

1998-99

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 37

WEDNESDAY, 17 FEBRUARY 1999

- 1 The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Mr Cornwell) 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 **PETITIONS**

The Clerk announced that the following Members had lodged petitions for presentation:

Mr Hird and Mr Stefaniak, 2 petitions of similar wording, from 886 and 647 residents, respectively, requesting that the Assembly regard the drug issue as a health issue and locate the proposed drug “shooting room” in a health centre/hospital environment and the needle exchange room and drug referral centre be located in more appropriate locations.

- 3 **OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1999**

Mr Berry, pursuant to notice, presented a Bill for an Act to amend the *Occupational Health and Safety Act 1989*.

Paper: Mr Berry presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Berry moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Humphries - Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

- 4 **DANGEROUS GOODS (AMENDMENT) BILL 1999**

Mr Berry, by leave, presented a Bill for an Act to amend the *Dangerous Goods Act 1975* of the State of New South Wales in its application in the Territory.

Paper: Mr Berry presented an explanatory memorandum to the Bill.

Title read by Clerk.

Mr Berry moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Humphries - Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

- 5 **HEALTH SYSTEM - MANAGEMENT**

Mr Stanhope (Leader of the Opposition), pursuant to notice, moved - That this Assembly, noting:

- (1) the increasing blowout in The Canberra Hospital budget;
- (2) the alarming increase in elective surgery waiting lists;
- (3) the Minister for Health and Community Care's inability to deal positively with staff of The Canberra Hospital;
- (4) the replacement of the Chief Executive Officer of The Canberra Hospital; and
- (5) the Minister for Health and Community Care's interference in the day to day management of The Canberra Hospital;

expresses its grave concern at the inability of the government and the Minister for Health and Community Care to effectively manage the health system.

Mr Stanhope, by leave, was granted an extension of time.

Debate ensued.

Mr Moore (Minister for Health and Community Care), by leave, was granted an extension of time for 15 minutes.

Debate continued.

Ms Tucker moved the following amendment:

Last line, omit "health system", substitute "hospital system".

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 PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS - PAPERS - STATEMENT BY MINISTER

Ms Carnell (Chief Minister) presented the following papers:

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

Linda Webb (long term contract), dated 22 December 1998.

Moiya Ford (long term contract), dated 7 January 1999.

Julie McKinnon (long term contract), dated 9 December 1998.

Megan Smithies (Schedule D contract variation), dated 7 and 8 January 1999.

Shirley Bowen (short term contract), dated 7 January 1999.

Elizabeth Fowler (short term contract), dated 16 December 1998 -

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

8 PRESENTATION OF PAPERS

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

Financial Management Act, pursuant to section 26 - Consolidated financial management reports for the month and financial year to date ending 30 November 1998 and 31 December 1998.

Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3) - Canberra Tourism and Events Corporation - Quarterly report for July to September 1998.

Cultural Facilities Corporation Act, pursuant to subsection 29 (3) - Cultural Facilities Corporation - Quarterly report for July to September 1998.

Ministerial Travel Reports for July - September 1998 and October - December 1998.

Remuneration Tribunal Act, pursuant to section 12 - Determination No. 42, including Statement No. 42, relating to travel allowance entitlements for persons holding certain full-time and part-time public offices in the ACT, dated 24 December 1998.

9 HEALTH SYSTEM - MANAGEMENT

The order of the day having been read on the resumption of debate on the motion of Mr Stanhope (Leader of the Opposition) - That this Assembly, noting:

- (1) the increasing blowout in The Canberra Hospital budget;
- (2) the alarming increase in elective surgery waiting lists;
- (3) the Minister for Health and Community Care's inability to deal positively with staff of The Canberra Hospital;
- (4) the replacement of the Chief Executive Officer of The Canberra Hospital; and
- (5) the Minister for Health and Community Care's interference in the day to day management of The Canberra Hospital;

expresses its grave concern at the inability of the government and the Minister for Health and Community Care to effectively manage the health system -

and on the amendment moved by Ms Tucker: Last line, omit "health system", substitute "hospital system" -

Debate resumed.

Ms Carnell (Chief Minister), by leave, was granted an extension of time.

Ms Carnell, by leave, was granted a further extension of time.

Mr Berry, by leave, was granted an extension of time.

Mr Berry, by leave, was granted a further extension of time.

Mr Humphries (Attorney-General), by leave, was granted an extension of time.

Debate continued.

Ms Tucker, by leave, again addressed the Assembly.

Question - That Ms Tucker's amendment be agreed to - put and passed.

Mr Smyth (Minister for Urban Services), by leave, moved the following amendment: Omit all words after "noting" substitute:

- “(i) the need to contain the finances of The Canberra Hospital to the hospital's budget;
- (ii) the need to ensure that waiting times for elective surgery are kept as low as possible;
- (iii) the need for the Minister for Health and Community Care to deal positively with staff at The Canberra Hospital;
- (iv) the appointment of a new Chief Executive Officer of The Canberra Hospital, and the measures recently instituted to address the Hospital's budget overrun projections;
- (v) the need for the Minister for Health and Community Care to maintain firm oversight of the management of The Canberra Hospital;

expresses its insistence that the Government effectively manage the hospital system by ensuring that the services provided for in the annual Purchase Agreement are delivered, and delivered within budget.”.

Debate continued.

Mr Kaine moved the following amendment to Mr Smyth's proposed amendment:

Omit “provided for in the annual Purchase Agreement”, substitute “required by the community”.

Debate continued.

Mr Osborne addressing the Assembly -

Adjournment negated: It being 5 p.m. - The question was proposed - That the Assembly do now adjourn.

Mr Humphries (Manager of Government Business) requiring the question to be put forthwith without debate -

Question - put and negated.

Debate continued.

Question - That Mr Kaine's amendment to Mr Smyth's proposed amendment be agreed to - put and passed.

Question - That Mr Smyth's amendment, as amended, be agreed to - put.

The Assembly voted -

Ayes, 7		Noes, 8	
Ms Carnell	Mr Smyth	Mr Berry	Mr Stanhope
Mr Cornwell	Mr Stefaniak	Mr Hargreaves	Ms Tucker
Mr Humphries		Mr Kaine	Mr Wood
Mr Moore		Mr Osborne	
Mr Rugendyke		Mr Quinlan	

And so it was negated.

Question - That the motion, as amended by Ms Tucker's amendment, be agreed to - proposed.

Ordered - That the question be divided.

Question - That paragraph (1) be agreed to - put.

The Assembly voted -

Ayes, 8		Noes, 7	
Mr Berry	Mr Stanhope	Ms Carnell	Mr Smyth
Mr Hargreaves	Ms Tucker	Mr Cornwell	Mr Stefaniak
Mr Kaine	Mr Wood	Mr Humphries	
Mr Osborne		Mr Moore	
Mr Quinlan		Mr Rugendyke	

And so it was resolved in the affirmative.

Paragraph (2) agreed to.

Paragraph (3) agreed to.

Paragraph (4) agreed to.

Paragraph (5) negated.

Question - That the remaining words be agreed to - put.

The Assembly voted -

Ayes, 8		Noes, 7	
Mr Berry	Mr Stanhope	Ms Carnell	Mr Smyth
Mr Hargreaves	Ms Tucker	Mr Cornwell	Mr Stefaniak

Mr Kaine
Mr Osborne
Mr Quinlan

Mr Wood

Mr Humphries
Mr Moore
Mr Rugendyke

And so it was resolved in the affirmative.

Question - That the motion, as amended, viz:

That this Assembly, noting:

- (1) the increasing blowout in The Canberra Hospital budget;
- (2) the alarming increase in elective surgery waiting lists;
- (3) the Minister for Health and Community Care's inability to deal positively with staff of The Canberra Hospital; and
- (4) the replacement of the Chief Executive Officer of The Canberra Hospital;

expresses its grave concern at the inability of the government and the Minister for Health and Community Care to effectively manage the hospital system. -

be agreed to - put and passed.

10 SUSPENSION OF STANDING AND TEMPORARY ORDERS - CONSIDERATION OF PRIVATE MEMBERS' BUSINESS

Mr Humphries (Manager of Government Business) moved - That so much of the standing and temporary orders be suspended as would prevent the order of the day No. 2, private Members' business, relating to the Territory Owned Corporations (Amendment) Bill (No. 2) 1998 being called on forthwith.

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

11 TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL (NO. 2) 1998

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.

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

12 POSTPONEMENT OF ORDER OF THE DAY

Ordered - That order of the day No. 1, private Members' business, relating to the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1998 be postponed until a later hour this day.

13 CHILDREN'S SERVICES (AMENDMENT) BILL 1998

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.

Mr Moore (Minister for Health and Community Care) moved - That the debate be adjourned.

Question - put and negatived.

Debate continued.

Mr Humphries (Attorney-General), by leave, again addressed the Assembly.

Debate continued.

Question - That this Bill be agreed to in principle - put and passed.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

On the motion of Mr Osborne the following amendment was made: Page 2, line 10, proposed section 20, add the following subsection:

“(3) A magistrate shall be designated to be the Childrens Court Magistrate for a period of not less than 3 years.”.

On the motion of Mr Osborne the following amendment was made: Page 2, line 10, after proposed section 20 insert the following section:

“20AA. Deputy Childrens Court Magistrate

‘(1) The Chief Magistrate shall, by instrument, designate a magistrate (other than the Childrens Court Magistrate) to be the Deputy Childrens Court Magistrate.

‘(2) An instrument under subsection (1) may designate the Chief Magistrate to be the Deputy Childrens Court Magistrate.

‘(3) Where a person is designated under subsection (1)—

- (a) a reference in a law of the Territory (including this Act) to the Childrens Court Magistrate includes a reference to that person; and
- (b) that person has all the powers, functions and duties conferred or imposed upon the Childrens Court Magistrate by this Act or by any other law of the Territory.’.”.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

Question - That the Bill, as amended, be agreed to - proposed.

Mr Osborne, by leave, addressed the Assembly.

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

14 ADJOURNMENT

Mr Humphries (Manager of Government Business) moved - That the Assembly do now adjourn.

Question - put and passed.

And then the Assembly, at 6.23 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting, except Mr Hird.

M.J. McRAE
Clerk of the Legislative Assembly