

2004

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 3

WEDNESDAY, 8 DECEMBER 2004

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 **GAMING MACHINE AMENDMENT BILL 2004 (NO. 4)**

Mr Stefaniak, pursuant to notice, presented a Bill for an Act to amend the *Gaming Machine Act 2004*.

Title read by Clerk.

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

Debate adjourned (Mr Quinlan—Minister for Economic Development) and the resumption of the debate made an order of the day for the next sitting.

3 **ATTORNEY-GENERAL AND CORONIAL PROCESS**

Mr Stefaniak, pursuant to notice, moved—That this Assembly directs the Attorney-General to:

- (1) instruct the lawyers representing the Attorney-General and the ACT Government to discontinue the appeal against Coroner Doogan in the ACT Supreme Court; and
- (2) affirm his and his Government's confidence in the coronial process.

Mr Stefaniak sought leave for an extension of time.

Objection being raised, leave not granted.

Suspension of standing orders moved—Extension of time: Mr Stefaniak moved—That so much of the standing orders be suspended as would prevent him being granted an extension of time.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7

NOES, 8

Mrs Burke	Mr Pratt	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Ms Gallagher	Ms Porter
Dr Foskey	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Mulcahy		Mr Hargreaves	Mr Stanhope

And so it was negatived.

Mr Smyth (Leader of the Opposition) addressing the Assembly—

The Speaker ruled that the matters raised by Mr Smyth were sub-judice.

Dissent from Speaker's ruling moved: Mr Stefaniak, by leave, moved—That the Speaker's ruling be dissented from.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 7

NOES, 10

Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negatived.

Debate continued.

Mrs Dunne addressing the Assembly—

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 were asked.

5 PORTFOLIO RESPONSIBILITIES—MINISTER FOR HEALTH—MINISTERIAL STATEMENT

Mr Corbell (Minister for Health), by leave, made a ministerial statement concerning his portfolio responsibilities.

6 PORTFOLIO RESPONSIBILITIES—MINISTER FOR PLANNING—MINISTERIAL STATEMENT

Mr Corbell (Minister for Planning), by leave, made a ministerial statement concerning his portfolio responsibilities.

7 ATTORNEY-GENERAL AND CORONIAL PROCESS

The order of the day having been read for the resumption of the debate on the motion of Mr Stefaniak—That this Assembly directs the Attorney-General to:

- (1) instruct the lawyers representing the Attorney-General and the ACT Government to discontinue the appeal against Coroner Doogan in the ACT Supreme Court; and
- (2) affirm his and his Government's confidence in the coronial process—

Debate resumed.

Question—put.

The Assembly voted—

AYES, 7

NOES, 10

Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negatived.

8 ATTORNEY-GENERAL—PROPOSED MOTION OF WANT OF CONFIDENCE

Mr Stefaniak, by leave, moved—That this Assembly expresses a lack of confidence in the Attorney-General.

Debate ensued.

Closure: Mr Corbell (Manager of Government Business) moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 10

NOES, 7

Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

And the question—That Mr Stefaniak's motion be agreed to—being accordingly put—

The Assembly voted—

AYES, 7

NOES, 10

Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

And so it was negatived.

9 EUREKA STOCKADE—150TH ANNIVERSARY

Mr Gentleman, pursuant to notice, moved—That this Assembly:

- (1) congratulates the Stanhope Labor Government on its initiative to fly the Eureka flag over Canberra to mark the 150th anniversary of the Eureka Stockade;
- (2) recognises the significance of the events of Eureka to the development of Australian democracy and the enduring relevance of discussion and debate about the foundations and process of our democracy;
- (3) expresses its disappointment with the Federal Government's lack of willingness to engage with the ongoing debate about such a significant point in Australian history; and
- (4) calls for the ACT Government to ensure the continuing future commemoration of the Eureka Stockade in the ACT with the introduction of a calendar note from 2004.

Mr Gentleman addressing the Assembly—

10 ADJOURNMENT

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

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

Question—put.

The Assembly voted—

AYES, 10

NOES, 7

Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

And so it was resolved in the affirmative.

Ms Gallagher (Minister for Education and Training) addressing the Assembly—

Statement by Speaker—Adjournment: The Speaker informed the Assembly that, as the motion to adjourn the Assembly had not been negatived, the Assembly had, by its actions, adjourned.

And then the Assembly, at 6.04 p.m. adjourned until tomorrow at 10.30 a.m.

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

Tom Duncan
Clerk of the Legislative Assembly