2004

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 1

SIXTH ASSEMBLY

THURSDAY, 4 NOVEMBER 2004

The Legislative Assembly for the Australian Capital Territory convened at 2.00 p.m. in the Legislative Assembly Chamber, Canberra on Thursday, 4 November 2004.

1 On which day, being the first day of the meeting of the Sixth Assembly for the despatch of business pursuant to a Notice of the Speaker, Thomas Duncan, Clerk of the Legislative Assembly, Maximilian Michael Kiermaier, Deputy Clerk and Serjeant-at-Arms and Janice Margaret Rafferty, Clerk Assistant, 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 SIXTH LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Pursuant to subsection 17(2) of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth), I, Wayne Bruce Berry, Speaker of the Legislative Assembly for the Australian Capital Territory, do by this Notice convene the first meeting of the Sixth Legislative Assembly for the Australian Capital Territory at 2.00 p.m. on Thursday, 4 November 2004, in the Chamber of the Legislative Assembly, Canberra, in the Australian Capital Territory.

Dated 29 October 2004

WAYNE BRUCE BERRY
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 Terence John Higgins, 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 NOTIFICATION OF CANDIDATES ELECTED

The Clerk laid on the Table the instrument, dated 29 October 2004, notifying the names of candidates elected to the Legislative Assembly for the Australian Capital Territory at the general election held on 16 October 2004, which showed that the following had been elected:

Electorate of Brindabella:
- Brendan Smyth
- John Hargreaves
- Karin MacDonald
- Mick Gentleman
- Steve Pratt

Electorate of Ginninderra:
- Jon Stanhope
- Bill Stefaniak
- Vicki Dunne
- Wayne Berry
- Mary Porter

Electorate of Molonglo:
- Katy Gallagher
- Ted Quinlan
- Simon Corbell
- Deb Foskey
- Richard Mulcahy
- Jacqui Burke
- Zed Seselja

4 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 Higgins, retired.

5 ELECTION OF SPEAKER

Ms MacDonald, addressing herself 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 Stefaniak proposed Mr Smyth to the Assembly as Chief Minister, and moved—That Mr Smyth 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 Smyth—7 votes

Mr Stanhope was declared elected as Chief Minister.

Mr Stanhope (Chief Minister), by leave, made a statement concerning his election as Chief Minister.

7 LEADER OF THE OPPOSITION—CONSENT—STATEMENT BY MEMBER

Mr Smyth gave his consent to his appointment as Leader of the Opposition and, by leave, made a statement concerning his appointment.

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

Dr Foskey, by leave, informed the Assembly that she would be sitting in the Assembly as a member of the ACT Greens and made a statement.

9 ELECTION OF DEPUTY SPEAKER

Mr Stefaniak proposed Mr Pratt to the Assembly as Deputy Speaker, and moved—That Mr Pratt be elected Deputy Speaker.

Mr Pratt informed the Assembly that he accepted the nomination.

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

Mr Pratt was declared elected as Deputy Speaker.

10 PRESENTATION OF PAPER

The Speaker presented the following paper:

Auditor-General Act—Auditor-General’s Report—


11 PRESENTATION OF PAPER

Mr Stanhope (Chief Minister) presented the following paper:

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers.
12 PRESENTATION OF PAPERS

Mr Stanhope (Chief Minister) presented the following papers:

Performance reports

Financial Management Act, pursuant to section 30A—Quarterly departmental performance reports for the September quarter 2004-2005 for the following departments or agencies:

- ACT Health.
- Attorney-General’s Portfolio within Department of Justice and Community Safety.
- Chief Minister’s, dated October 2004.
- Disability, Housing and Community Services, dated October 2004.
- Economic Development, Business and Tourism and Sport Portfolios within the Chief Minister’s Department, dated October 2004.
- Environment Portfolio within Urban Services.
- Planning Portfolio within ACT Planning and Land Authority.
- Planning Portfolio within Urban Services.
- Police and Emergency Services’ Portfolio within Department of Justice and Community Safety.
- Urban Services Portfolio.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act—


Building Act 1972 (repealed) and Building Act 2004—


Gene Technology (GM Crop Moratorium) Act—


Land (Planning and Environment) Act—


Land (Planning and Environment) ACT Heritage Council (Members) Appointment 2004 (No. 1)—Disallowable Instrument DI2004-250 (LR, 27 October 2004).

Land (Planning and Environment) Amendment Regulations 2004 (No. 2)—Subordinate Law SL2004-43 (LR, 8 September 2004).

Land (Planning and Environment) (Fees) Determination 2004 (No. 4)—Disallowable Instrument DI2004-228 (without explanatory statement) (LR, 16 September 2004).

Land (Planning and Environment) Regulations—


Land (Planning and Environment) (Remission of Change of Use Charge) Policy Direction 2004 (No. 1)—Disallowable Instrument DI2004-209 (LR, 8 September 2004).

Land (Planning and Environment) (Remission of Change of Use Charge) Policy Direction 2004 (No. 2)—Disallowable Instrument DI2004-210 (LR, 8 September 2004).

Legal Aid Act—Legal Aid (Commissioner (Law Society Nominee)) Appointment 2004—Disallowable Instrument DI2004-244 (LR, 7 October 2004).

Legislative Assembly (Members’ Staff) Act—


Long Service Leave (Building and Construction Industry) Act—


Long Service Leave (Contract Cleaning Industry) Act –


Magistrates Court Act—


Nature Conservation Act –


Occupational Health and Safety Act—


Public Place Names Act—

Public Place Names (Belconnen) Determination 2004 (No. 1)—Disallowable Instrument DI2004-216 (LR, 9 September 2004).

Public Place Names (Greenway) Determination 2004 (No. 2)—Disallowable Instrument DI2004-217 (LR, 9 September 2004).


Rehabilitation of Offenders (Interim) Act –


Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2004 (No. 3)—Disallowable Instrument DI2004-227 (LR, 16 September 2004).

Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2004 (No. 4)—Disallowable Instrument DI2004-236 (LR, 23 September 2004).

Residential Tenancies Act—


Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 9)—Disallowable Instrument DI2004-208 (LR, 8 September 2004).


Road Transport (General) (Fees) Determination 2004 (No. 2)—Disallowable Instrument DI2004-186 (LR, 26 August 2004).


University of Canberra Act—


University of Canberra Council Appointment 2004 (No. 5)—Disallowable Instrument DI2004-197 (LR, 30 August 2004).


Utilities Act—


Workers Compensation Supplementation Fund Act—


13 DAYS AND TIMES OF NEXT MEETINGS

Mr Stanhope (Chief Minister) moved—That the Assembly, at its rising, adjourn until 10.30 a.m. on Tuesday, 7 December 2004 and fix Wednesday, 8 December 2004 and Thursday, 9 December 2004 as sitting days of the Assembly, commencing at 10.30 a.m. 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 2.55 p.m., adjourned until Tuesday, 7 December at 10.30 a.m.
MEMBERS’ ATTENDANCE: All Members were present at some time during the sitting.

T Duncan
Clerk of the Legislative Assembly