSED MOTION OF NO CONFIDENCE

Ms Lee, pursuant to notice, moved—That this Assembly no longer has confidence in the Chief Minister, Mr Andrew Barr MLA.

Debate ensued.

Question—That the motion be agreed to—put.

The Assembly voted—

AYES, 9

Mr Cain
 Ms Castley
 Mr Cocks
 Mr Hanson
 Mrs Kikkert
 Ms Lawder
 Ms Lee
 Mr Milligan
 Mr Parton

NOES, 16

Mr Barr
 Ms Berry
 Mr Braddock
 Ms Burch
 Ms Cheyne
 Ms Clay
 Ms Davidson
 Mr Davis
 Mr Gentleman
 Ms Orr
 Dr Paterson
 Mr Pettersson
 Mr Rattenbury
 Mr Steel
 Ms Stephen-Smith
 Ms Vassarotti

And so it was negatived.

Suspension of sitting: The Speaker, at 10.04 am, suspended the sitting and announced that the Chair would be resumed at the ringing of the bells.

Resumption of sitting: The bells having been rung, the Speaker resumed the Chair at 10.18 am.

3 PROHIBITION NOTICE—WORKSAFE A.C.T.—STATEMENT BY SPEAKER

The Speaker made a statement concerning the serving of a prohibition notice by WorkSafe ACT to the Speaker, in relation to the conduct of committee hearings and meetings in the Assembly precincts. The Speaker informed the Assembly that she is seeking legal advice in relation to this matter and will keep Members up to date as the situation unfolds.

Paper: Ms Burch (Speaker) presented the following papers:

Prohibition Notice—WorkSafe ACT—

Copy of Prohibition Notice, issued under section 195 of the Work Health and Safety Act 2011, from WorkSafe ACT to the Speaker of the Legislative Assembly for the ACT, dated 12 August 2022.

Copy of letter from the Speaker of the Legislative Assembly for the ACT to the Work Health and Safety Commissioner, dated 15 August 2022.

4 SITTING PATTERN 2022—AMENDMENT

Mr Milligan, by leave, moved—That the resolution of the Assembly of 3 August 2022, amending the sitting pattern for 2022, be amended as follows: Omit all words after “15 August 2022”, substitute “with the only items of business being the motion moved by Ms Lee in relation to the Chief Minister; to deal with any matters in relation to the prohibition notice issued by WorkSafe ACT on Friday, 12 August 2022; and for the Assembly to adjourn after consideration of these items.”.

Question—put and passed.

5 PRIVILEGE—ALLEGED BREACH—STATEMENT BY SPEAKER

The Speaker made a statement in relation to an alleged breach of privilege concerning the actions taken by the Work Health and Safety Commissioner (see [entry 3](#)), and presented the following paper:

Privilege—Alleged breach—Letter from the Chair of the Select Committee on Estimates 2022-2023 to the Speaker, dated 15 August 2022.

Having considered the matter the Speaker stated that she was prepared to allow precedence to a motion under standing order 276.

6 PRIVILEGES 2022—SELECT COMMITTEE—ESTABLISHMENT

Mr Milligan moved—That:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2022 be established to examine whether there has been a breach of privilege relating to the actions of the Work Health and Safety Commissioner and any other person, and whether they have improperly interfered with the free exercise of the authority of the Select Committee on Estimates 2022-2023 or breached any other privileges of the Assembly;
- (2) the Privileges Committee shall report back to the Assembly by the last sitting day of October 2022;
- (3) the Committee shall be composed of:
 - (a) Ms Orr MLA;
 - (b) Mr Hanson MLA; and
 - (c) Ms Clay MLA; and
- (4) The Chair of the Committee shall be Mr Hanson MLA.

Mr Gentleman (Manager of Government Business) moved the following amendment: Omit paragraph (4).

Debate ensued.

Question—That the amendment be agreed to—put.

The Assembly voted—

| AYES, 16 | | NOES, 9 | |
|-------------|------------------|-------------|-------------|
| Mr Barr | Mr Gentleman | Mr Cain | Ms Lawder |
| Ms Berry | Ms Orr | Ms Castley | Ms Lee |
| Mr Braddock | Dr Paterson | Mr Cocks | Mr Milligan |
| Ms Burch | Mr Pettersson | Mr Hanson | Mr Parton |
| Ms Cheyne | Mr Rattenbury | Mrs Kikkert | |
| Ms Clay | Mr Steel | | |
| Ms Davidson | Ms Stephen-Smith | | |
| Mr Davis | Ms Vassarotti | | |

And so it was resolved in the affirmative.

Ms Orr moved the following amendment to the motion, as amended: In paragraph (3)(a), omit “Ms Orr MLA”, substitute “Mr Pettersson MLA”.

Amendment agreed to.

Question—That the motion, as amended, viz:

“That:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2022 be established to examine whether there has been a breach of privilege relating to the actions of the Work Health and Safety Commissioner and any other person, and whether they have improperly interfered with the free exercise of the authority of the Select Committee on Estimates 2022-2023 or breached any other privileges of the Assembly;
- (2) the Privileges Committee shall report back to the Assembly by the last sitting day of October 2022; and
- (3) the Committee shall be composed of:
 - (a) Mr Pettersson MLA;
 - (b) Mr Hanson MLA; and
 - (c) Ms Clay MLA.”—

be agreed to—put and passed.

7 ESTIMATES 2022-2023—SELECT COMMITTEE—INQUIRY—APPROPRIATION BILL 2022-2023 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2022-2023—MATTER OF PRIVILEGE—STATEMENT BY CHAIR

Mr Milligan, by leave, pursuant to standing order 246A, informed the Assembly that the Select Committee on Estimates 2022-2023 had resolved to raise a matter of privilege with the Speaker in relation to the Prohibition Notice from WorkSafe ACT, and was considering options for continuing with estimates hearings and will advise witnesses in due course.

8 ESTIMATES 2022-2023—SELECT COMMITTEE—AMENDMENT TO REPORTING DATE

Mr Milligan (Chair), by leave, moved—That the Assembly resolution of 24 March 2022, establishing the Select Committee on Estimates 2022-2023, be amended by omitting paragraph (6) and substituting:

- “(6) the Committee is to report on the bills that have been referred on a date that is two weeks after its last public hearing has been held, or the date when the last answer to a question taken on notice or question on notice has been received, whichever is the later;”.

Question—put and passed.

9 PAPER—LEAVE NOT GRANTED

Mr Gentleman (Manager of Government Business) sought leave to present a paper.

Objection being raised, leave not granted.

10 ADJOURNMENT

Ms Gentleman (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Paper: Mr Gentleman presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 June 2022 (2021-22 Interim Result).

Question—put and passed.

And then the Assembly, at 10.44 am, adjourned until Tuesday, 20 September 2022 at 10 am.

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

Tom Duncan
Clerk of the Legislative Assembly