



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 116

WEDNESDAY, 17 OCTOBER 2007

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 DEATH OF DR KEN FRY

Mr Stanhope (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Dr Ken Fry, inaugural President of the ACT Branch of the Australian Labor Party and first member for the seat of Fraser, an honourable and highly principled politician, and tenders its profound sympathy to his family and friends in their bereavement.

Mr Stefaniak (Leader of the Opposition), Mr Berry (Speaker) and Dr Foskey addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

3 DEATH OF MR JIM O'NEILL OAM

Mr Stanhope (Chief Minister) moved—That this Assembly expresses its deep regret at the death of Mr Jim O'Neill OAM, first Auditor-General of the ACT, an outstanding public servant who has made an abiding impact on our community and tenders its profound sympathy to his family, friends and former colleagues in their bereavement.

Mr Stefaniak (Leader of the Opposition) addressed the Assembly in support of the motion and all Members present having stood, in silence—

Question—passed.

4 LEAVE OF ABSENCE TO MEMBER

Mrs Burke moved—That leave of absence be given to Mr Smyth for today's sitting.

Question—put and passed.

5 LEGAL AFFAIRS—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 46—STATEMENT BY CHAIR

Mr Seselja (Chair) presented the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 46, dated 15 October 2007, together with the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

6 MOTION—LEAVE NOT GRANTED

Mr Stanhope (Chief Minister) sought leave to move a motion concerning Australian Anti-Poverty Week.

Objection being raised, leave not granted.

7 SUSPENSION OF STANDING ORDERS MOVED—PRECEDENCE TO MOTION

Mr Stanhope (Chief Minister) moved—That so much of the standing orders be suspended as would prevent Mr Stanhope from moving a motion concerning Australian Anti-Poverty Week.

Debate ensued.

The time allotted for the debate having expired—

Question—put.

The Assembly voted—

	AYES, 8		NOES, 5
Mr Barr	Mr Gentleman	Mrs Burke	Mr Stefaniak
Mr Berry	Ms MacDonald	Mr Mulcahy	
Mr Corbell	Ms Porter	Mr Pratt	
Dr Foskey	Mr Stanhope	Mr Seselja	

The Speaker declared that the motion had not been carried as an absolute majority of Members had not voted in its favour as required by standing order 272.

8 UTILITIES (NETWORK FACILITIES TAX) REPEAL BILL 2007

Mr Mulcahy, pursuant to notice, presented a Bill for an Act to repeal the *Utilities (Network Facilities Tax) Act 2006*, and for other purposes.

Title read by Clerk.

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

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

9 PUBLIC HOSPITAL BOARD BILL 2007

Mrs Burke, pursuant to notice, presented a Bill for an Act to establish a Public Hospital Board.

Paper: Mrs Burke presented an explanatory statement to the Bill.

Title read by Clerk.

Mrs Burke moved—That this Bill be agreed to in principle.

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

10 SENIOR SECONDARY EDUCATION SYSTEM

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

- (1) the ACT's senior secondary system has a high success rate in delivering quality educational outcomes for the young people of the ACT;
- (2) the review commissioned in 2005 by the ACT Government conducted by Atelier Learning Solutions Pty Ltd into government secondary colleges, specifically:
 - (a) that consultation was undertaken in all colleges and three high schools including forums, meetings and surveys;
 - (b) the review made 14 recommendations over a wide range of areas impacting on colleges; and
 - (c) that the review acknowledges the strength of the ACT college system, but highlighted the challenges that face students, teachers and principals in our changing society and the need to work to address those challenges to provide the best possible future environment; and
- (3) that as a result of the Atelier Review, the Government will be releasing a business plan to take the ACT's colleges forward.

Debate ensued.

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.

11 QUESTIONS

Questions without notice being asked—

Member named and suspended: The Speaker named Mrs Burke for persistently and wilfully disregarding the authority of the Chair.

Mr Corbell (Manager of Government Business), pursuant to standing order 203, moved—That Mrs Burke be suspended from the service of the Assembly.

Question—put.

The Assembly voted—

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

And so it was resolved in the affirmative.

Mrs Burke was therefore suspended at 3.02 p.m. for 3 sitting hours in accordance with standing order 204, and she accordingly withdrew from the Chamber.

Questions continued.

12 STATEMENT BY MEMBER—LEAVE NOT GRANTED

Mr Pratt sought leave to make a statement concerning comments made by the Chief Minister during question time.

Objection being raised, leave not granted.

13 SUSPENSION OF STANDING ORDERS MOVED—STATEMENT BY MEMBER

Mr Pratt moved—That so much of the standing orders be suspended as would prevent Mr Pratt from making a statement concerning statements made by the Chief Minister during question time.

Debate ensued.

Question—put.

The Assembly voted—

	AYES, 6		NOES, 8
Mrs Dunne	Mr Seselja	Mr Barr	Mr Hargreaves
Dr Foskey	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Mulcahy		Mr Corbell	Ms Porter
Mr Pratt		Mr Gentleman	Mr Stanhope

And so it was negated.

14 MOTION—LEAVE NOT GRANTED

Mr Stanhope (Chief Minister) sought leave to move a motion concerning Australian Anti-Poverty Week.

Objection being raised, leave not granted.

15 SUSPENSION OF STANDING ORDERS—PRECEDENCE TO MOTION

Mr Stanhope (Chief Minister) moved—That so much of the standing orders be suspended as would prevent Mr Stanhope from moving a motion concerning Australian Anti-Poverty Week.

Question—put.

The Assembly voted—

AYES, 9		NOES, 5
Mr Barr	Mr Hargreaves	Mrs Dunne
Mr Berry	Ms MacDonald	Mr Mulcahy
Mr Corbell	Ms Porter	Mr Pratt
Dr Foskey	Mr Stanhope	Mr Seselja
Mr Gentleman		Mr Stefaniak

And so it was resolved in the affirmative, with the concurrence of an absolute majority.

16 AUSTRALIAN ANTI-POVERTY WEEK

Mr Stanhope (Chief Minister) moved—That this Assembly:

- (1) unanimously supports the aims of Australian Anti-Poverty Week to:
 - (a) strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia; and
 - (b) encourage research, discussion and action to address these problems, including action by individuals, communities, organisations and governments;
- (2) reaffirms its commitment to reducing poverty and the negative impacts of poverty on individuals and families; and
- (3) undertakes opportunities to engender a stronger understanding amongst citizens of the ACT that it is a community responsibility to work to continuously reduce the social, economic and health-related causes of poverty.

Debate ensued.

Question—put and passed.

17 SENIOR SECONDARY EDUCATION SYSTEM

The order of the day having been read for the resumption of the debate on the motion of Ms Porter (*see* [entry 10](#)):

Debate resumed by Mrs Dunne, who moved the following amendment: Omit all words after “Assembly”, substitute:

- “(1) notes:
- (a) the high success rate of the ACT secondary college system since its inception;
 - (b) the recommendations and directions coming out of the review of Atelier Learning Solutions Pty Ltd of the ACT secondary colleges which was published in December 2005;
 - (c) the failure of the Stanhope Government to implement those recommendations so far; and
 - (d) the reduction in staffing of at least 21 teachers from the ACT college system as a result of 2006-2007 Budget; and
- (2) calls on the Stanhope Government to immediately:
- (a) implement the recommendations of the review of ACT secondary colleges;

- (b) reinstate the 21 staff cut from the ACT college system; and
- (c) desist from moving self-congratulatory motions as a substitute for actions.”.

Debate continued.

Question—That Mrs Dunne’s amendment be agreed to—put.

The Assembly voted—

AYES, 5		NOES, 7	
Mrs Dunne	Mr Stefaniak	Mr Barr	Ms MacDonald
Dr Foskey		Mr Berry	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Stanhope
Mr Pratt		Mr Hargreaves	

And so it was negatived.

Question—That the motion be agreed to—put and passed.

Paper: Mr Barr (Minister for Education and Training) presented the following paper:

ACT College Business Plan 2007-2009, prepared by the Department of Education and Training.

18 PUBLIC HOSPITAL SYSTEM—PROPOSED INQUIRY

The notice for the moving of the motion having been called on—

Mr Stefaniak (Leader of the Opposition), pursuant to standing order 128, fixed the next day of sitting for the moving of private Members’ business, notice No. 4.

19 AUSTRALIAN ELECTORAL SYSTEM—IMPACT OF CHANGES ON THE A.C.T.

The order of the day having been read for the resumption of the debate on the motion of Ms MacDonald—That this Assembly:

- (1) notes:
 - (a) the amendments made to the Commonwealth *Electoral Act 1918* by the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* will disenfranchise thousands of eligible voters in our community;
 - (b) the Howard Government’s enrolment changes are unnecessary and are likely to weaken Australia’s electoral system;
 - (c) the direct impact these changes will have on the ACT’s electoral roll; and
 - (d) the importance of a strong electoral system which has as many eligible voters enrolled as possible in order to maintain trust in the electoral system by the electorate; and
- (2) requests the Chief Minister write to the Federal Minister, Gary Nairn MP, expressing the concern of this Assembly at the negative impact these changes will have—

Debate resumed.

Question—put and passed.

20 ADJOURNMENT

Mr Hargreaves (Minister for Territory and Municipal Services) 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, except Ms Gallagher* and Mr Smyth*.

*on leave

Tom Duncan
Clerk of the Legislative Assembly