

2004–2005

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 48

WEDNESDAY, 14 DECEMBER 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 **ANNUAL REPORTS (GOVERNMENT AGENCIES) AMENDMENT BILL 2005**

Mr Smyth (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Annual Reports (Government Agencies) Act 2004*.

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 Quinlan—Deputy Chief Minister) and the resumption of the debate made an order of the day for the next sitting.

3 **ROAD TRANSPORT (ALCOHOL AND DRUGS) (RANDOM DRUG TESTING) AMENDMENT BILL 2005**

Mr Pratt, pursuant to notice, presented a Bill for an Act to amend the *Road Transport (Alcohol and Drugs) Act 1977*.

Title read by Clerk.

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

Debate adjourned (Mr Hargreaves—Minister for Police and Emergency Services) and the resumption of the debate made an order of the day for the next sitting.

4 **LIMITATION AMENDMENT BILL 2005**

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.

Detail Stage

Clauses 1 to 3, by leave, taken together and agreed to.

New clause—

On the motion of Mr Stanhope (Attorney-General), new clause 3A (his amendment No. 1—*see* Schedule 1) was inserted in the Bill, after debate.

Paper: Mr Stanhope presented a supplementary explanatory statement to the Government amendments.

Clause 4—

Debate continued.

Clause 4 negatived.

New clauses—

On the motion of Mr Stanhope, new clauses 5 and 6 (his amendment No. 3—*see* Schedule 1) were inserted in the Bill, after debate.

Title agreed to.

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

5 WORKCHOICES INDUSTRIAL RELATIONS REFORMS—EROSION OF WORKERS' ENTITLEMENTS

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

(1) notes:

(a) that the recent “WorkChoices” changes announced by the Federal Government are designed to reduce workers’ entitlements particularly in relation to:

- (i) family friendly provisions;
- (ii) annual, long service and public holiday leave;
- (iii) rest and meal breaks;
- (iv) leave loading; and
- (v) penalty rates; and

(b) these changes will:

- (i) prevent fair employee representation on workplace issues and undermine collective bargaining rights;
- (ii) remove the roles of industrial organisations within workplace relations;
- (iii) require secret ballots;
- (iv) pose a threat to workplace safety; and
- (v) remove the protection of unfair dismissal laws for workers; and

- (2) calls on the Federal Government to admit the harmonious workplace relationship developed between employees, unions and employers have resulted in a productive economy, and retain workplace laws in their current form.

Debate ensued.

Mrs Burke addressing the Assembly—

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 PAPER

Mr Mulcahy, by leave, during a personal explanation, presented the following paper:

“Costello’s secret plan to raise GST”—Media release by the Chief Minister, dated 25 March 2005.

8 PAPER

Mr Pratt, by leave, presented the following paper:

Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2005—Explanatory statement.

9 WORKCHOICES INDUSTRIAL RELATIONS REFORMS—EROSION OF WORKERS’ ENTITLEMENTS

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

Debate resumed.

Papers: Mrs Burke, by leave, presented the following papers:

WorkChoices funding—Media releases by the Federal Minister for Employment and Workplace Relations, dated 2 November 2005—

Agreement making.

Australian Fair Pay Commission.

Compliance.

Unlawful termination.

Debate continued.

Question—put and passed.

10 COURT PROCEDURES (PROTECTION OF PUBLIC PARTICIPATION) AMENDMENT BILL 2005

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—

Legal Affairs—Standing Committee—Reference—Court Procedures (Protection of Public Participation) Amendment Bill 2005: Dr Foskey, by leave, moved—That, notwithstanding the provisions of standing order 174:

- (1) the Court Procedures (Protection of Public Participation) Amendment Bill 2005 be referred to the Standing Committee on Legal Affairs for inquiry and report; and
- (2) on the Committee presenting its report to the Assembly, resumption of debate on the question “That this Bill be agreed to in principle” be set down as an order of the day for the next sitting.

Debate ensued.

Question—put and passed.

11 CIVIC DEVELOPMENT AUTHORITY BILL 2005

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.

The Assembly voted—

AYES, 6		NOES, 9	
Mrs Dunne	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Mulcahy		Mr Corbell	Ms Porter
Mr Pratt		Dr Foskey	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope
Mr Smyth		Mr Hargreaves	

And so it was negatived.

12 ROAD SAFETY

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

- (1) recognises that driver inattention and speed are major contributors to road accidents;
- (2) expresses concern that some drivers continue to drive under the influence of drugs and alcohol in spite of the overwhelming evidence that these substances reduce drivers’ abilities to judge, concentrate and react to road situations;
- (3) acknowledges that keeping ACT roads safe is a shared responsibility;
- (4) urges drivers, riders, cyclists, pedestrians and anyone else who uses our roads to remain vigilant regarding road safety, particularly during holiday periods;
- (5) notes that the 2005-2006 ACT Road Safety Action Plan identifies key actions that aim to reduce deaths and injuries on ACT roads; and
- (6) recognises the important role educational road safety programs and initiatives play in increasing road users’ skills and raising awareness about road safety practices in the ACT.

Debate interrupted in accordance with standing order 34 and the resumption of the debate made an order of the day for the next sitting.

13 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then Assembly, at 6.25 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Ms Gallagher*.

*on leave

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULE OF AMENDMENTS

Schedule 1

LIMITATION AMENDMENT BILL 2005

Amendments circulated by the Attorney-General

1
Proposed new clause 3A
Page 2, line 8—

insert

3A **Other claims for damages for personal injury**
Section 16B (3) to (6)

omit

2
Clause 4
Page 2, line 9—

[oppose the clause]

3
Proposed new clauses 5 and 6
Page 2, line 21—

insert

5 **Special provision in relation to children—claims**
relating to health services
Section 30B (6) and (7)

omit

6 **New part 5**

insert

Part 5 Transitional

100 **Application of amendments made by Civil Law**
(Wrongs) Amendment Act 2003 (No 2)

- (1) Section 16B (Other claims for damages for personal injury) and section 30B (Special provision in relation to children—claims relating to health services) do not apply to a cause of action that arose before 9 September 2003.

Note This is the date the section commenced.

- (2) This section expires 5 years after the day it commences.
 - (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
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