

2004–2005

LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MINUTES OF PROCEEDINGS

No. 29

WEDNESDAY, 17 AUGUST 2005

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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 **CIVIL LAW (WRONGS) AMENDMENT BILL 2005**

Mrs Dunne, pursuant to notice, presented a Bill for an Act to amend the *Civil Law (Wrongs) Act 2002*.

*Paper:* Mrs Dunne presented an explanatory statement to the Bill.

Title read by Clerk.

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

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

3 **THE CANBERRA PLAN**

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

- (1) notes the Government's:
  - (a) commitment to the future of Canberra through the introduction of the Canberra Plan; and
  - (b) progress with implementation of the Plan; and
- (2) commends the Government for its demonstrated commitment to the future of Canberra.

Debate ensued.

Question—put and passed.

4 **CANBERRA 2003 BUSHFIRES—CORONIAL INQUEST—APPEALS**

Mr Stefaniak, pursuant to notice, moved—That this Assembly calls on the Attorney-General to rule out:

- (1) initiating or joining any further appeals against the Coronial Inquest into the 2003 bushfires; and

- (2) the Territory funding the legal costs of any further appeals against the Coronial Inquest into the 2003 bushfires that may be taken by individuals.

Debate ensued.

Mr Stanhope (Attorney-General) moved the following amendment: Omit all words after “That this Assembly”, substitute “notes:

- (1) that yesterday (16 August 2005), the Attorney-General publicly announced that the Government would not appeal against the Supreme Court ruling on its application to have the Coroner disqualified from the bushfire inquest;
- (2) that the Government has not received any request from individuals who were parties to that application for funding an appeal; and
- (3) the long held principle under which the ACT Government has provided financial support for those of its officers who have become involved in legal action by virtue of their employment.”.

Debate continued.

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.

## 5 QUESTIONS

Questions without notice were asked.

## 6 CANBERRA 2003 BUSHFIRES—CORONIAL INQUEST—APPEALS

The order of the day having been read for the resumption of the debate on the motion of Mr Stefaniak, and on the amendment moved by Mr Stanhope (Attorney-General) (*see* [Entry 4](#))—

Debate resumed.

Mr Seselja moved the following amendment to Mr Stanhope’s proposed amendment: Add “and calls on the Attorney-General to table, by the close of business on Thursday, 18 August 2005, any legal advice relevant to his decision to join action to disqualify the Coroner from her inquiry, taken in the Supreme Court, and any subsequent advice following the outcome of that action.”.

Debate continued.

Question—That Mr Seselja’s amendment to Mr Stanhope’s proposed amendment be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 9	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Ms Gallagher	Mr Quinlan
Mr Mulcahy		Mr Gentleman	Mr Stanhope
Mr Pratt		Mr Hargreaves	

And so it was negatived.

Question—That Mr Stanhope’s amendment be agreed to—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.

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) that yesterday (16 August 2005), the Attorney-General publicly announced that the Government would not appeal against the Supreme Court ruling on its application to have the Coroner disqualified from the bushfire inquest;
- (2) that the Government has not received any request from individuals who were parties to that application for funding an appeal; and
- (3) the long held principle under which the ACT Government has provided financial support for those of its officers who have become involved in legal action by virtue of their employment.”—

be agreed to—put and passed.

## **7 CIVIC CENTRE AND CITY HILL—DEVELOPMENT**

Dr Foskey, pursuant to notice, moved—That, in regard to the future development of Civic Centre, including City Hill, this Assembly:

- (1) welcomes the enthusiasm and vision of the various frameworks for development that are now in the public arena;
- (2) calls for the public debate on the issue to encompass the broader plans of the National Capital Authority and existing agreements such as the City West Masterplan;
- (3) recognises the need to build in broad community and industry acceptance to any plans of this magnitude; and
- (4) calls on the ACT Government to ensure:
  - (a) the major planning decisions are informed by a community values exercise that incorporates the perspectives of the full range of stakeholders, consistent with the Chief Minister’s Department consultation protocol; and
  - (b) any taskforce or development body set up to manage the process includes community, business, Territory and Federal Government representatives, and provides advice to the Government which is open and transparent.

Debate ensued.

Question—put and passed.

**8 CANBERRA THEATRE CENTRE—CONTRIBUTION TO CANBERRA'S CULTURAL COMMUNITY**

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

- (1) recognises the outstanding contribution of the Canberra Theatre centre to the vitality of Canberra's cultural community; and
- (2) congratulates the Canberra Theatre on 40 years of servicing Canberrans as the principal arts venue of the Territory.

Debate ensued.

Question—put and passed.

**9 ADJOURNMENT**

Mr Quinlan (Treasurer) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 5.36 p.m., adjourned until tomorrow at 10.30 a.m.

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

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**Tom Duncan**  
Clerk of the Legislative Assembly