2001

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 1

FIFTH ASSEMBLY

MONDAY, 12 NOVEMBER 2001

The Legislative Assembly for the Australian Capital Territory convened at 2.00 p.m. in the Legislative Assembly Chamber, Canberra, on Monday, 12 November 2001.

1 On which day, being the first day of the meeting of the Fifth Assembly for the despatch of business pursuant to a Notice of the Speaker, Mark McRae, Clerk of the Legislative Assembly and Thomas Duncan, Deputy Clerk and Serjeant-at-Arms, attending in the Assembly according to their duty, the said Notice was read at the Table by the Clerk:

NOTICE CONVENING THE FIRST MEETING OF THE FIFTH LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Pursuant to subsection 17 (2) of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth), I, Gregory Gane Cornwell, Speaker of the Legislative Assembly for the Australian Capital Territory, do by this Notice convene the first meeting of the Fifth Legislative Assembly for the Australian Capital Territory at 2.00 p.m. on Monday, 12 November 2001, in the Chamber of the Legislative Assembly, Canberra, in the Australian Capital Territory.

Dated 6 November 2001.

GREGORY GANE CORNWELL
Speaker, Legislative Assembly
for the Australian Capital Territory

2 OATH OR AFFIRMATION OF ALLEGIANCE

The Clerk informed the Assembly of the requirements under section 9 of the Australian Capital Territory (Self-Government) Act 1988 and section 6A of the Oaths and Affirmations Act 1984 for Members to make and subscribe an oath and/or affirmation before the Chief Justice of the Supreme Court of the Australian Capital Territory. The Honourable Jeffrey Miles, AO, Chief Justice of the Supreme Court of the Australian
Capital Territory, entered the Chamber and was escorted by the Serjeant-at-Arms to the Chair.

3 \textbf{NOTIFICATION OF CANDIDATES ELECTED}

The Clerk laid on the Table the instrument, dated 5 November 2001, notifying the names of candidates elected to the Legislative Assembly for the Australian Capital Territory at the general election held on 20 October 2001, which showed that the following had been elected:

Electorate of Brindabella:
- Mr Brendan Smyth
- Mr John Hargreaves
- Mr Bill Wood
- Mr Steve Pratt
- Ms Karin MacDonald

Electorate of Ginninderra:
- Mr Jon Stanhope
- Mr Bill Stefaniak
- Mr Wayne Berry
- Ms Roslyn Dundas
- Ms Vicki Dunne

Electorate of Molonglo:
- Mr Gary Humphries
- Ms Kerrie Tucker
- Mr Simon Corbell
- Mr Ted Quinlan
- Ms Katy Gallagher
- Ms Helen Cross
- Mr Greg Cornwell

4 \textbf{OATHS OR AFFIRMATIONS OF ALLEGIANCE BY MEMBERS}

The Members whose names are set out above made and subscribed an oath and/or affirmation of allegiance as required by law.

His Honour Mr Justice Miles, AO, retired.

5 \textbf{ELECTION OF SPEAKER}

Mr Hargreaves, addressing himself to the Clerk, proposed Mr Berry to the Assembly for its Speaker and moved - That Mr Berry take the Chair of the Assembly as Speaker.

Mr Berry informed the Assembly that he accepted the nomination.
There being no further proposal, the time for proposals expired.

Mr Berry was declared elected as Speaker, and he was escorted to the Chair.

Mr Berry returned his acknowledgments to the Assembly for the honour it had conferred on him.

6 **ELECTION OF CHIEF MINISTER**

Mr Quinlan proposed Mr Stanhope to the Assembly as Chief Minister, and moved - That Mr Stanhope be elected Chief Minister for the Territory.

Mr Smyth proposed Mr Humphries to the Assembly as Chief Minister, and moved - That Mr Humphries be elected Chief Minister for the Territory.

There being no further proposal, the time for proposals expired.

The Assembly proceeded to ballot; and the ballot being concluded, the Speaker reported the result, as follows:

- Mr Stanhope – 10 votes
- Mr Humphries – 7 votes

Mr Stanhope was declared elected as Chief Minister.

Mr Stanhope (Chief Minister), by leave, made a statement thanking the Assembly for the confidence shown in him and outlined the challenges ahead for his Government.

7 **LEADER OF THE OPPOSITION - CONSENT - STATEMENT BY MEMBER**

Mr Humphries gave his consent to his appointment as Leader of the Opposition, and, by leave, made a statement congratulating the Speaker and Chief Minister on their respective elections and addressing issues facing the operation of the Fifth Assembly.

8 **MEMBERSHIP OF THE A.C.T. GREENS – STATEMENT BY MEMBER**

Ms Tucker, by leave, informed the Assembly that she would be sitting in the Assembly as a member of the A.C.T. Greens and, by leave, made a statement.

9 **MEMBER OF THE AUSTRALIAN DEMOCRATS – STATEMENT BY MEMBER**

Ms Dundas, by leave, informed the Assembly that she would be sitting in the Assembly as a member of the Australian Democrats and, by leave, made a statement.

10 **ELECTION OF DEPUTY SPEAKER**

Mr Humphries (Leader of the Opposition) proposed Mr Cornwell to the Assembly as Deputy Speaker and moved - That Mr Cornwell be elected Deputy Speaker.

Mr Cornwell informed the Assembly that he accepted the nomination.

There being no further proposal, the time for proposals expired.

Mr Cornwell was declared elected as Deputy Speaker.
11 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act – Authority to broadcast proceedings, pursuant to subsection 8 (4), concerning the proceedings of the Assembly for the first sitting of the Legislative Assembly, today, 12 November 2001 – dated 12 November 2001.


12 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Subordinate legislation (including explanatory statements, unless otherwise stated) and commencement provisions

Legislation Act, pursuant to section 64 –


Building Act –


Canberra Institute of Technology Act – Appointments to the Canberra Institute of Technology Advisory Council –


Hotel School Act – Appointment of alternate member of the Hotel School Board of the Australian Capital Territory – Instrument No. 239 of 2001 (No. 34, dated 23 August 2001).


Land (Planning and Environment) Act –


Legislative Assembly (Members’ Staff) Amendment Act 2001 – Notice of commencement (13 September 2001) of provisions that are not in force (S69, dated 11 September 2001).


Long Service Leave (Building and Construction Industry) Act – Appointments to the Long Service Leave (Building and Construction Industry) Board –
- Acting Members –
Members –


Mediation Act –


National Exhibition Centre Trust Act – Appointment of member of the National Exhibition Centre Trust – Instrument No. 317 of 2001 (excluding explanatory statement) (LR, 5 October 2001).


Public Place Names Act –

Public Place Names Regulations 2001 – Subordinate Law 2001 No 36 (LR, 14 September).

Determinations –

To omit one street name in the Division of City – Instrument No. 274 of 2001 (S69, dated 11 September 2001).

Park nomenclatures in the Divisions of:


Street nomenclatures in the Divisions of:


Public Sector Management Act – Management Standards –

No. 4 of 2001 (S63, dated 30 August 2001).


Race and Sports Bookmaking Act –

Determination of events to be sports bookmaking events – Instrument No. 261 of 2001 (S68, dated 7 September 2001).
Directions for the operation of a sports bookmaking venue – Instrument No. 263 of 2001 (S68, dated 7 September 2001).
Determinations of a place to be a sports bookmaking venue –


Racing Act – Notices of appointment (9) of the President, Deputy President, members and assessors of the Racing Appeals Tribunal (S68, dated 7 September 2001).

Radiation Act –

Rehabilitation of Offenders (Interim) Act –

Residential Tenancies Act – Appointment of members of the Residential Tenancies Tribunal –


Road Transport (General) Act –


Supreme Court Amendment Act 2001 (No 2) – Notice of commencement of:
   sections 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 (7 September 2001);
   the provisions inserted into the Supreme Court Act by section 13 (7 September 2001 and 1 October 2001). (S69, dated 11 September 2001).


Unit Titles Act –


**Performance report**

Financial Management Act, pursuant to section 25A – Quarterly departmental performance report for the September 2001 quarter for:

- Chief Minister’s Department.
- Department of Treasury.
- Business, Tourism and the Arts.
- Department of Family Services.
- Department of Education and Community Services.

13 **DAY AND TIME OF NEXT MEETING**

Mr Stanhope (Chief Minister) moved - That the Assembly, at its rising, adjourn until 10.30 a.m. on Tuesday, 11 December 2001.

Question – put and passed.

14 **ADJOURNMENT**

Mr Stanhope (Chief Minister) moved - That the Assembly do now adjourn.

Question - put and passed.

And then the Assembly, at 2.57 p.m., adjourned until Tuesday, 11 December 2001 at 10.30 a.m.

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

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M.J. McRAE

Clerk of the Legislative Assembly