



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2004–2005–2006–2007

MINUTES OF PROCEEDINGS

No. 115

TUESDAY, 16 OCTOBER 2007

1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Berry) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional owners. 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 EXPRESSION OF GRAVE CONCERN

Mr Stefaniak (Leader of the Opposition), by leave, moved—That this Assembly expresses grave concern over the lack of competence of the Chief Minister in respect of his management of the Government and, through the Government, the Territory's business.

Debate ensued.

Closure: Mr Hargreaves (Minister for Territory and Municipal Services) moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 8

Mr Barr	Mr Gentleman
Mr Berry	Mr Hargreaves
Mr Corbell	Ms MacDonald
Dr Foskey	Ms Porter

NOES, 5

Mrs Dunne	Mr Stefaniak
Mr Pratt	
Mr Seselja	
Mr Smyth	

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put.

The Assembly voted—

AYES, 5		NOES, 8	
Mrs Dunne	Mr Stefaniak	Mr Barr	Mr Gentleman
Mr Pratt		Mr Berry	Mr Hargreaves
Mr Seselja		Mr Corbell	Ms MacDonald
Mr Smyth		Dr Foskey	Ms Porter

And so it was negatived.

3 WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—REPORT—IMPACT OF COMMONWEALTH INDUSTRIAL RELATIONS LEGISLATION ON WORKING FAMILIES IN THE A.C.T.—PUBLICATION OF REPORT—MOTION THAT REPORT BE NOTED

Mr Gentleman (Chair) presented the following report:

Working Families in the Australian Capital Territory—Select Committee—Report—Impact of Commonwealth Industrial Relations Legislation on Working Families in the ACT, dated 2 October 2007, including a dissenting report (*Mrs Burke*), together with a copy of the relevant minutes of proceedings—

and, by leave, moved—That the report be authorised for publication.

Question—put and passed.

Mr Gentleman moved—That the report be noted.

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

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

Question—put.

The Assembly voted—

AYES, 7		NOES, 6	
Mr Barr	Mr Hargreaves	Mrs Dunne	Mr Smyth
Mr Berry	Ms MacDonald	Dr Foskey	Mr Stefaniak
Mr Corbell	Ms Porter	Mr Pratt	
Mr Gentleman		Mr Seselja	

And so it was resolved in the affirmative.

Mrs Dunne was therefore suspended at 12.10 p.m. for 3 sitting hours in accordance with standing order 204, and she accordingly withdrew from the Chamber.

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.

4 QUESTIONS

Questions without notice being asked—

Paper: Mrs Burke, by leave, presented the following paper:

Doctor shortages—The frustrating process of trying to get a third doctor.

Questions continued.

5 PRESENTATION OF PAPERS

The Speaker presented the following papers:

Study trip—Report by Mr Seselja MLA—Liberal Party Federal Council 2007 and the Menzies Research Centre State Policy Conference—1 to 3 June 2007.

Travel report—Non-Executive Members—Sixth Assembly, up to and including 30 September 2007.

6 PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS—PAPERS AND STATEMENT BY MINISTER

Mr Stanhope (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Contract variations:

John Raymond Paget, dated 10 September 2007.

Philip Dorling, dated 13 September 2007.

Stuart William Friend, dated 11 September 2007.

Short-term contracts:

David Matthews, dated 4 September 2007.

David Snell, dated 17 September 2007.

Edith Margaret Hunt, dated 25 September 2007.

Elizabeth Joan Trickett, dated 14 September 2007.

Howard Douglas Wren, dated 4 September 2007.

James Arapeta Kiwi, dated 12 September 2007.

Kathleen Dorothy Goth, dated 12 September 2007.

Robyn Mary Hardy, dated 28 August 2007—

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

7 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER

Mr Stanhope (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the ACT Planning and Land Authority, including a statement of reasons, dated 20 September 2007—

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

8 PRESENTATION OF PAPER

Mr Stanhope (Treasurer) presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—ACTEW Corporation Limited—Annual Report 2006-2007.

9 PROPOSED TOBACCO CONTROL MEASURES—PAPER AND STATEMENT BY MINISTER

Mr Corbell (Acting Minister for Health) presented the following paper:

Proposed tobacco control measures—

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

10 PRESENTATION OF PAPERS

Mr Corbell (Attorney-General) presented the following papers:

Administration of Justice—ACT Criminal Justice—Statistical Profile—June quarter 2007.

Electoral Act, pursuant to section 54—ACT Legislative Assembly Electoral Boundaries Redistribution 2007—Redistribution Report, dated 31 August 2007.

11 PRESENTATION OF PAPERS

Mr Corbell (Manager of Government Business) presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Diseases Act—Animal Diseases (Exotic Disease Quarantine Area) Declaration 2007 (No. 3)—Disallowable Instrument DI2007-227 (LR, 27 September 2007).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-25 (LR, 17 September 2007).

Dangerous Substances Act—Dangerous Substances (General) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-23 (LR, 6 September 2007).

Environment Protection Act—Environment Protection Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-24 (LR, 10 September 2007).

Land (Planning and Environment) Act—Land (Planning and Environment) Criteria for Direct Grant Lease to Community Organisation (Educational Establishment—Forde) Amendment Determination 2007 (No. 1)—Disallowable Instrument DI2007-226 (LR, 4 October 2007).

Pest Plants and Animals Act—Pest Plants and Animals (Pest Plants) Declaration 2007 (No. 1)—Disallowable Instrument DI2007-228 (LR, 2 October 2007).

Radiation Protection Act—Radiation Protection (Fees) Determination 2007 (No. 1)—Disallowable Instrument DI2007-224 (LR, 20 September 2007).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No. 3)—Disallowable Instrument DI2007-225 (LR, 21 September 2007).

Road Transport (Third-Party Insurance) Amendment Regulation 2007 (No. 1)—Subordinate Law SL2007-26 (LR, 13 September 2007).

12 HOSPITAL EMERGENCY DEPARTMENTS—TREATMENT TIMES—STATEMENT BY MINISTER

Mr Corbell (Acting Minister for Health), by leave, made a statement correcting an answer to a question without notice on 27 September 2007 concerning treatment times in hospital emergency departments.

13 CANBERRA SOCIAL PLAN—PROGRESS REPORT—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Stanhope (Chief Minister), by leave, made a ministerial statement concerning the progress of the Canberra Social Plan and presented the following papers:

The Canberra Social Plan—

2007 Progress Report—“Building our Community”—Ministerial statement, 16 October 2007.

Progress Report—June 2007—

and moved—That the Assembly takes note of the papers.

Debate adjourned (Dr Foskey) and the resumption of the debate made an order of the day for the next sitting.

14 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—PUBLIC HOSPITAL SYSTEM

The Assembly was informed that Mrs Burke, Mrs Dunne, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak (Leader of the Opposition) had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Mulcahy be submitted to the Assembly, namely, “The state of the public hospital system in the ACT.”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

15 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS

Mr Smyth moved—That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the report of the Select Committee on Working Families being called on forthwith.

Question—put and passed, with the concurrence of an absolute majority.

Mr Corbell (Manager of Government Business) having taken a point of order—

Suspension of standing orders moved—Vote to be called again: Mr Corbell moved—That so much of the standing orders be suspended as would prevent the vote from being called again.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Seselja
Mr Corbell	Ms Porter	Dr Foskey	Mr Smyth
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

The Deputy 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.

16 WORKING FAMILIES IN THE AUSTRALIAN CAPITAL TERRITORY—SELECT COMMITTEE—REPORT—IMPACT OF COMMONWEALTH INDUSTRIAL RELATIONS LEGISLATION ON WORKING FAMILIES IN THE A.C.T.—MOTION TO TAKE NOTE OF REPORT

The order of the day having been read for the resumption of the debate on the motion of Mr Gentleman—That the report be noted (*see entry 3*)—

Debate resumed.

Leave of absence to Member: Mr Stanhope (Chief Minister) moved—That leave of absence be given to Ms Gallagher (Deputy Chief Minister) for this sitting week.

Question—put and passed.

Debate continued.

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

17 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the 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

Tom Duncan
Clerk of the Legislative Assembly