

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 39

WEDNESDAY, 19 OCTOBER 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 **PETITION**

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

Mr Smyth, from 118 residents, requesting that the Assembly ensure that land adjacent to Glebe Park be developed for the benefit of the community and of Glebe Park and not for private residential accommodation purposes, to oppose the development application and to take all steps to ensure that the development application is not approved.

3 **GUARDIANSHIP AND MANAGEMENT OF PROPERTY AMENDMENT BILL 2005**

Mr Stefaniak, pursuant to notice, presented a Bill for an Act to amend the *Guardianship and Management of Property Act 1991*, and for other purposes.

Title read by Clerk.

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

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

4 **WORKCHOICES INDUSTRIAL RELATIONS REFORMS—IMPACT ON THE A.C.T. AND PUBLIC SERVANTS**

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

(1) notes:

- (a) the Federal Government is expected to spend \$100 million of taxpayer money promoting its new unpopular WorkChoices industrial relations reforms;

- (b) these advertisements are expected to run for over a year, whilst the Federal Government will only allow the changes to be examined by a Senate inquiry for two weeks;
- (c) the Federal Government intends to use its “Territories Power” under the Federal Constitution to ensure these reforms apply in the ACT immediately upon their passage through the Federal Parliament;
- (d) this will:
  - (i) make the ACT a guinea pig for these changes, particularly Commonwealth and ACT public servants; and
  - (ii) have a negative impact on sporting and community groups; and
- (2) calls on the Federal Government to abandon its industrial relations proposals because of the negative impact they are likely to have on Commonwealth and ACT public servants.

Debate ensued.

Question—put and passed.

## **5 ENVIRONMENT PROTECTION (FIRE HAZARD REDUCTION) 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.

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.

## **6 WORKCHOICES INDUSTRIAL RELATIONS REFORMS—IMPACT ON THE A.C.T. COMMUNITY**

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

- (1) notes:
  - (a) the Federal Government’s recently announced WorkChoices industrial relations reforms will have a negative impact on the ACT community, in particular on:
    - (i) minimum wage earners;
    - (ii) women;
    - (iii) casual workers; and
    - (iv) young people;

- (b) much of these effects will be caused by the Government's ideological driven attempts to have all workers sign secret, individual, Australian Workplace Agreements;
  - (c) these agreements will no longer be subject to a "no disadvantage" test;
  - (d) these agreements are already a precursor to beginning employment at a number of Commonwealth agencies; and
  - (e) church and community groups have spoken out against these changes; and
- (2) consistent with comments from church and community groups, calls on the Federal Government to guarantee that no Australian worker will be worse off as a result of these changes.

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.

## **7 QUESTIONS**

Questions without notice were asked.

## **8 TEMPORARY DEPUTY SPEAKER**

The Speaker informed the Assembly that, pursuant to standing order 8, he had revoked the nomination of Mrs Burke and had nominated Mrs Dunne as temporary Deputy Speaker and presented his warrant of revocation and nomination:

Pursuant to the provisions of standing order 8, I—

1. revoke the nomination of Mrs Burke as a temporary Deputy Speaker, and
2. nominate Mrs Dunne to act as a temporary Deputy Speaker.

Given under my hand on 19 October 2005.

Mr Wayne Bruce Berry  
Speaker  
19 October 2005

## **9 PRESENTATION OF PAPER**

The Speaker presented the following paper:

Study trip—Report by Mrs Dunne MLA—National Symposium on Sustainable Water Management, Canberra—15-16 September 2005.

## **10 DANGEROUS SUBSTANCES (ASBESTOS) AMENDMENT BILL 2005 (NO. 2)—REVISED EXPLANATORY STATEMENT**

Ms Gallagher (Minister for Industrial Relations) presented the following paper:

Dangerous Substances (Asbestos) Amendment Bill 2005 (No. 2)—Revised explanatory statement.

## 11 WORKCHOICES INDUSTRIAL RELATIONS REFORMS—IMPACT ON THE A.C.T. COMMUNITY

The order of the day having been read for the resumption of the debate on the motion of Ms MacDonald (*see* [Entry 6](#))—

Debate resumed.

Question—put and passed.

## 12 POVERTY AND EMPLOYMENT CREATION STRATEGIES

Dr Foskey, pursuant to notice, moved—That this Assembly, in regard to people living in poverty in the ACT:

- (1) recognises:
  - (a) the link between unemployment, underemployment, and ongoing cycles of poverty;
  - (b) the growing proportion of the low-skilled workforce at risk of unemployment and underemployment due to the increasing casualisation of the workforce; and
  - (c) the prohibitively high effective marginal tax rates for social security beneficiaries;
- (2) acknowledges their increased vulnerability as a consequence of Federal Government policy to:
  - (a) extensively reshape employment conditions and arrangements; and
  - (b) require more social security beneficiaries to re-enter the workforce; and
- (3) calls on the ACT Government to:
  - (a) provide a detailed analysis of employment rates and distribution in the ACT;
  - (b) investigate a targeted employment creation and support strategy incorporating:
    - (i) the refocussing of business support programs to those creating entry level employment, such as in areas of community and social services; and
    - (ii) the establishment of wage subsidy schemes for people in low paid employment, with a particular focus on exempting the wages of low-paid workers from payroll tax; and
  - (c) report to the Assembly in the first sitting week of March 2006.

Debate ensued.

Question—put and passed.

## 13 SUB JUDICE AND DEBATE IN THE ASSEMBLY

Mr Stefaniak, pursuant to notice, moved—That this Assembly adopt the following practice when debating matters before a court:

- (1) The Assembly reinforces the basic principle that debate should be avoided which could involve a substantial danger of prejudice to proceedings before a court, unless the Assembly considers that there is an overriding requirement for the Assembly to discuss a matter of public interest.

- (2) Debate shall be allowed in the Assembly on any matter before the courts unless it can be demonstrated by a Member of the Assembly that such debate will lead to a clear and substantial danger of prejudice in the courts' proceedings.
- (3) Unless the matter before the Assembly could cause real prejudice to a trial or court hearing in the sense of either creating an atmosphere where a jury would be unable to deal fairly with the evidence put before it, or would somehow perhaps affect a future witness in the giving of evidence, whether for the prosecution or the defence, then the matter for debate or questioning before the Assembly should be allowed.
- (4) Sub judice only applies to matters which are awaiting or under adjudication in a court.
- (5) This resolution have effect from the date it is passed by the Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.

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

#### **14 ADJOURNMENT**

Mr Quinlan (Treasurer) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.22 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