



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 June 1991

Friday, 21 June 1991

Resignation of Leader of the Opposition	2255
Election of Leader of the Opposition	2255
Administrative arrangements (Ministerial statement)	2271
Questions without notice:	
Lyons Primary School	2273
Commonwealth funding	2274
Tuggeranong bus interchange	2275
Australian Labor Party National President	2276
Euthanasia	2276
Tuggeranong swimming pool	2277
Corporatisation	2278
Criminal injuries compensation	2280
School reopenings	2280
Director of Public Prosecutions	2282
Dog control	2282
Public works projects	2283
Auditor-General - Report No 5 of 1991	2284
Cultural Activities and Facilities - select committee	2284
Subordinate legislation	2284
Government's direction (Ministerial statement)	2285
Premiers Conference outcome and outlook for 1991-92 budget (Ministerial statement)	2295
Parliamentary process (Matter of public importance)	2298
Legal Affairs - standing committee	2313
Planning Development and Infrastructure - standing committee	2314
Standing and select committees	2315
Suspension of sitting	2319
Election of Leader of the Opposition - second ballot	2319
Discharge of orders of the day	2321
Days of meeting	2324
Leave of absence to member	2325
Suspension of standing and temporary orders	2325
Rates and Land Tax (Amendment) Bill 1991	2325
Rates and Land Tax (Amendment) Bill (No 2) 1991	2325
Suspension of standing and temporary orders	2337
Leader of the opposition - amendment of standing orders	2343
Police Offences (Amendment) Bill 1991	2376
Adjournment:	
Labor and Liberal parties	2377
Speakership	2378

21 June 1991

Friday, 21 June 1991

MR SPEAKER (Mr Prowse) took the chair at 2.30 pm and read the prayer.

RESIGNATION OF LEADER OF THE OPPOSITION

MR SPEAKER: Members, I wish to advise that today I have received from Mr Kaine a letter as follows:

The Speaker,

I tender my resignation as Leader of the Opposition, effective from today.

ELECTION OF LEADER OF THE OPPOSITION

MR SPEAKER: Is it the wish of the Assembly to proceed with the election of a Leader of the Opposition?

There being no objection, I call for nominations.

MR STEFANIAK: Mr Speaker, I nominate Gary Humphries. I move:

That Mr Humphries be elected Leader of the Opposition.

MR COLLAERY: Mr Speaker, I nominate Craig Duby. I move:

That Mr Duby be elected Leader of the Opposition.

MR SPEAKER: Is there any further proposal?

Mr Collaery: Mr Speaker, I understand that the standing orders allow for debate on this.

MR SPEAKER: Yes. I would just like to state, at this stage, that there are no further proposals. Please proceed, Mr Collaery.

MR COLLAERY (2.31): Mr Speaker, I seek leave to table a document entitled "Self-Government Reform Group Charter", which will reflect the workings on this side of the house for the future course of this Assembly.

Mr Wood: Which side is that?

MR COLLAERY: You are going to hear about that.

Leave granted.

MR COLLAERY: Mr Speaker, I have tabled in this Assembly a charter of reform movements that reflects a desire by a group in this Assembly to ensure that reforms are pursued, where necessary, by a motion in the Assembly calling upon the Commonwealth Parliament to pass relevant laws to produce relevant reforms. Mr Speaker, that will be spoken to at length later today, I assume. The document has been tabled for the information of members. It will reflect the reasons why Mr DUBY is being nominated by this group for Leader of the Opposition.

Mr Wood: His reform is to do away with us.

MR COLLAERY: You said it.

MR SPEAKER: There being more than one candidate proposed for election as Leader of the Opposition, we will now proceed to a ballot.

Mr Moore: I take a point of order, Mr Speaker. I am just curious to know why the Leader of the Opposition is not sitting in the seat of the Leader of the Opposition.

Mr Wood: He has resigned.

Mr Moore: Oh, indeed. I must get here earlier next time.

MR SPEAKER: Order! I would point out to members that there is no seat allocated to the Leader of the Opposition; there are seats allocated to party members. We will proceed with the ballot.

A ballot having been taken -

MR SPEAKER: Members, the result of that ballot is: Mr DUBY, six votes; Mr HUMPHRIES, six votes. Therefore, under the standing orders, a fresh ballot will be taken.

A second ballot having been taken -

MR SPEAKER: Members, the result of the second ballot is: Mr DUBY, six votes; Mr HUMPHRIES, five votes. I hereby declare Mr DUBY voted in as Leader of the Opposition.

MR DUBY (Leader of the Opposition): Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR DUBY: I would like to endorse the vote of the Assembly in electing me to the office of Leader of the Opposition. I would like to say from the outset that I am here because the concept of the office of Leader of the Opposition in this Assembly is, in my view, a foolish one. There are 12 non-government members in this Assembly, and it is clear that in those 12 there are five groups. It clearly is ludicrous for any one member on this side of the Assembly

21 June 1991

to speak on behalf of all non-government members as Leader of the Opposition. Accordingly, I shall eschew that title and would like to refer to myself as an opposition coordinator or a coordinator of the non-government parties.

With regard to the staffing arrangements and the ancillary benefits which go with the position or office of Leader of the Opposition, I also state that those resources shall be distributed equitably amongst all non-government members of this Assembly. In other words, we shall not have what I think is the foolish state where one party, namely, the Liberal Party, would have had access to a vast range of resources which would not have been available to other non-government members of this Assembly.

Mr Connolly: What about the salary?

MR DUBY: In relation to salary, that is a matter which will be addressed later, although I am pleased to say that, in my view, the salary certainly will not accrue to me.

MR HUMPHRIES: Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR HUMPHRIES: Mr Speaker, I think that the decision of the Assembly today, if it can be called a decision, is regrettable in the extreme.

Mr Collaery: It was a democratic vote.

MR HUMPHRIES: No, it was not a democratic vote, Mr Speaker. There has not been a democratic vote on this matter. There has been an election at which one candidate has secured sufficient votes to become elected as Opposition Leader, and yet has announced his intention not, in effect, to serve in that position. In my view, Mr Speaker, that is not a democratic vote of the Assembly.

We have effectively abolished the position of Leader of the Opposition, with five members of the Assembly not voting on that subject. A motion should have been put to the Assembly, with all members of the Assembly voting on that motion, to decide whether that was an appropriate course of action to take. That has not been done. It is inappropriate for that to have been done in that fashion. I think that the important role that an Opposition Leader plays in this as in other parliaments has been lost if this matter proceeds unchanged.

I might read briefly, Mr Speaker, from *House of Representatives Practice*, which has something to say on this subject. I quote from page 119:

A Leader of the Opposition is an essential figure in parliamentary government. In most English-speaking countries he receives a salary in addition to his salary as a private member.

It goes on to talk about the salary differences between the Leader of the Opposition and other members. It then says:

His responsibility is not equal to that of the Prime Minister but it is a responsibility to his Party, to the country which he informs and which he aspires to lead. His entertainment expenses ...

That is not relevant in this situation either. It goes on to say:

An effective Opposition is essential for the proper functioning of a democracy. Its Leader has possibly the most difficult job in the Parliament. A Minister must, of course, be thoroughly conversant with the details of Bills or other matters which affect his own department, but the advice and resources of the departmental staff are constantly at his call. The Leader of the Opposition has to make himself master of all the business which comes before the House ...; he has to do this at times at short notice and under constant pressure; and he gets no help from permanent officials. At all times he is the spokesman for those who are critical of or opposed to the Government, and he must be unceasingly vigilant and active. He and the Prime Minister should be the most powerful agents in guiding and forming public opinion on issues of policy.

Mr Speaker, that position, that role, is no less important in this Assembly than it is anywhere else. It is a matter of grave regret to me and to my party, and I suspect to others in this place, that this shabby deal has been done here today on the floor of the Assembly, which results in that important position being lost to the people of the ACT.

An Opposition Leader is not part of the trimmings and the trappings of an assembly, or any parliament for that matter, merely for the sake of giving somebody else additional salary and additional staff. It is part of the process of keeping a government on its toes, keeping a government under proper scrutiny. To abolish that position, I think, Mr Speaker, is another damning nail in the coffin of this particular Assembly.

I remind members, Mr Speaker, that an opinion poll was published only a few weeks ago and the person who has been elected Opposition Leader received a minute proportion of the support of the citizens of the ACT. My party, the Liberal Party, received 30 per cent of the support of those people in that opinion poll. It is a travesty of this Assembly that a person with such an appalling amount of support, a person who may well not be elected to this

21 June 1991

Assembly at the next election, should now stand here as the Opposition Leader, the head of the alternative government, the man who would be the next Chief Minister of the Territory.

Mr Speaker, I am appalled. I hope that this decision is reversed. It is regrettable, and it is a sad day for this Assembly.

MR COLLAERY: Mr Speaker, I seek leave to make a statement.

Leave granted.

MR COLLAERY: Mr Speaker, Mr Humphries neglected to read a little earlier at page 119 of *House of Representatives Practice*, where it says:

The House took no official cognisance in its records of the appointment of a Leader of the Opposition prior to 1920 ... In 1920 the office was ... recognised for the purposes of the payment of an allowance. Since then the status of the office has continued to rise -

as has, in diametric proportion, the opinion of the public of parliament.

Mr Speaker, the Australian Capital Territory (Self-Government) Act made no provision for a Leader of the Opposition. That Act was drafted after years of arduous parliamentary research, both in Australia and abroad, and legal parliamentary advising. It is incomprehensible to suggest that the office of Leader of the Opposition was overlooked in the drafting of the Act. It was clearly anticipated that in a small unicameral legislature like ours there would be a high proportion of Independents, as indeed the vote eventually showed.

In that circumstance, Mr Speaker, it is the height of arrogance for Mr Humphries to suggest that he has a born right to the choice today simply because he has a higher number of majority votes out there in the population for his party. Mr Speaker, does that always mean that a group of Independents cannot get together, as they have today, and seek to have these reforms instituted?

Mr Wood: You could not do it in government; why could you do it now?

MR COLLAERY: Mr Speaker, we will move a motion to nullify standing orders 5A and 5B, which were drafted in the first hours of this Assembly, at Mr Whalan's instructions, and which created this position which has caused such discord in this small Assembly. It is unnecessary, Mr Speaker, for this Assembly to talk about the alternative Prime Minister. The magisterial tone of Mr Humphries' comments does not reflect the far less colourful and less pomp and splendour of this house. This is a house of the people of the ACT,

for about 300,000 inhabitants of a city-state. For Mr Humphries to quote noble precedent stemming from the House of Representatives, selectively, as it was done, Mr Speaker, did very little to bring this debate forward.

Mr Speaker, I think all of us on this end of the Assembly take objection to what Mr Humphries said about a shabby deal. Was it a shabby deal, I ask you, Mr Speaker, when the members of the Liberal Party in recent days made a demand to the Government for support for the offices of Speaker and Deputy Speaker and the chairs of three committees of the Assembly, knowing that, with the support of Labor, which to the great credit of the Labor Party it did not lend in that number - - -

Mr Berry: They call that a breach of confidence, Bernard.

MR COLLAERY: No. That would have produced an overwhelming preponderance of Liberal Party chairs and all of the other - - -

Ms Follett: What about your list of demands?

MR COLLAERY: Interestingly, although it is not relevant to us in terms of money, as you have heard Mr DUBY state, all of the paid positions were grabbed by the Liberal Party. That was a shabby arrangement, Mr Speaker. So, I applaud the result today. I believe that it will ill behove our Assembly to start a personal attack on Mr DUBY, who has been courageous enough to take the sponsorship of this motion and to explain, with the rest of us, why it has been done.

MR BERRY (Deputy Chief Minister): I seek leave to make a statement, Mr Speaker.

Leave granted.

MR BERRY: It falls to me to make a statement because for many days I have been involved in negotiations and discussions with all other members of the Assembly about delivering some sort of stable arrangements for the operations of this Assembly. All members or their representatives have been included in that process. The thing that angers me most about what Mr Collaery has just said about those negotiations is the blatant breach of confidence which he committed by announcing the very important elements of discussions between the parties. I must say that they were discussions which I had indicated to him were of a confidential nature because it is important that sensitive issues be dealt with sensitively - not in an opportunistic way, which has been the case now.

I also say, Mr Speaker, that in all of the days and hours of negotiations that have taken place there has not been one mention of this cabal. At all times I have tried to be an honest broker about the issues and concerns of other members of this Assembly who have an interest in presenting

21 June 1991

this Assembly in a positive way. It seems to me that blatant self-interest and spitefulness are more prominent in the philosophy of the cabal opposite than anything else.

Mr Speaker, I also have to talk about the list of demands that was served and made public by the Residents Rally. I have to say that if it had not been made public by the Residents Rally I would not be commenting on it. I refer to their so-called blueprint for stable government. We all saw the 24 demands that were set out in that document. I have to say, Mr Speaker, that they were an outrageous list of demands on any political grouping in order to secure a position of power for the Residents Rally. I am pleased to say that there are no specific agreements by Labor in government to any of those demands.

We have acknowledged our agreement in principle to many of the issues raised, none of which included the Opposition Leader. I have to say, Mr Speaker - I am not sure that it was a confidence, but I hope I am forgiven for this breach - that Mr Collaery informed the then Leader of the Opposition that the position of Leader of the Opposition was a matter for negotiation in the lead-up to a change of government. In other words, Mr Collaery, Kennett-like in his approach, was threatening Rosemary Follett's position, which she then held, as part of the negotiations. He informed us that the Liberals had already agreed to do away with the position of Leader of the Opposition. This is the style of the person who says that he supports stable government.

Mr Speaker, if anything is necessary now, it is an election. We need it now; we need it quickly. This madness cannot be allowed to obtain in this place. If it does, it is nothing but bad for the Territory.

MR KAINE: Mr Speaker, as I was Leader of the Opposition on two occasions, I seek leave to make a statement on this matter.

Leave granted.

MR KAINE: Mr Speaker, it is a matter of some concern and regret to me, first of all, that the leader of the Liberal Party in this house has failed to gain the confidence of the house in terms of being the Leader of the Opposition. I think it is a travesty, quite frankly, that there will in future be only two major parties in this place and that they, as in other parliamentary bodies in Australia, will determine who is the government and who is the opposition. Now, after a period of eight months, or, with good luck, if Mr Berry's comments come to fruition, at some earlier time, the matter of who is in control of this Assembly will be determined not by the members sitting in this place but by the electorate out there. The events that have taken place this afternoon must be a matter of grave concern, not only to me but also to the electorate.

Having said that, I first of all must refute a proposition that was put as an aside from the cross benches down here that the previous Government had made some agreement with the Residents Rally about doing away with the position of Leader of the Opposition. I was the Chief Minister at the time, Mr Speaker, and there was no such agreement between the Liberal Party and the Residents Rally on that or any other issue. We were in the process of negotiations. We thought we were in the process of negotiations with the Rally, who, at the same time, were in negotiations with the Labor Party, as they always are, and they never, at any stage, came back to us with any comment on any of the matters that we put to them. In other words, negotiation was a one-way street: "We give you our recipe for 'the restoration of stable government'.". They were in no way interested in what the Liberal Party had to say on any one of those issues.

So, I totally refute the proposition that we, in any way, agreed to eliminate the position of Leader of the Opposition, or that we, in any way, agreed to any of the other propositions put to us by the Residents Rally at the time. That is why, presumably, they went to the Labor Party. That is why, in the end, they pulled the rug out from under the Liberal-Independents Group minority government of seven in favour of a Labor minority government of five. They saw some benefit for themselves in changing their allegiance at the time. I would be interested to know - - -

Mr Collaery: You sacked us.

MR KAINE: I sacked you as a Minister; you took the rest of the decisions yourself, Mr Collaery. You were sacked from the ministry for good cause; so do not try to defend yourself here on that matter. I will debate that matter with you at any time you like, at any forum, at any length, and you will lose the debate.

Mr Speaker, all of that having been said, this Assembly, in its unique, whimsical, democratic way has now elected Mr DUBY as the Leader of the Opposition. I think that I should make a comment about that. Despite Mr DUBY's entrance into this Assembly, I have to say to you that, during the time of my Government, Mr DUBY was one of my best performers as a Minister. He has demonstrated himself to be a man of integrity. He has set aside his original opposition to the concept of self-government, has accepted the reality of it and, in my view, has made a major contribution to good government in this Territory over a period of about 18 months. I have no doubt, Mr Speaker, that as Leader of the Opposition he will continue to do the same thing. I think that it is a pity that the whimsicality of some members of this Assembly has caused Mr DUBY to be elected to the position, but I have no doubt that he will take the position seriously and that he will serve the interests of the members of the Opposition properly and well in that regard.

21 June 1991

I use the word "whimsical", Mr Speaker, because for 2 years now this Assembly has been struggling to establish some integrity, to establish itself as a new political entity and to get on with the business of government; and for 2 years certain people in this Assembly have been quite whimsical in their approach. They have switched their allegiance at their convenience. They have often done it without any logicity and without any explanation as to why they have done it. To the extent that the word "farce" continues to be used in the media and elsewhere in connection with this place, you can count on one hand the number of people who are responsible for it - and, Mr Speaker, they sit on the cross benches.

I think that it is time for that matter to be put on the record. I think that it places a great obligation on our new Chief Minister, on the leader of the Liberal Party and, under the circumstances, on the Leader of the Opposition, to continue to demonstrate, to the best of their ability, that this is a place of some integrity; that it is a place that is serious about creating and establishing good government for the Territory. That is their task. That is their task until such time as there is another election to sort out this nonsense and to get in this place some people who can join with those of us who are serious about self-government and about creating a proper and respected self-governing body in this Territory with some integrity.

MR STEVENSON: I seek leave to make a statement.

Leave granted.

Mr Berry: Just say that we should abolish it and sit down, Dennis.

MR STEVENSON: I do not need to say that, Mr Berry; you said it for me. It is something that everybody in here knows full well. Mr Speaker, what everybody knows full well also is that the position of Leader of the Opposition has never been that in action. It is simply something that was determined between the two major parties; it was never placed in the enactment for self-government. It was done along the principle of the two-party machine control of parliaments in Australia.

Perhaps I can throw a little light on how the Opposition Leader or the Opposition worked in this Assembly. I have made the point again and again that I am not in opposition to anything per se, apart from self-government. As for the general rule of being the Opposition, it is a nonsense. Recently I spoke in this Assembly and I made the point that different people have different abilities and they should be used on behalf of the people of the ACT, not in attacking the people that have control of the numbers in this Assembly. That is what the people of the ACT want.

But, once again, the people of the ACT were given no thought in the various chats that have been going on in this Assembly for some time. They are never given the slightest thought whatsoever. It is purely a political decision, and it is mainly between the two parties - the Liberal Party and the ALP - for they feel that they are supposedly born to rule. They are the people who have the throne between them.

Let us look at the statement that Mr Humphries made. He talked about the Opposition Leader and said that he has a responsibility to his party, and a very interesting point he made as well: Responsibility not to the people of his electorate, not to the people of the members who are supposedly in opposition, but to his party. Indeed, when he said it, it was quite true. He does have a responsibility to his party. But that excludes other people. It excludes minority parties and it excludes Independents, and this is proven again and again.

There has only ever been one occasion in the life of this Assembly when the Opposition met as a group, be it an opposition supposedly led by Rosemary Follett or an opposition supposedly led by Trevor Kaine. Prior to the first no-confidence motion in the Labor Government there was a meeting between all 12 non-Labor people in this Assembly. That is the only one there has ever been. Any suggestion by any member of the Liberal Party or any member of the Labor Party that there was a workable opposition in this place is truly a farce, and the people know it.

At that meeting there were two agreements made. I made one of them and kept it. The other was not kept. So, even the result of that historic single meeting - the only time when all 12 so-called non-government people met - was not too good on behalf of the people of the ACT. Needless to say, the agreement that I made was on behalf not of myself but of the people of the ACT.

We know full well that in this Assembly there was no provision for a Leader of the Opposition. Mr Humphries mentioned that this position is essential for the proper functioning of parliament. That is not true. The Leader of the Opposition position was essential for the proper functioning of two-party machine control of decisions made that affect all people in Canberra. Everybody here knows it, though we know full well that the truth will not be told by those people who are involved in two-party machine control. The proof has just been given.

Perhaps we should remember that in the Constitution of Australia the word "party" was never mentioned. It should not surprise most people that an elected representative of an electorate should represent his electorate, not some clique in a party group and not some majority party, major party coalition or anything else. He should legally, morally and constitutionally represent the majority expressed will of the people, and we have not seen that.

21 June 1991

Mr Speaker, the Leader of the Opposition has never been anything other than the leader of the Labor Party or the leader of the Liberal Party. The number of times that I was consulted on matters in this Assembly by the leader of either of those parties when they were in what is called Opposition could be counted on the left-hand side of the fingers of one hand.

Mr Connolly: You were elected on one issue - abolition.

MR STEVENSON: Not only abolition. I also mentioned that if that was not possible I would introduce the democratic principle of voters' veto. Indeed, I give notice now that at our next sitting I will table a Bill whereby the people of the ACT - be this a council, as the majority of people in this electorate want, or this self-government body, until it goes - will have an opportunity to veto the more obnoxious actions of members of this Assembly or of the council.

Mr Humphries: We will not support it.

MR STEVENSON: You will not support it?

Mr Humphries: No.

MR STEVENSON: Well, it is interesting that Mr Humphries states that he would not support a voters' veto Bill to give the people of this community a say. I must say that it does not surprise me. I tell people what I have written on my card about how they can introduce the voters' veto Bill in the ACT. What it says is: "Light a fire under your politicians' seat; watch them move when they feel the heat".

Mr Humphries: That will get you re-elected for sure.

MR STEVENSON: Indeed. When enough heat is introduced to the members opposite, make no mistake; they will approve the voters' veto. I agree with you that there would have to be a lot of heat, Gary; that is the one thing we agree on. The Liberal Party, if there is any representation from Gary Humphries at this time, have already stated that they do not care about the people having a valid say in this Assembly. I wonder what the people of Canberra think about that, particularly understanding that in 1987 the Federal Liberal Party agreed to introduce citizens initiated referenda, only one part of which was the voters' veto. I am going for the little bit. But the Federal Liberal Party agreed to introduce citizens initiated referenda in Australia.

As I have mentioned earlier, the Labor Party had, since its founding in the 1890s, a major objective of citizens referenda. It was not until 1963 that, at the instigation of Don Dunstan, it was removed, I believe along the lines of the idea that the people would not be able to understand

the legislation and should not be given a say in what happens to them. The Democrats have fought strongly. There are many things I do not necessarily agree with from the Democrat party; however, I have to commend them for fighting long and hard to introduce the right of citizens to actually have a say in how they are governed through citizens referenda. The National Party took it on board federally. Is there anybody left?

Let me tell you; the Independent movements sweeping this nation again and again have as a major policy the introduction of citizens initiated referenda to a country where we no longer have a democracy. We have a tyranny between two parties who feel that they are born to rule. Regardless of what happens in this Assembly, regardless of the fact that they have less than 38 per cent of the principal vote between them, they are determined to maintain control of the Assembly. They are determined to maintain control of the Assembly through the use of such things as a Leader of the Opposition, pretending that there are only two groups and that there should be only two groups.

I commend Mr DUBY for being prepared to stand as he has and give the money back to the people of the ACT - make no mistake - for his Leader of the Opposition position. He will give it back and I commend him for it. Also, he is perfectly happy to operate out of the offices he already has. He does not want larger offices as the Leader of the Opposition. It is something that is not before time; it is one of the best decisions made in this Assembly. I commend the people who did it.

MR STEFANIAK: Mr Speaker, I seek leave to make a statement.

Leave granted.

MR STEFANIAK: Mr Speaker, unfortunately this again just shows what a farce at times this first Assembly has become. There might be some merit in this if in fact this Assembly were a council.

Mr Stevenson: It will not be long.

MR STEFANIAK: Dennis, I appreciate that probably most people in the community would prefer a council; but for obvious reasons, which we have gone into ad infinitum, the Federal Government has not given us a council because it does not want to spend on the ACT the money it used to. I cannot realistically see how we could go back to a pure council form of government.

I am not going to go into questions of Mr DUBY's competence or otherwise. I, too, served as a member of a government with Mr DUBY and have a high regard for his competence.

21 June 1991

That is not the question. The question is whether he should have been party to this deal, hatched, I think, in the devious, furtive mind of Bernard Collaery, and put himself forward as a Leader of the Opposition.

Mr Collaery: I take a point of order.

MR SPEAKER: Order! Mr Stefaniak, I would ask you to withdraw those last few words.

MR STEFANIAK: What would you like me to withdraw, Mr Speaker?

MR SPEAKER: Deceptive and furtive mind.

Mr Collaery: Devious.

MR STEFANIAK: I do not think I said "devious". I think I said "deceptive and furtive". If that offends the house, I will withdraw that, Mr Speaker.

MR SPEAKER: Thank you, Mr Stefaniak.

Mr Berry: It does not offend me.

MR STEFANIAK: I am sure it does not, Wayne.

I do not think that Mr DUBY should have been party to this. This is another scheme of Mr Collaery's. Mr Collaery, of course, did not purport to be an alderman when he pranced around the countryside representing the Alliance Government as a Minister. He purported to be a Minister. He loved being Attorney-General. Now he would have us believe that he wants to go back to some council type of arrangement. He has now produced this blueprint for the future. But I think, as Mr Kaine said, that this is probably just another question of sour grapes on Mr Collaery's part.

Mr Collaery, of course, has never quite got over being kicked out of the Alliance Government, as the then Chief Minister most properly did. He has not forgiven the Liberal Party for that action. Accordingly, he torpedoed that Government on 6 June, and here he is having another snipe at the Liberal Party. I think it is just a case of pure spite.

This is a parliament. Whether it should or should not be a parliament is not in question; the fact of the matter is that it is. It sends Ministers around the countryside to represent the ACT at ministerial meetings; it attends the Premiers Conference; and accordingly, as is the convention with the Federal Parliament and the State parliaments, it has a Chief Minister and it has a Leader of the Opposition, and most properly so.

I would remind Mr Stevenson that the Federal Constitution does not provide for a Prime Minister and it does not provide for a Leader of the Opposition. Indeed, it does

not even provide for parties. Yet, that is the system; that is the convention; that is the convention within the Australian parliamentary system; and this Assembly is, rightly or wrongly, Dennis, no different. Accordingly, the leader of the majority party in opposition - and that is the Liberal Party, with five members - should, by convention, and indeed, because of that, by right, be the Leader of the Opposition.

Mr Collaery: But we formed a group. We are the majority.

MR STEFANIAK: I do not know whether Mr Collaery really knows whether he is coming or going. Is he in opposition? He stated, I think, ad infinitum, on various occasions, that he is sitting on the cross benches. Is that opposition? No; I think the convention has clearly been breached here, Mr Speaker. We have seen yet another regrettable farce along the road to the ACT becoming a truly self-governing community, and I really think something should be done to rectify this rather sad situation.

MR JENSEN: Mr Speaker, I seek leave to move a motion to formally abolish the position of Leader of the Opposition from the standing and temporary orders.

Leave not granted.

MR JENSEN: In that case, Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR JENSEN: Mr Speaker, it is unfortunate that the two groups, the Labor Party and the Liberal Party, have not seen fit to remove from the standing orders a position that was put into the standing orders, even despite the fact that the majority of the Assembly at the time was not a government majority.

There was, in fact, a minority government established, and the position of Leader of the Opposition was, as my colleague Mr Collaery said, not put into the self-government Act; nor was it put into the standing orders. It was added at the insistence, and with the numbers, of the two major parties - the Liberal and Labor parties.

That shows that both major parties are not prepared to accept the fact that this is an Assembly that does not have two major groupings. It is made up of at least three or four groupings. I think it is about time, Mr Speaker, that the members of the duopoly - for that is what they are - woke up to the fact that the Independents around this country are gaining further and further credence, because effectively - - -

Mrs Nolan: They lost ground in New South Wales.

21 June 1991

Mr Stefaniak: Not in Canberra, because of you lot.

MR SPEAKER: Order!

MR JENSEN: It is very interesting, Mr Speaker, that the people on my left here should say, "Oh, but they had problems". It is very interesting because a group of Independents are holding the balance of power in the New South Wales Parliament. It is a group of Independents - - -

Mr Wood: A much smaller group.

MR JENSEN: It does not matter; a group of Independents are actually holding the balance of power in the Tasmanian Parliament.

The concepts and ideas that have been put before you, the members of this house, today by my colleague Mr Collaery have not come just from the minds of Mr Collaery, me and others. They are based on the charter of reform that was provided to the New South Wales Government by the Independents groups within the New South Wales Parliament. I would refer members, for their edification, to an article in the Tuesday, 18 June 1991, edition of the Australian headed, "Charter of Independents offers voters a good deal". That is where these concepts and ideas came from.

We in the Residents Rally believe, as we always have done, that it is important for the local community to have a say in the arrangement of the political structure; not, Mr Speaker, to have agendas outside the ACT, as the two major parties and, to a certain degree, the Democrats have. A group like the Residents Rally, for example, owes no allegiance to anybody outside the ACT. We have responsibility, complete responsibility, to the people of the ACT.

I would like, Mr Speaker, to comment on just a couple of points that were made by Mr Kaine, the ex-leader of the - - -

Mr Wood: It is a further change of direction.

MR JENSEN: Mr Wood said, "It is a change of direction".

Mr Wood: A further change of direction.

MR JENSEN: Certainly it is a further change of direction. I would think, Mr Wood, that maybe not only this parliament but also other parliaments around Australia should seek to provide a greater opportunity for the total community to have a say in their parliament. The constraints of the cabinet system basically keep the people out of the system. We in the Rally, Mr Speaker, have always argued for an improvement and upgrading of the committee system. In fact, later on this afternoon I propose to make some comments on that; so I will not go into that now.

Before I close, Mr Speaker, I would like to make a couple of comments in relation to some matters that Mr Kaine raised. Mr Kaine indicated that the Rally had been sacked, but it chose to leave the Alliance. Let me put clearly on the record what actually happened. In the joint party room on the Tuesday evening the issue of whether or not we, the Rally, were prepared to support the final variations for the changes to the school sites was discussed. We indicated to all the members of the joint party room at that time that if they chose to proceed down that path we were not prepared to support them. We gave Mr Kaine, the leader of the government at the time, the opportunity to reconsider the course that he was taking. However, Mr Speaker, Mr Kaine chose not to do that.

As the bells were ringing before we came into the house on the day of the no-confidence motion, my colleague Mr Collaery was handed a letter, as I have already indicated, not by Mr Kaine, not even by a member of his personal staff but by a person from the cabinet office. That letter reads:

Dear Deputy Chief Minister

A meeting of the Liberal and Independents Group members of the Government resolved today that they could no longer rely on the members of the Residents Rally to support decisions of the Joint Party Room or the Executive.

Accordingly, they resolved that:

- a. The Accord is no longer viable and is therefore terminated, and
- b. That members of the Residents Rally be no longer members of the Government.

I am now advising you that pursuant to subsection 41(3) of the Australian Capital Territory (Self-Government) Act 1988 you are dismissed from office as a Minister from the time of your receipt of this letter.

I seek leave, Mr Speaker, to table that letter.

Leave granted.

MR JENSEN: There is just another small point. During the discussions that we had with both the Labor and the Liberal parties at that particular time, Mr Speaker, we had a discussion in the Chief Minister's office. Present were myself - - -

Mrs Nolan: Some members of the Liberal Party.

21 June 1991

MR JENSEN: Okay, I will get to that. Mr Collaery, Mr Duby and I were present; so also were Mr Humphries and Mr Kaine. At that particular meeting it was agreed to provide us, Mr Speaker - I am sorry; that was the day before the motion of no confidence in the Chief Minister was presented - with a written response to our submission by 12 o'clock on the day of the no-confidence motion. However, Mr Speaker, we never received those written comments. They were not provided to us.

Mr Collaery: They took a dive.

MR JENSEN: Well, that is interesting. Mr Speaker, I would also like to put another proposition in relation to the position of Leader of the Opposition. It is true that Mr Kaine indicated to us that they would not move a motion to abolish the position of Leader of the Opposition but if it was moved they would support it. That is what they said to us and that was the message that we passed to Ms Follett and Mr Berry. It is important to get those couple of points - that is what I said, Rosemary - quite clearly on the table so that everyone knows for sure what happened during some of those discussions.

We never sought any written agreement from the Labor Party in discussions that we had. Nor did we seek a written agreement from the Liberal Party; they indicated to us that they were prepared to provide us with some written comments. However, Mr Speaker, they were not prepared in that discussion to change their views in relation to the school sites and a number of other issues that we put in the blueprint for stable government.

Those, Mr Speaker, are the points that I think it is very important to get on the record. I will be making some other comments later on today in relation to improvements to our committee system along the lines of the document that my colleague Mr Collaery tabled earlier.

ADMINISTRATIVE ARRANGEMENTS **Ministerial Statement and Paper**

MS FOLLETT (Chief Minister and Treasurer), by leave: Mr Speaker, I will make a brief statement about the administrative arrangements which will apply to my Government. On 7 June I announced the portfolio responsibilities for the new Labor Government. I signed detailed administrative arrangements on Tuesday, to take effect from 1 July 1991.

The date of effect was chosen to avoid complicated financial arrangements for the remainder of this financial year, and until that time I have authorised Ministers to act on my behalf in respect of the matters covered in their portfolios. I have allocated ministerial functions in a way that will encourage stable government and minimise disruption in the ACT Government Service.

I decided to avoid any unnecessary changes to departments or to administrative units, to ensure that the business of government progresses as smoothly as possible. The ACT Labor Government believes that it is of prime importance to ensure that services continue to be delivered with the minimum of disruption. The allocation of functions will allow maximum opportunity for ministerial attention to be brought to bear on the major problem areas facing the Government, and it will also eliminate some areas of duplication.

Mr Speaker, the ministerial portfolios are as follows: Mr Berry is Deputy Chief Minister, manager of government business, Minister for Health and Minister for Sport. He is also responsible for industrial relations in his capacity as Deputy Chief Minister. Mr Wood is Minister for Education and the Arts and Minister for the Environment, Land and Planning. Mr Connolly is Attorney-General, Minister for Housing and Community Services and Minister for Urban Services. I am the Chief Minister and Treasurer.

Mr Speaker, there were some changes to portfolios and departments that I did consider to be unavoidable. I have created the Department of Health and the Department of Education and the Arts out of the former Ministry for Health, Education and the Arts. This change was long overdue. It allows Mr Berry as Minister for Health to concentrate on this important area. By creating a Department of Education and the Arts it has been possible to collocate primary and secondary education with TAFE, the Vocational Training Authority and the accreditation agency. Clearly, education in the ACT can only benefit from this change.

I have separated the Attorney-General's Department and renamed it to recognise our true status in legal matters. The title, Attorney-General's Department, describes those responsibilities more accurately than did the former Government Law Office. I also considered that youth affairs would benefit from a whole of government focus and, accordingly, I have transferred this function to my department.

The Tourism Commission has been transferred into my department. The economic development of the ACT and its region will be enhanced by a closer working relationship with the tourism industry. Finally, I decided to amalgamate sporting functions in the Department of the Environment, Land and Planning and have them report to Mr Berry. To bring sports management, grants and facilities together was long overdue, and I think that the ACT sports industry can only benefit from this move.

21 June 1991

Mr Speaker, I commend these administrative arrangements to the Assembly. They demonstrate our commitment to stable government and will allow Ministers to honour the commitments that I have given about schools, hospitals and the leasehold system. For the information of members, I table the following paper:

ACT *Gazette*, No. S51, 18 June 1991 -
The Second Follett Ministry
Administrative Arrangements.

QUESTIONS WITHOUT NOTICE

Lyons Primary School

MR MOORE: I have a question for Mr Bill Wood, as Minister for Education. Minister, in the light of the recent news that Mr Peter Croker is well enough to return to work and that his reappointment as principal of Lyons Primary School will (a) cause the least disruption, (b) minimise the expense, and (c) be the fairest and most equitable treatment for a man who has not been treated well by the education department, will you assure this house that you will take the responsibility to reappoint him as the principal of Lyons Primary School?

MR WOOD: Mr Moore, it is not directly my responsibility to make appointments of staff and, indeed, there are some dangers if Ministers do become so involved. Nevertheless, I recognise the community expectation that Mr Croker will be returning from leave to take up that appointment. I am not sure what the precise position is - whether, in fact, he has remained principal of a school that has been closed for some six months. It may be that there is a simple reversion to that former position. There may be other complications. I do acknowledge the expectation in that community that a fine principal will be returned. But let me restate that, while that may be the community's expectation and perhaps mine, it is not for me - certainly at this stage - to determine.

MR MOORE: I have a supplementary question, Mr Speaker. Mr Wood, because of the issues that I raised in terms of expense and disruption and fairness and equity, will you do all within your power and within your normal responsibility to ensure that Mr Croker will be reappointed?

MR WOOD: Mr Moore, you know that I have a very sincere interest in this. I have a great concern that the reopened school functions well. Let me simply say that you are aware of my interest in this, and I will closely follow what transpires.

Commonwealth Funding

MR KAINE: I would like to direct a question to the Chief Minister and Treasurer. Mr Speaker, on the front page of the *Canberra Times* I saw a nice photograph of the Chief Minister and Treasurer sitting in the corridor outside Mr Kerin's office. Is that indicative of the response that you got from Mr Kerin? If not, can you tell us what specific commitment, if any, Mr Kerin gave to increasing the revenue to the Territory from the Commonwealth in the coming fiscal year?

MS FOLLETT: I thank Mr Kaine for the question. Mr Speaker, I will be asking leave to make a statement on this matter later on this afternoon; but, perhaps, so that Mr Kaine does not go entirely without an answer, I can say that I did, indeed, see Mr Kerin yesterday afternoon, and I had a number of purposes in doing that. The first was really to lodge a protest at the outcome of the Premiers Conference for the ACT. It was an historic outcome in terms of Premiers Conferences as it saw the ACT's money cut, and that was the first time that any small State or Territory had, in fact, suffered a cut in its money. I believe that that requires an adjustment in the ACT's budget that is quite unfair; that is much more brutal an adjustment than I thought would be fair at this stage of our transition to self-government.

I also raised with Mr Kerin a number of other issues to do with the financial arrangements between the ACT and the Commonwealth. Just briefly, those matters related to the ACT forests - I am sure that Mr Kaine knows that the Commonwealth has put in, in my view, a quite unwarranted bid for the ACT to pay for the transfer of those forests - and also to some land that the Commonwealth is asking the ACT to pay for, land which, in fact, was handed over before self-government. I also addressed the general question of the ACT's use of its major asset, namely, its land, and some of the restrictions upon our freedom to deal with that land that are imposed by the National Capital Planning Authority.

It would be quite wrong of me, I think, to say to members that there is any scope for optimism in Mr Kerin's response. The faces may change; the answers from Federal Treasurers tend to remain pretty much the same. Nevertheless, Mr Kerin did agree that there could be some further negotiation on the transitional arrangements. He did give me a very good hearing, which I was pleased to see, and, to put it bluntly, he has not heard the last of me. I will be pursuing those matters.

MR KAINE: I have a supplementary question, Mr Speaker. That was a long and comprehensive answer, but you did not answer the question. Can I safely assume that, unlike Mr Field who was very successful when he went to the Commonwealth Treasurer, in fact, you have had no commitment of any kind from Mr Kerin to supplement our financing at this stage?

21 June 1991

MS FOLLETT: No, and I am not finished with him yet, either, Mr Kaine. Last time when I was in government, if you recall, I did eventually get \$7m from Mr Keating out of our transitional trust account; but, it is early days in the negotiations yet and I will keep trying.

Tuggeranong Bus Interchange

MR JENSEN: Mr Speaker, my question is directed to Mr Connolly, in his capacity as Minister for Urban Services. In view of the Minister's previously stated concern about the delays in the opening of the Tuggeranong bus interchange, can the Minister advise the Assembly when he proposes to open the interchange?

MR CONNOLLY: I thank Mr Jensen for his question. Unlike the former Government, which seemed to suggest that there was no problem with the Tuggeranong bus interchange, this Government has acknowledged that there is a safety aspect there. Yesterday morning I had constructive negotiations with officers of ACTION and the Transport Workers Union. There is general agreement that there is a problem. We are now looking for a way to resolve it. I confidently expect that that problem will be resolved fairly quickly at a reasonable or minimal cost to the ACT taxpayer - demonstrating again, Mr Speaker, that Labor governments working constructively with the trade union movement can find solutions to problems, rather than ensuring deadlocks.

MR JENSEN: I have a supplementary question, Mr Speaker. In view of Mr Connolly's previously stated comments, that the changes required may cost approximately \$250,000, is the figure that he is expecting to pay anywhere near that figure?

MR CONNOLLY: That figure was always the outside limit for totally rebuilding the bus station. As I say, negotiations are proceeding on a range of options and I am sure that, given a constructive and cooperative relationship between the Australian Labor Party Government, the Trades and Labour Council and the Transport Workers Union in this Territory, we will come up with a most satisfactory solution.

I would say, however, that, whereas the previous Government had been aware of this problem and had done nothing over six months, I have been in the position for somewhat under two weeks and so far have achieved constructive negotiations. I think that is not bad going, Mr Speaker.

Australian Labor Party National President

MR HUMPHRIES: Mr Speaker, my question is to the Chief Minister. Will the Chief Minister scotch rumours that she is considering standing for the position of National President of the Australian Labor Party? Will she concede that in the present circumstances her time is better spent leading her minority Government and dealing with the ACT's pressing financial and other problems?

MS FOLLETT: I think the question is probably out of order, Mr Speaker; but I am happy to answer it, nevertheless. I love these rumours. Unfortunately, I have to say that they are only rumours and, in fact, I have not been approached to stand for the position of National President of the Australian Labor Party. Nevertheless, I think that there is a great deal to be said for the sort of publicity that I have had out of it so far, given that it has taken absolutely no effort on my part and has all been based purely on speculation. I particularly liked the Canberra Times article which indicated that my candidacy would be welcomed by most groups in the Labor Party, but it was quite obvious that I would be too busy to take on the job.

Mr Speaker, that is my personal view of it; but I can only say, in order to answer Mr Humphries, that I have not been approached to stand. As a rule, in the Labor Party, it is not so much a matter of what the party can do for us, but what we can do for the party. If I were to be approached in a serious way to stand for a position, obviously I would have to consider it. I have not been approached and I do not believe that I will be approached; and, if I were, I believe that there are better candidates.

Euthanasia

DR KINLOCH: Mr Speaker, my question is to Mr Connolly, as Attorney-General. It is on the subject of euthanasia. Does the Attorney agree that this controversial matter should not proceed without very careful analysis? Would the Minister consider recommending that one of our committees - may I suggest the Social Policy Committee - should take on the matter in order to investigate it and in due time report to the Assembly, or would the Minister refer this matter to one of our committees concerned with legislation?

MR CONNOLLY: I thank Dr Kinloch for his question. As Dr Kinloch would be aware, at the weekend the 1991 Annual Conference of the ACT Branch of the Australian Labor Party passed a resolution which inserts a proposal for euthanasia into the platform of this party. He may be aware, as an historian and student of politics, that the platform of the Labor Party commits the direction of a government, but the implementation of the platform is a decision for government.

21 June 1991

The Government has made no decision yet on how it may implement that; but I did say at the weekend, in response to media inquiries, that, given the obviously sensitive nature of such a proposal - although noting that natural death legislation has been enacted in Victoria and has proved non-controversial and is on the verge of being introduced in South Australia - any moves to progress this matter would be done with the most complete process of consultation. That may involve an Assembly committee, or may involve the Community Law Reform Committee which we had previously, in opposition, commended as an appropriate method of dealing with such matters. So, I can assure Dr Kinloch that there would be no attempt to force such a measure through; there would be full consultation with the community at any stage.

Tuggeranong Swimming Pool

MR DUBY: Mr Speaker, my question is also addressed to Mr Connolly - I think it should go to Mr Connolly, anyway - and it relates to the Tuggeranong swimming pool facilities.

Mr Berry: That is me.

MR DUBY: Mr Berry, is it? In that case, I would like to know whether the Government has continued to convene the community consultative council on swimming facilities in Tuggeranong that I established, or has it now decided to abandon that council, given Mr Berry's announcement that the Tuggeranong pool would not proceed as originally planned?

MR CONNOLLY: I ask Mr Berry - - -

MR SPEAKER: Do you wish to defer to Mr Berry?

MR CONNOLLY: I defer to Mr Berry, under our administrative arrangements.

MR BERRY: I thank the Leader of the Opposition - who has indicated that he will not do his job - for the question. There have been, of course, some media reports about Labor's position on the Tuggeranong pool. Our recent conference endorsed a motion that Labor would support a pool in the Tuggeranong Valley - a municipal-style pool owned by the Government - and that the Government would look at that in terms of its budgetary priorities.

We, of course, have noted the promise that was made by the earlier Government - the Alliance Government. We have, of course, questioned its ability to deliver in the context of a socially just budget.

Mr DUBY: We had it all fixed.

MR BERRY: Mr DUBY interjects, "We had it all fixed". We have seen what Mr DUBY fixes up, and it is mostly himself. The issue of the pool, of course, is one that the Government, as I have said, will deal with in the budgetary context. As far as the community consultation body which he mentioned goes, I have not formed a view on the future of that committee, one way or the other. It is not under active consideration in any way.

Mr DUBY: So, you do not know whether they are still meeting?

MR BERRY: I am prepared to look at it. If Mr DUBY will cease interjecting, I will tell him what I will do about it. I will look at the position and consult with Mr DUBY on the Government's position on it, in due course.

MR DUBY: I have a supplementary question, Mr Speaker. In his answer, Mr BERRY indicated that the Government was committed to "a municipal-style pool" of some sort. Would Mr BERRY enlighten us as to whether that includes an enclosed pool, or is it an outdoor pool?

MR BERRY: Mr DUBY has selective hearing again. What I said was that the Labor Party's recent conference endorsed a particular position, and it would be considered by the Government in the budgetary context.

Corporatisation

MR STEFANIAK: My question is to the Chief Minister. Chief Minister, is it the case that the corporatisation of ACTEW and the Mitchell Health Services Supply Centre is to be reviewed by a policy committee of the ACT Branch of the Australian Labor Party, as reported in today's *Canberra Times*? Does this not mean that a committee of Labor Party members, which is in no way accountable to the Territory or to the Assembly, will be effectively running this Government's decision making process, at least as far as ACTEW and Mitchell are concerned?

MS FOLLETT: I thank Mr Stefaniak for the question. I can assure him that the Government will be making decisions with regard to ACTEW and with regard to Mitchell; nobody will be making those decisions for us. It is a fact, however, that the ACT Branch of the Australian Labor Party does take a close interest in the welfare of this Territory. Within our thousand members there exists, particularly on our policy committees, a great range of expertise and interest. There is an intention from those policy committees to look at this issue and to form a view on it by September. I think that it is entirely to their credit and to the credit of the Labor Party that we are able to involve rank and file members in that kind of work

21 June 1991

and that they want to do it. I think that, if the Residents Rally or the "No Self Government, Independent, ex-Liberal, and now Leader of the Opposition" party were to have some members of that calibre, then they might be a lot better off.

Mr Speaker, I have stated publicly in regard to the corporatisation question that the former Government never made clear to me or to the community just what were the benefits to the community of their corporatisation proposal. I realise that they were overtaken by events in some ways, because they were due to table the ACTEW legislation and, as history unfolded, they were not able to do so. Nevertheless, I think it is quite appropriate in those circumstances that on a change of government we review what is being done with ACTEW and form our own opinion on what is in the best interests of the ACT.

I am advised that the 1 July deadline that the former Government was working on is not critical; nevertheless, as the Government, we will be looking at that issue as quickly as possible, and we will be forming our views from all sorts of sources. Obviously, those sources will be from ACTEW, from the ACT Government Service, and, of course, we will take into account any views that may be put to us from within our own party policy committee. But, I repeat, the Government will be making the decisions.

MR STEFANIAK: I have a supplementary question. Chief Minister, does this represent a precedent for your Government? Are we to see the ACT branch of your party reviewing other areas of government activity as well?

MS FOLLETT: Mr Speaker, I think I have made the relationship between our party and our Government quite clear; that is, the party is quite free, through any of its organs or through any of its individuals, through any of its branches or any of its policy committees, to review any matter which it wishes to review. And it will do precisely that. We have had a previous question concerning our new policy on euthanasia. Clearly, it is up to the party to establish those kinds of policy issues. Unlike some other parties, we are not governed by a faceless executive, and I do not think we have to look very far to see which parties I refer to.

Mr Speaker, all I can say in answer to Mr Stefaniak is that the Government will be making the decisions. The party will continue with its excellent work in formulating policy and reviewing all of the issues in which it takes an interest.

Criminal Injuries Compensation

MR COLLAERY: My question is to the Attorney, Mr Connolly. I refer the Attorney to the award made on 15 April of this year by the Registrar of the Supreme Court of the sum of \$40,000 to Mrs Gwen Winchester under the Criminal Injuries Compensation Act. The first sum of \$20,000 was in respect of serious emotional damage and mental shock, and the second sum of \$20,000 was in respect of pecuniary loss. I ask the Attorney whether he is aware that the Commissioner for Commonwealth Employees' Compensation has claimed that the latter sum of \$20,000 is to be repaid to the Commonwealth, it being money paid by the Territory? I ask the Attorney: In view of the fact that the registrar of the court accepted that Mrs Winchester had suffered a pecuniary loss of upwards of \$475,000 stemming from her husband's premature death and had received \$120,000 under a death benefit arrangement under the Commonwealth Employees' Rehabilitation and Compensation Act, will he most forcefully take up with the Commonwealth this inhumane and outrageous attempt to take money off this woman?

MR CONNOLLY: Mr Collaery asks an extremely detailed question in relation to an individual matter before the Supreme Court. I would say to Mr Collaery and to any other members that, if they wish a detailed answer from me in future in relation to a detailed issue, I would appreciate advance warning, in which case I could give a detailed answer on the spot. I obviously cannot do so at the moment. I will take Mr Collaery's question on notice and advise the house at its next sitting, or Mr Collaery at an appropriate time beforehand.

School Reopenings

MRS NOLAN: Mr Speaker, my question is to the Chief Minister, in her capacity as Treasurer. Can the Chief Minister inform the house of the total cost of reopening Lyons and Cook primary schools? Will this money be found from within the education budget; if not, where will it come from? Can the Chief Minister inform the house what advice was received from Treasury before a decision was made to reopen the schools?

MS FOLLETT: Mr Speaker, I thank Mrs Nolan for the question. I find it ironical in the extreme that this question should come from a member of the Liberal Party and a member of the former Alliance Government, when, in fact, we repeatedly, for about 18 months, questioned the then Minister for Education on the cost of closing Lyons and Cook schools and we never got an answer.

Mr Speaker, the nearest that we can work out is that the closure of the Lyons Primary School cost some \$1.2m. I believe, therefore, that any reasonable person who looks at the cost of reopening those schools would regard it as very

21 June 1991

good value for the money. I do not have the precise figures with me, but I am aware that the total cost for the two schools to be reopened is in the order of half a million dollars - - -

Mr Wood: And \$100,000 for maintaining staff.

MS FOLLETT: Thank you, Mr Wood. It is \$500,000 plus - in the order of half a million dollars, as I said. Mr Speaker, I regard that as a relatively small price to pay to ensure that the students at Lyons and Cook are able to return to their schools.

Ms Maher: Are you paying for it, or the community?

MS FOLLETT: I believe, Mr Speaker, that the decision taken by the Alliance, of which Ms Maher was such a vocal member, was absolutely reprehensible. It was a decision made without the support of the community; it was a decision made in the face of all advice; it was a decision that had nothing to do with the educational equity of the children at those schools.

I believe that it was the decision to close those schools and the way in which that decision was implemented - that is, without any form of real consultation - that eventually led to the downfall of the Alliance. For that reason, I believe that the significance of this issue cannot be underestimated. We gave an undertaking that we would reopen those schools where it was the wish of the community that we do so. We gave that undertaking in good faith to both Cook and Lyons schools. We will, indeed, be proceeding with that. Mr Wood has announced that the schools will be reopening on 15 July.

Mr Speaker, in reopening the schools, of course, it is very important that the students at other schools are not disrupted, and also that the education budget as a whole is not adversely affected by that decision. And that is our intention. It has not been a decision that has been taken lightly, because of the very difficult budget that is facing the Territory, and I will be speaking about that again later. Nevertheless, it is a promise and undertaking that was made by us and that will be honoured, and that will be honoured across the whole of the budget.

MRS NOLAN: I have a supplementary question. The third part of my question was: Can the Chief Minister inform the house what advice was received from Treasury before a decision was made to reopen the schools?

MS FOLLETT: We did indeed have advice on the costings. I think that about all the advice that we had was on the costings of the reopenings.

Director of Public Prosecutions

MRS GRASSBY: My question is to Mr Connolly, as Attorney-General. What has the new Government done to secure the future of the ACT prosecution services?

MR CONNOLLY: Mr Speaker, I thank Mrs Grassby for her question. I am pleased to advise the house that at a quarter to two this afternoon I was able to announce to the media that Mr Ken Crispin QC has been appointed as the Director of Public Prosecutions for the Australian Capital Territory. This is a matter that has been outstanding for some time and again has been resolved within 10 working days of the Labor Government coming to power.

I did do the appropriate courtesy of advising both the former Attorney, Mr Collaery, and the Liberal Party spokesperson on justice matters, Mr Stefaniak, of Mr Crispin's appointment, before it was announced. I am pleased to say that I believe that Mr Crispin's appointment as Director of Public Prosecutions has the total confidence of every member of this house, which is as it should be.

Dog Control

MR STEVENSON: My question is to Mr Connolly, in his responsibility for urban affairs. Nearly two years ago now, the ALP, in this Assembly, raised the matter of legislation regarding dog control in the ACT. We have surveyed this matter, and it is of grave concern to a lot of people. Could I ask, very simply indeed: What are you going to do about it?

MR CONNOLLY: Mr Speaker, although I am Minister for Urban Services, the Minister for Urban Services is not responsible for dogs. The Minister with responsibility for the environment is responsible for dogs, so I defer to my colleague Mr Wood.

MR WOOD: I think that was well said, because dogs do have quite an impact on the environment. It is clear that the people of Canberra have a great concern about dogs and for dogs, and that is on both sides. The caring dog owners are very interested in the subject, as are people who are affected by dogs who do not have such caring owners. I recall that a communication that Ms Follett sent out to the community - I think to most Canberrans - brought back a very heavy response indicating great concern about uncontrolled dogs.

21 June 1991

A more recent survey, I think by the then Department of Urban Services, also came up with the same indication that people are concerned about dogs. Further to that, you would have seen the recent media publicity about certain breeds of dogs. I am aware that the former Government was proposing some changes to the legislation. As with all the legislation that you people had proposed, this Government is now reviewing that, and my review of the amendments that you had proposed to make to the dog legislation is also part of that. I will be doing that very soon, and would expect to be proceeding with something in this house.

Public Works Projects

MR DUBY: Mr Speaker, my question is also to Mr Connolly, in his capacity as Minister for Urban Services. I refer to the answer given today by Mr Berry which relates to the Tuggeranong pool announcement that, in effect, there are going to be major changes to that proposal. I was wondering: What other public works projects, endorsed and due to proceed in this coming year under the Alliance Government, will now not go ahead, given that you are examining them in terms of the budget context?

MR CONNOLLY: I thank the Leader of the Opposition for his question. Mr Speaker, upon assuming office as Minister for Urban Services, and while administrative arrangements were being sorted out to work out who was finally responsible for the pool, on taking possession of the desk of the Minister for Urban Services, I looked through the bottom drawers for the \$12m to pay for the pool and, of course, it was not there. There is no actual money for that pool.

Like all of the proposals in the forward public works program, it will be examined in the budgetary context. Like my ministerial colleagues, I am going through the process of preparing the budget, and all of the public works projects in the forward projections, prepared under Mr DUBY's administration, are being examined in the budgetary context. I cannot and will not give a case by case run-through of all of those proposed projects.

Ms Follett: Mr Speaker, I ask that further questions be placed on the notice paper.

AUDITOR-GENERAL - REPORT NO. 5 OF 1991
Efficiency Audit - ACT Housing Trust Programs

MR SPEAKER: I table for the information of members the following paper:

Auditor-General's Report No. 5 of 1991 - Efficiency Audit - ACT Housing Trust Programs, dated 14 June 1991.

Motion (by **Mr Berry**), by leave, agreed to:

That the Assembly authorises the publication of the Auditor-General's Report No. 5 of 1991.

Motion (by **Mr Berry**) proposed:

That the Assembly takes note of the paper.

Debate (on motion by **Mr Kaine**) adjourned.

CULTURAL ACTIVITIES AND FACILITIES - SELECT COMMITTEE
Report

MR SPEAKER: I present the following papers, pursuant to the resolution of the Assembly of 6 June 1991:

Cultural Activities and Facilities - Select Committee -
Report, dated 6 June 1991
Minutes of proceedings
Transcripts of evidence (4 volumes).

Motion (by **Mr Berry**) proposed:

That the report be noted.

Debate (on motion by **Mr Wood**) adjourned.

SUBORDINATE LEGISLATION
Papers

MR BERRY (Deputy Chief Minister): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present the following subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations:

Housing Assistance Act - Determination of fees - No. 70 of 1990 - Amendment (G49, dated 12 December 1990).

Ambulance Service Levy Act - Determination of fees - No. 15 of 1991 (G22, dated 5 June 1991).

21 June 1991

Business Franchise (Tobacco and Petroleum Products) Act - Determination of fees - No. 18 of 1991 (G23, dated 12 June 1991).

Health Services Act - Determination of fees and charges - No. 16 of 1991 (S45, dated 3 June 1991).

Motor Traffic (Alcohol and Drugs) Act - Motor Traffic (Alcohol and Drugs) Regulations (Amendment) - No. 12 of 1991 (S43, dated 28 May 1991).

Public Place Names Act - Determination - No. 17 of 1991 (G23, dated 12 June 1991).

GOVERNMENT'S DIRECTION **Ministerial Statement**

MS FOLLETT (Chief Minister and Treasurer): Mr Speaker, I seek leave to make a ministerial statement on the direction of the Government.

Leave granted.

MS FOLLETT: Mr Speaker, I have no illusions about the atmosphere within which my Government must face up to its duties and responsibilities. I know that all over Australia there are a great number of people who are cynical about the political process. I am well aware that in Canberra this cynicism has reached unprecedented heights. I find it distressing that many people like to pass off what has happened here in the Assembly as some kind of comedy of errors. There is little appreciation of the work that is done by its members.

Mr Speaker, it is no laughing matter. If you care about Canberra, the style and record of recent government in this Territory can only be described as regrettable. There is nothing amusing about closed schools, nothing funny about the money that has vanished into the Alliance's health schemes, and little to smile about in relation to the former Government's plans for the leasehold system. It is my feeling, from talking to local people, that many who are inclined to treat the whole business as a joke are, in fact, deeply hurt about the way that this Territory has been governed.

Mr Speaker, against the backdrop of this episode in the Territory's history, I propose to set out the guiding philosophy of my Government, and outline some of the first steps that I consider necessary for the Government. In making this statement, I cannot pretend that I am going to be able to dispel the views of the cynics. However, it is my intention that, by following the principles that I am about to describe, the record of my Government will give our community greater faith in, and understanding of, self-government in the Territory. Above all, my Government will be a unified team, not a fragile and volatile marriage of

convenience between disparate elements. The Labor Government shares a common vision and has clarity of purpose. Its unified approach and vision will provide a springboard for stable government, for the Alliance experience has shown us that without it such stability is not achievable.

My Government will be open and consultative. I firmly believe that people have the right to know what is going on. But that alone is not enough. My Government will listen to the community and will learn from the community. Some would argue that in government a commitment to consultation and openness are optional extras, icing on the cake as it were, and incompatible with decisive government. This is clearly not the case. Indeed, it is only when a government is fully informed by community views on an issue that it can take decisive and forward thinking action.

Mr Speaker, no doubt some people will say that my model of open, consultative government is inappropriate in Canberra's current economic circumstances. What I argue, and what my Government will show, is that in such difficult times it is more important than ever for a government to make the right decisions. And, as the Alliance record shows, a government will not make the right decisions unless it listens to the community. Some may say that making consultation a priority means that at times we will need to go a little slower than would otherwise be the case. This may well be true. When I see the results of the Alliance's headlong rush to make decisions - the budget blow-out on health, the empty schools, the community pickets, the state of the Ambulance Service and that extraordinary decision on renewal of commercial leases - I am quite prepared to go a little more slowly and make the right decisions.

My Government's emphasis on consultation will also extend to the Assembly itself. If the people of Canberra are to develop faith in our political system, we, as their representatives, must act with appropriate dignity and consideration towards each other. Accordingly, the Labor Government will seek to encourage in the Assembly a style which is creative, rather than combative, and which provides opportunities for the talents and knowledge of its members to be directed towards the needs of Canberra. With these objectives in mind, we will work to encourage a healthy and vital committee system. We will be open in our dealings with Assembly members - and I hope Mr Collaery is listening to that; we will be open in our dealings, Mr Collaery - and we will seek to stimulate informed and productive debate on the many difficult issues that face us.

I have referred several times to the harsh economic reality facing Canberra. I believe that it is worthwhile here to put the record quite straight. I do not want to generate any false hopes that I can insulate Canberra from any pain from the decisions necessary to cope with this economic

21 June 1991

reality. The Canberra community must have no illusions about the coming budget. My Government will tackle the problems facing Canberra and will not shirk tough decisions. I will be making a short statement after this one to outline the nature of the budget task.

Mr Speaker, I mention the very difficult financial task facing us because it creates an imperative for my Government to follow a further key element of its guiding philosophy. When difficult decisions need to be made about the allocation of resources and the future of government services and programs, it is essential that they take place within a framework that puts people first. I am talking about social justice and the creation of a fair society. I do not see social justice as an add-on, as some kind of soft option, as something to be considered only after a decision has been reached on other grounds.

Social justice considerations cannot be ignored if a government is to make the right policy decisions. There is no incompatibility between my focus on social justice and a determination to tackle economic issues head on. Indeed, a significant element of the rationale behind a social justice approach is that it has the power to release, to the benefit of society as a whole, the productive potential of many individuals who at present do not have the opportunity to participate fully in the economic life of our community.

In addition, this strategy will ensure that Canberrans, and, in particular, those Canberrans most in need, are protected from the worst impact of the budget that will be necessary to deal with our economic situation. To a large extent, my Government's immediate work program, the priorities that we have set and the decisions that we will have to make have been determined by the rebuilding task that we face after 18 or so months of the Alliance Government. That was the governing principle that I used in determining my ministry. I allocated functions to allow maximum opportunity for ministerial attention to be brought to bear on the major problem areas facing the Government.

We have inherited a health service in a shambles, and it is our task to restore that service. As for the schools closed down by the Alliance, the Government's intentions are already known. The Cook and Lyons schools will reopen, and we will listen to the community's views about the other schools. As for the leasehold system, I remind members about the concern expressed at the end of 1989 that the planning and land management package was not yet in place. The Alliance, however, was not able to get anything in place in the 18 months that followed. The Alliance argued that delays in finalising the planning and land use legislation were due to the need for further community consultation. While that objective is commendable, it is apparent that the Alliance failed to take proper account of the community's views.

We all saw the outcry against some of the Alliance's proposals. The earliest objectives for the planning and land use legislation were set by my Government in 1989. It is fundamental that all sectors of the ACT community be given equal opportunity to have an effective voice in how our city is planned and developed and to ensure that our unique environment is fully protected. These and other objectives, including the creation of appropriate opportunities for appeals against administrative decisions, the need to protect our heritage, including our Aboriginal heritage, the need for reasonable timetables for decision making, and support for initiatives to promote private sector employment, will form the basis for my Government's review of the draft legislation.

In short, we need to be confident that the community's views and aspirations are reflected in the legislation in a balanced way. The finalisation and introduction of the planning and land use legislation into the Assembly will be a high priority. The Government will decide quickly about the remainder of its legislative program. Our objective will be to ensure stability and continuity in essential legislation for the good government of the Territory.

We must ensure that the best use is made of the resources already expended on the development of essential legislation, either introduced into the Assembly by the Alliance but not passed, or for which drafting is complete or is in preparation. In any case, worthwhile legislative proposals introduced by the previous Government deserve to be recognised and should not be allowed to lapse. I am conscious that the community has expressed considerable interest in some of the initiatives proposed and will appreciate speedy resolution of those issues.

While it is obviously necessary to review such legislation to ensure that it properly meets the needs of our community - and this is being done now - I expect that in many cases the Labor Government will have no objection to the legislation, or will want to see only minor changes. Indeed, some of the draft laws under review were, in fact, a product of initiatives taken during the first ACT Labor Government. This fundamental review will be a priority for the Ministers over the coming weeks.

So, in summary, my Government recognises the challenges that it faces, and will work as a team to meet those challenges. In doing so, it will listen to the community, it will speak to the community and it will be guided by the principles of social justice. It will provide stable government up to the election scheduled for next February - providing, of course, that it is the wish of other Assembly members that the election is, indeed, held next February. We will show that the Canberra community can have confidence in its Government. It is my belief that our Labor Government will be better for Canberra.

21 June 1991

Mr Speaker, I present the following paper:

Government - Direction - Ministerial statement, 21 June 1991.

I move:

That the Assembly takes note of the paper.

Motion (by **Mr Duby**) proposed:

That the debate be now adjourned.

MR SPEAKER: The question is: That the debate be adjourned and the resumption of the debate be made an order of the day for the next sitting.

Mr Duby: I beg your pardon, Mr Speaker. It was my impression that the debate was going to be adjourned, but it appears that other members of the Opposition wish to speak to it.

MR SPEAKER: Before we proceed, you will need to seek leave to withdraw your motion.

MR DUBY: I seek leave to withdraw my motion, Mr Speaker.

Leave granted.

Motion, by leave, withdrawn.

MR KAINE (4.15): I appreciate Mr Duby giving me the opportunity to make some comments on the Chief Minister's statement which, of course, I have only listened to. I have not had time to analyse it. There are some things that she has said today that, I think, are deserving of some quick comment. And, of course, in the light of having read the statement and analysed it in some detail, others will no doubt want to comment further.

I would first like to comment on the statement that the Chief Minister has made in terms of the comedy of errors and the regard in which this Assembly is held. Mr Speaker, it has been a matter of some concern and regret to me, and I know to other members of this Assembly who were seriously concerned about creating a proper Legislative Assembly for this Territory, that it has, at times, degenerated to the point where other people have seen this as a comedy of errors and a farce.

It has been no comedy of errors, and there has been no farce for those of us who have worked hard for the past 2 years to achieve something for the people of this Territory. We have done it on the floor of the house. We have done it in attending forums like the Premiers Conference and ministerial council meetings. We have done it in terms of work on the committees of this Assembly. It has been hard work. Most of us, Mr Speaker, have done that

work with good intent and in the hope that this would become a legislative body that had some integrity and was held in some high regard by not only the people of the Territory but also people outside it.

It has been a sad thing that some of the events over the last 2 years have led to people having different views and seeing at least some of us as objects of humour. I do not feel that much of what I have done over the last 2 years was in any way humorous, and I really do object to that. I think that those of us who are returned at the next election will have to work hard again to make sure that that reputation is removed.

Mr Speaker, the Chief Minister talks of consultation; she throws a few barbs and arrows at the Alliance Government on the basis that it has not been consultative. She is a bit ambivalent because, on the other hand, she refers to the planning legislation, which has not yet been tabled. The consultation process is a very difficult process. The Chief Minister will remember that, when she first became Chief Minister and Treasurer 2 years ago, she embarked on a consultative process in order to develop her first budget. I think she would concede now that that consultative process did not work; and I think she would concede that in the end she put into place the same budget that she would have done had she not gone through the consultative process. There is no question about it, because once you open up public business to community consultation you are obliged to listen to what the community has to say.

Mr Connolly: Shock, horror!

MR KAINE: Yes, you are. And it is very interesting, because the party in this chamber that has the most rigid caucus system and the most rigid party organisation behind it is the Labor Party. It claims to go through the consultative process; but, of course, at the end of the day it implements Labor Party policy. So, if you were really honest about this community consultation process, you would come to the Assembly with no party policies at all. You would be here with an open mind that says, "We will go and consult with the community, and when the community has spoken we will implement the wish of the community".

But you do not do that. You do not do it, and you know that you do not do it. You go through the phoney process of community consultation, and in the end you implement Labor Party policy. On the other hand, you say that the community consultation process can perhaps slow things down; and then you say, "And the Alliance Government did not get its planning legislation into place". The reason why the Alliance did not get its planning legislation into place was that we went through three processes - not one - of community consultation.

21 June 1991

You are right. In the process of those three rounds of community consultation, the community told us that it did not like some of the things that we were putting forward. So, three times we rewrote the final draft to incorporate, as best we could, the wishes of the community. And now you say, "You were not consultative, and you took too long". The fact of the matter, Chief Minister, and you acknowledged it yourself, is that when you go to the community for consultation it slows the process down. You must listen, and you cannot, at the end of the day, say, "Well, we have been all through that, and we have heard what you have said; but we really do not care, because Labor policy is this, and this is what we are going to do". So, it is a two-edged sword.

Ms Follett acknowledges the budgetary constraints. I have to say that it is the first time in 2 years that the Chief Minister, whether as Chief Minister or as Leader of the Opposition, has ever acknowledged that we have a financial problem in the Territory. I hark back to her words, "The nip and tuck approach will fix it". Ms Follett has now had 10 days, and she has had a look at next year's budget for potential. And she was so frightened by what she saw that she ducked off to say to Mr Kerin, "Can you give us a few more million?".

Now she knows that there is a budgetary gap. I have been telling her that for three years and now she acknowledges that there is a budgetary gap. I hope that she will have the good grace, when she brings her budget down shortly, to acknowledge, now that she is confronted with it, that there always was a problem and that the nip and tuck approach will not work unless it is \$30m here and \$50m there. So, I must say that I am delighted that the Chief Minister, who is again the Treasurer, now acknowledges after all this time that there is a bit of a problem and that we had better do something about it.

The only other comment that I would like to make at this time is in connection with the Alliance Government's legislative program. I believe that the Alliance Government put through a great deal of legislative business in the year and a half that it was in office. It was a very heavy workload. We brought down a lot of legislation and there was a great deal of it that had not hit the table in the Assembly when we lost office.

The Chief Minister acknowledges that much of it was good legislation. I hope that it is not delayed. I hope that we do not go through another round of community consultation to further slow down some of that legislation. It is good legislation; it is important legislation; and it needs to be put on the table quickly now, so that the Assembly can deal with it before we get into the next round of pre-election campaigning which will simply stop everything until after the next election. Much of that legislation simply cannot wait while we have another election fight and put it on the backburner for a six- or eight-month period.

I would ask the Chief Minister and the Ministers of the new Government to look very seriously at that legislative program - the legislation that was ready in many ways to put on the table - and, unless they find some major deficiency in it, and I do not believe that they will, to put that legislation on the table and let us get it dealt with quickly, as the Alliance Government would have done in the autumn session.

Mr Speaker, no doubt there is a great deal that other members of the Assembly will want to draw from the Chief Minister's statement. On longer reflection, I am sure that there will be other things that I will want to say; but I believe that there is much in it that needs to be commented upon now, rather than waiting another six or eight weeks or until the Assembly next meets. I believe that I should, as far as I am able, comment on those matters now. I look forward with great interest to the continuing debate on this matter when we reconvene.

MR COLLAERY (4.24): Mr Speaker, I welcome many of the directions stated by the Chief Minister in this document and, like Mr Kaine, I take issue with some of the inferences where perhaps the Chief Minister could have been a little more generous. I especially applaud the statement that Ms Follett's Government does not see social justice as an add-on, as some kind of soft option, or as something to be considered only after a decision has been reached on other grounds.

Of course, central to the Cabinet budget deliberations is the necessity to recognise that the economic rationalism which is sweeping our coordinating departments and treasuries, and which has become a modern credo in this country in the 1980s, needs to be put in perspective. For many governments in this country, firstly deliberately, and later through the sheer prioritisation for survival, as is occurring in Victoria and in South Australia, it has effectively displaced that notion that social justice is not an add-on and that one of the primary parts of the budget to be considered is those new policy proposals for funding necessary to secure that share of government concern for those in the least advantaged situation in our society.

Mr Speaker, the social justice performance of the Alliance Government, excluding perhaps on the schools issue, cannot be assailed, and I note that Ms Follett has not chosen to tackle the former Government on that issue. If Mr Kaine had had a little more patience and had put a couple of his issues on the backburner for even a week, the Alliance Government may well have introduced another 30 Bills. A list of those would have capped the performance in that area.

21 June 1991

They are varied and many, including public corruption legislation, the planning Bill, as Mr Kaine mentioned, the guardianship, community advocate, associations incorporation and discrimination Bills, and many others. There is a bail Bill, in which it has been necessary to set parameters for the granting of bail not related to the monetary capacity of those before the court. There are wills reform and adoption reform Bills. They are all there waiting to be introduced by the Follett Government, and I notice that she has been generous enough to acknowledge that case. Some of them, like the adoption and bail Bills, were started during the Follett era and, in both of those instances, before the Follett era; but I believe that this Government will give credit where it is due, and I trust that that will occur.

Mr Speaker, Ms Follett took time out to make an aside about my non-consultative nature and, by inference, that of the Rally. In relation to the events that have recently transpired, the Government has made it absolutely clear on the public record that it abstained from the issue of Leader of the Opposition. For us to have consulted with the Chief Minister on that issue, in my view, would have breached the clear indications received from the Labor Party and would have constituted a connivance that would really have brought this Assembly into disrepute.

Mr Berry: You will not get out of your treachery. Do not talk to me about that.

MR COLLAERY: Mr Berry can act aggrieved, but the fact is that he is saved from any of the odium that would have attached to a connivance in that regard. I believe that it is ungenerous of both him and Ms Follett to make those comments about us when we are pursuing an announced, clearly enunciated and clearly stated electoral reform aim. There is nothing in the back cupboard; it was put straight out.

Mr Speaker, Ms Follett's general overview is a precursor, I hope, to more specialised and detailed comments on some of the issues. She may well have a difficult budget situation; but, when we discuss the rates Bill that is coming up, I will have some further comments to make regarding the bullet that she must bite in relation to the size of the Public Service, and particularly the issues that were put by me to the recent ACTCOSS budget conference. I said there that a prevailing social justice counterbalance is required from the public sector unions particularly.

What is the higher justice? Is it to maintain double income earners in all situations and the size of the Senior Executive Service, or to maintain those out there living in poverty and without jobs, particularly the youth in our

community? There is a great degree of job protection in that. I would commend the Chief Minister if she were to bite the bullet and look very carefully at the Public Service, despite the fact that there is an election pending, because much of the recurrent balance that now needs to be found in the budget - following Mr Humphries' misadventures there - will flow on to us if we can start the reconstruction in the ACT Public Service, which is, some say, somewhere between 18,000 and 21,000 or more persons. Mr Speaker, that is the thing that needs to be started. As well, I was disappointed to see that Ms Follett had - - -

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to be put forthwith without debate.

Question resolved in the negative.

GOVERNMENT'S DIRECTION Ministerial Statement

Debate resumed.

MR COLLAERY: Mr Speaker, I did call upon Ms Follett recently to employ eminent economic minds, independent economic advisers, to look at the current state of the ACT economy. I did that in the context of knowing what would be the advice coming to her from the same officials I have seen traipsing up to her office as traipsed up to ours. It is important, Mr Speaker, that Ms Follett answer that suggestion - yes or no would do - but there is not an answer here. I firmly believe that she must go outside the confines of her current advisers to see whether there are not in-built contradictions in seeking from those very advisers the reconstructions, the economies, the cuts and the restructuring in the Public Service that would threaten their own particular empires. Mr Speaker, we look forward to that statement.

The other issue is that Ms Follett intends to put forward a consultative basis for government. We recognise that. We also note her undertaking to make sure that the committee structure here is representative. It is clear to us that that consultation process, which was going on until we came to the floor today, has broken down, and that there will

21 June 1991

not be consultation on those committees because of what we have done over the Leader of the Opposition. It would be unfortunate if that issue were allowed to mar the very fine objective that Ms Follett makes at page 3 of her speech.

Debate (on motion by **Mr Humphries**) adjourned.

**PREMIERS CONFERENCE OUTCOME AND OUTLOOK FOR
1991-92 BUDGET
Ministerial Statement**

MS FOLLETT (Chief Minister and Treasurer), by leave: Today I want to inform the Assembly and the community of the outcome for the ACT of the 1991 Premiers Conference, and the implications for the 1991-92 budget. Then I shall outline some decisions that the Government has already taken. Finally, I shall outline the process and timetable that the Government will be following in finalising the budget.

Mr Speaker, the Commonwealth Government upheld its 1990 pledge to maintain its general revenue grants to the States and the Northern Territory in real terms. However, it treated the ACT quite differently, and much less generously. Our general revenue assistance was set in line with the recent Grants Commission report. The commission had recommended a per capita payment to the ACT of 1.696 times the per capita payment made to Victoria.

The consequence was a grant to the ACT of \$411m, including a hospital assistance grant of \$50m. The comparable figure in 1990-91 was \$488m. The 1991-92 grant therefore represents a cut of 16 per cent in dollar terms, or 19 per cent in real terms. To offset this massive cut, the Commonwealth decided to release all of the funds held in the ACT transitional funding trust account, estimated at \$53m, as special revenue assistance.

Mr Speaker, members will recall that those funds exist only because the Commonwealth did not pay them to the ACT as provided in the real terms guarantee that accompanied self-government. In reality, our own funds are being released to help bridge the Commonwealth's huge cut. The Commonwealth did say at the Premiers Conference that it would consider the question of further transitional assistance beyond 1991-92 in the light of the ACT's adjustment efforts and the demands of fiscal policy more generally.

Mr Speaker, when I realised the import of these decisions I immediately sought a meeting with the new Commonwealth Treasurer, John Kerin; and that meeting took place yesterday. I pointed out to Mr Kerin the dramatic consequences of the Commonwealth's funding reductions for the ACT, and the need for the Commonwealth to be realistic in honouring its commitment of additional assistance in

1992-93. I also put to Mr Kerin a number of immediate concrete measures to relieve the pressure on ACT finances; but he made it quite clear that the Commonwealth would not reopen its Premiers Conference decisions.

I will, nevertheless, be pursuing specific matters, such as the ACT forests and the release of Commonwealth land to the ACT. I will also be reviewing the need for greater certainty in the Commonwealth-ACT financial relationship, and will again raise the need for a financial agreement.

Mr Speaker, members will be asking what the Premiers Conference decisions mean for the ACT budget. The ACT's forward estimates had assumed a worst case scenario of Commonwealth payments being maintained at the same money levels. Given the transitional stage of ACT finances, we could have expected a somewhat higher level of assistance. In fact, our general revenue grant has been cut by 8.2 per cent in real terms. It means an unprecedented cut of 5.4 per cent below the level that would have been paid had the same money levels been provided.

This result - even this result - was achieved only by the Commonwealth releasing \$53m of our own funds. We have thus exhausted all the funds withheld by the Commonwealth for transitional assistance, and no assurance has been given that similar levels of special assistance will be paid in future years. This was an extraordinary situation to face on coming to office earlier in June. But, face up to it is exactly what this Labor Government has done. We have already taken a series of important and difficult decisions.

First and foremost, we have pledged ourselves to a balanced recurrent budget. We must maintain the financial credibility of the ACT Government. Equally importantly, we have pledged ourselves to a budget based on social justice. We will not close schools; in fact, we have already announced our decision to reopen Cook and Lyons primary schools. We will not abandon public health services, and we will not impose new overall burdens on ratepayers.

We have also considered how best to use the one-off release of funds from the ACT transitional funding trust account. It would be quite wrong and misleading simply to use this money to prop up recurrent expenditure. We have pledged ourselves to use the \$53m special assistance provided by the Commonwealth to produce lasting benefits in future ACT budgets. This money will be used to eliminate the need for new borrowings in 1991-92, and to finance restructuring proposals that will result in significant reductions in future recurrent expenditures. The impact of not borrowing is expected to lower interest costs by \$3m. More importantly, in 1992-93, the effect of not borrowing in 1991-92 will be savings of \$7.5m. The Government has decided that, as a general measure, discretionary

21 June 1991

expenditure areas will receive no funding to cover prospective price increases in 1991-92. Total payments under programs formerly funded by the Community Development Fund will be indexed in line with my commitment in 1989.

In line with the Government's determination to protect services to the community, we will be concentrating on making savings in administrative areas of the ACT Government Service. In particular, we will target areas where functions may be duplicated, or where the emphasis on functions has changed. High expenditure in the areas of departmental consultancies and travel was brought to Mr Kaine's attention by the Labor Party members of the Estimates Committee last year. We are proceeding with targeted cuts in those areas, and also in the government vehicle fleet.

On the capital expenditure side, this Government will re-examine the capital works program which was put together by the previous Government, to ensure that it matches our priorities. We believe that there is room to reduce the size of the overall program so that borrowings in later years are reduced to the bare minimum. This work will be carried out as quickly as possible so that the revised program can be referred to the Assembly committee on planning and infrastructure for its consideration.

On the revenue side, the previous Government had already decided on increases in fees and charges for 1991-92. Some, but by no means all, of these had been announced. Given the timing and budget constraints, my Government considered that it had no alternative in this area but to let the decisions stand.

As I mentioned before, we have set out to protect ratepayers, especially given the savage increases in municipal rates imposed by the previous Government. The Government has decided to present legislation for a general increase of 4 per cent, equal to the expected CPI increase next year. However, individual rates bills will be affected by the three-yearly land revaluation exercise carried out by the Australian Valuation Office. This will be used to calculate the rates and will affect the amounts individual ratepayers will pay. We are asking the Assembly to provide for future revaluations to be carried out on an annual basis, so that these changes are not as dramatic as they have been in the past.

The revaluations just mentioned will also impact on land tax collections in 1991-92. The Government is concerned about the impact of increases in land tax on business in the current economic climate, and accordingly has made no changes to land tax rates.

The combined impact of all decisions taken so far, as well as other adjustments to the budget figuring, is that the current budget gap stands at \$34.6m. We are still a very long way from achieving a balanced budget. Because of

these pressures, there will be very little room for any new policies. Only the highest priority needs of the community will be able to be addressed. We have already announced the reopening of Cook and Lyons primary schools. Costs of this will be limited, particularly once the new school year starts.

As part of the budget process, I intend to have preliminary discussions soon with representative groups, after which the Government will release a statement on budget strategy. I will invite community reaction to this statement. This feedback will be essential in assisting the Government in the difficult process of framing the budget.

In conclusion, the outcome of the Premiers Conference has been a severe body blow to ACT finances. We have an extremely difficult task ahead to deliver a balanced budget. We have already taken a series of hard decisions, but the bottom line still shows a gap of \$34.6m. I trust that through the consultative process I have outlined, and with the cooperation of the Government's public servants, we will be able to identify the options for making the savings that are required to produce a no-frills budget which is based on social justice. It will be economically and financially responsible. It will protect our community, and it will set the scene for future Labor budgets.

Mr Deputy Speaker, I present the following paper:

Premiers Conference Outcome and Outlook for the 1991-92 Budget - Ministerial statement, 21 June 1991.

I move:

That the Assembly takes note of the paper.

Debate (on motion by **Mr Humphries**) adjourned.

PARLIAMENTARY PROCESS **Discussion of Matter of Public Importance**

MR DEPUTY SPEAKER: Mr Speaker has received letters from Mr Stevenson, Mr Duby, Ms Maher, Mr Collaery, Dr Kinloch, Mr Jensen and Mr Humphries - a cast of thousands - all proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Stevenson be submitted to the Assembly, namely:

The need for reform of the parliamentary process in the Australian Capital Territory.

21 June 1991

MR STEVENSON (4.43): The people of the ACT have, for the past two years, since the inception of this Assembly, been promised open and accountable government. I have no doubt that while ever this Assembly exists they will continue to be promised open and accountable government. Unfortunately, they do not see open and accountable government. While ever we have a situation where political parties, politicians and bureaucrats meet in secret and are able to withhold records pertaining to the decisions they have made, we can never have open and accountable government.

Mr Fitzgerald, in the Fitzgerald inquiry in Queensland, said, "Secrecy is the bottom line of corruption". He went on to say, "I repeat, secrecy is the bottom line of corruption". While ever decisions can be made, by people who are supposed to be representing the electorate, behind closed doors and the information relating to those decisions is not available to the people of the electorate, we will have a situation that is conducive to corruption, even though it may not lead to corruption.

I do not need to list the various governments, politicians and bureaucratic areas around Australia where there have been police, parliamentary or other investigations. Indeed, I would not have time to do so. As I said, much talk is made about consulting the people and giving the people a say. But, until the people see the actions taken and not just the words spoken, they will not believe it and indeed we will not have it.

The situation exists in Australia, in North Sydney, where executive decisions, when made in a group, are open to the public. The public can go along and listen. These decisions are not made behind closed doors as in this Assembly. Indeed, there are many situations in the ACT Assembly where not even the other members of parliament know what is going on. I thought it was quite interesting to listen to Rosemary Follett talk about open government. She said:

My Government's emphasis on consultation will also extend to the Assembly itself ... With these objectives in mind, we will work to encourage a healthy and vital committee system; we will be open in our dealings with Assembly members ...

It was coincidental that at that very moment Ellnor Grassby was chatting to Michael Moore - perhaps doing the rounds, finally, on what the committee system will be in the ACT.

Mr Connolly: Effective negotiations.

MR STEVENSON: Perhaps the effective negotiations could have started rather earlier than today; for it was only today that I was given by Mr Berry - and he did ask for my comments, but fairly late in the piece - a list of what was going to happen in the Assembly. What most people in the

Assembly believed was going to be the situation was: Hector Kinloch as Speaker, Ellnor Grassby as Deputy Speaker, Gary Humphries as Leader of the Opposition, et cetera.

Mr Kaine: I did not know about that. Where did you get that bit of paper from?

MR STEVENSON: I will be happy to let you have a look at it, Trevor. You are on there. I suppose I should tell you, if you do not know: You will be the leader of the Public Accounts Committee. I think that is the only committee you are on.

Mr Moore: No; he is on planning, too, I think.

MR STEVENSON: Let me have a look. I am sorry, Trevor; yes, you are on planning as well.

Mr Kaine: Can I have a copy of that bit of paper?

MR STEVENSON: Yes. I thought you made a point, and made it well, when you spoke about what Rosemary had said in talking about open government. Indeed, she did leave something out of her speech when she said, "We will listen to the people and we will understand". You made the very point that there was nothing there that said that they would take the slightest notice.

People are paid to write these speeches - to say the right words again and again. And it will go on in history that we will hear the right words. But where do we see the actions that would differentiate the politicians in this Assembly from politicians in any other grouping in Australia? I made the point that we should have a voters' veto. We should have a situation where the people have a say, and I have been doing it for two years. It is a wonderful idea and I intend to introduce the Bill soon, as I have said.

But where was the situation where other people in this Assembly jumped to their feet and said, "Hey, what a great idea that is, Dennis. Why don't you introduce this"? It takes a lot of time to work these things out, so it cannot be changed once it is in there. Why do we not get this and, at this unique point in time, be the first parliament in Australia to give the people a say? It was unfortunate indeed that the ALP, in its attempt to introduce citizens initiated referenda in Queensland in 1921, was knocked back by the Opposition - if I can use the term - because it included the recall. That is the bit where politicians can be recalled or sacked before the next election - something that the people think is a great idea. Many politicians think it is rather abhorrent, understandably.

21 June 1991

So we have the words again and again. I truly think that the people of the ACT are sick to death of hearing the words. I must admit that I am sick to death of hearing the words. That is all I hear, but I do not see the actions. Rosemary Follett gets up and says, "We were a consultative government when we were in last time"; yet, when there was an opportunity to consult with me on the budget, I was not on that consultative committee. I was not even asked. So, when people are pretending to consult, they should have a little check list to make sure that it actually looks like they did consult rather than assume that everybody will think it has happened.

What can we do in the ACT Assembly to make a difference and to give the people of Canberra an actual say? There can be no better model in Australia - nor, I believe, around the world - than the system operating in the North Sydney Council, introduced by Ted Mack and many other people there. That is a situation where meetings and records are open. All meetings are open. Why not? Some people would say, "You cannot have that. You cannot have the employers along to a meeting when their employees are talking about what will happen to them". Indeed, the records should be open as well. Some people say, "Listen, you could not possibly show the public and put into print how we have made our decisions". Well, that, of course, is a nonsense.

There may be, occasionally, a rare situation where certain legal matters should not be open to public scrutiny, but that would be so rare that one hardly needs to talk about it. Indeed, there might be personnel records within the council, or the State-like Assembly, that may well be confidential, and that is fine. But, if we had a situation where the people could be in on the meetings, let me tell you, schools in the ACT would not have been closed, the Royal Canberra Hospital would not have been closed, and the same would apply to various other deals that some members do not reveal. Members who do reveal them leave other members aghast. They say, "That was all confidential. Listen, what are you doing telling anybody about this - telling the employers that we were saying these things? That is not on". So, meetings and records should be open.

We also should have a precinct system. I think most people have talked about that and have agreed with the general idea. Let us do it. Divide the ACT up into 17, 20, 25, or whatever, different areas where people can have a say. It is the local progress association; it is the local residents group, or whatever you want to call it. It does not matter what you call it. It is simply an organisation of people in grass roots, smaller community areas, where they are given the information on all commercial development proposals before they are introduced and they are given an opportunity to comment. Indeed, the comment does not have to come from them. The members go along to them; they make these groups aware of what the proposals are, not like we had with the Ainslie tip - "We have just closed it" - but "We are considering this". And, while we

are considering this, what about some persuasion; what about presenting the accounts there? If the accounts are horrid - and I know that they are in the ACT - present them to the people. Let them look at the books. They will get as much of a shock as the Alliance did when they got in there. So, let us do this.

Also, throughout the ACT there should be community noticeboards where the proposals that are being considered by the members of the Assembly are listed - the sitting dates, the phone numbers of the members here, whatever the Assembly committees are, and so on. It should all be there on the noticeboards. You may well have 40 of them around the ACT. That is similar to the number in the North Sydney electoral area. In the ACT we should also have an electoral system that represents the majority view of the people. I have surveyed extensively what sort of an electoral system people want in the ACT, and it is a proportionally representative system.

Mr Connolly: That is not what the *Canberra Times* said.

MR STEVENSON: I will give you a copy of the media release that I put out when the *Canberra Times* first gave the farcical idea that the majority of people wanted a single member electorate system. I suggest one of two things to the ALP: Either do the poll yourselves and tell us the results, which will be, unless you ask rorted questions, a proportionally representative system; or, if you have done it, release the results. It is this idea of political parties polling for their own benefit. I know that everybody does polls around here, but they do not release them to the people because they are not done for the people; they are done for the party. Do them for the people and release them for the people. Let them know what the polls have shown.

In an electoral system we also should have a situation where, as far as electoral funding goes, if you get one vote you should get the 50c or the dollar, or whatever it is. There should not be a system that favours the machine parties, whereby you have to get 4 per cent, or whatever it is; otherwise you do not get a cent. That is not democracy.

Once again, what we see is a situation where we hear the right things but we do not see the right actions. We should understand that we in this Assembly are not here to lead the people by the nose. They are our employers; we are the employees. They are the masters; we are the servants - and we should behave as such. When we use the glowing words that are written in speeches talking about consultative government, supporting the community and all the rest of it, what we should keep in mind, and what the people of Canberra should look for, is actions, not words.

21 June 1991

MR KAINE (4.57): Mr Deputy Speaker, I will not speak at great length on this subject, but I think it is a subject that this Assembly should be seriously considering. I have only one objection to the topic put forward by Mr Stevenson. I noticed that his matter of public importance was "the need for reform of the parliamentary process". In fact, he himself spent a great deal of time talking about the parliamentary system rather than the process. I think that, when you talk to people out there in the community, you find that there is still - and perhaps it is a legacy of the no self-government feeling that existed two-and-a-half or three years ago - a feeling that the Assembly was not - - -

Mr Stevenson: Should be abolished.

MR KAINE: No, there is no such feeling at all, Mr Stevenson; quite the contrary. There is a feeling that it is not in the form that they would like it to be in; that it does not quite work in the way they would like it to work. So, there is a need, I think, for this body to examine closely not only the way the process flows but also the nature of the system itself; the fundamental system that was created by the Commonwealth and established under the self-government Act and the various consequential Acts that supported it.

I very much suspect that people have in their minds this notion of a city council type of government, because they perceive that that is a form of government that they are comfortable with. But when you ask them, "If you had a city council type of government, how would you manage a half a billion dollar budget in health and education, which are not municipal-type functions; how would you manage a police force, for \$60m a year, which is not a municipal function; how would you manage the court systems, which are not municipal functions?", they get confused because - - -

Mr Stevenson: Separate them and hand them back to the Federal Government.

MR KAINE: You have your own ideas, but people out there have different views. They have a concept of a different form of government - - -

Mr Stevenson: It is called a municipal council.

MR KAINE: You talk about municipal government. We have a budget this year just ending of \$1.4 billion. Only about \$120m of that is municipal expenditure. There is \$1.3 billion that is not municipal money. Do not talk to me, Mr Stevenson, about municipal government. Do you want to go back to a municipal government with a \$130m a year budget and let New South Wales manage your health and education systems? You can imagine what they would look like in the ACT if that happened. You would be treated just as if you

were Dubbo or Bega or Tumut, and the excellence of your education and health systems would rapidly be degraded because the outcomes would be determined by some public servants in Sydney rather than public servants right here.

So, do not talk to me about municipal government. I do not believe that that is what this community wants. They want a system that appears to them to be more responsive to their needs. And they use the words "consultative" and "cooperative". I believe that we could evolve and develop a cooperative, consultative form of government that is not municipal government but would be seen by the community to be satisfying their needs and could still cope with the heavy workload and the demands of health, education, the police, the court systems and all those other things.

I think that we were set on the wrong track by the kind of legislation that the Commonwealth put in place which, in a way, tended to dictate this form of government that we have sitting here now. We have tried the experiment; we have found that it is difficult to make it work; we have found that the community at large has a sense of dissatisfaction with it. And very often they cannot identify what their dissatisfaction is based on. They just know that they are dissatisfied and they do not really like it. To that extent, there is merit in Mr Stevenson's motion in that it is time that we did some navel gazing, looked at ourselves, looked at this organisation that we, in a way, have created and asked ourselves: How can we make it work better in the interests of the community?

I believe that it can be made better; I think we all do. But I do not believe that it means reverting to a municipal government, and I do not believe that it is the wish of the community that we revert to a municipal government when you come down to it, because they like the idea of having people here who are responsible for health and education. I think that they would be aghast at the notion of handing the responsibility for those functions over to the State Government of New South Wales, or even their reverting to the Commonwealth. They want people here who are accountable to them to administer those functions. A municipal government cannot do it. A municipal government simply does not encompass that kind of activity.

So, I do not disagree in general principle with the type of proposition that Mr Stevenson is putting forward, but I think that the model that he is proposing is perhaps the wrong one. Perhaps it is time for the Assembly to establish a select committee or something to look at the issue. I think that, if Mr Stevenson - who accuses the Assembly, the Chief Minister and others of rhetoric and making long speeches - were to put forward a motion instead of making a long speech himself, he might get some more positive results.

21 June 1991

MR COLLAERY (5.03): Mr Deputy Speaker, the comments that Mr Kaine made are welcome. I am sure that many of us who would like to see the next phase of the development of this Assembly's processes take place would welcome his comments. I am sure that all in this house would agree that it is perhaps time for some navel gazing, and that is a process that could really be started by this Assembly. Perhaps the slight shock of today might initiate that. Far from seeing this Assembly dissolve into a factionalised grouping, it might well bring us together in the recognition that we really do need to refine and define our own machinery from our Canberra perspective rather than that which was pushed upon us from the hill.

I think we owe an explanation to the house for the election of a Leader of the Opposition - an office, of course, which we do not support - and I propose to make some comments on that. We saw today, understandably, the major parties united in their wish to impose a non-representative Leader of the Opposition upon the Assembly. The self-government Act was preceded by extensive overseas research and parliamentary legal advice, and there are voluminous archives to attest to that. That outcome did not provide for the office of Leader of the Opposition; nor was it set forth in the standing orders which were prepared for this fledgling Assembly. So, it is not arguable that it was not in the legislation because it was to be made part of the procedures of this house. It was not in the standing orders.

A number of the non-government members here have grave doubts about the utility of the position of Leader of the Opposition in a small unicameral Assembly such as ours. Being presumptuous enough to speak for them, we believe that the self-government Act did anticipate minority representation in the Assembly. If you speak to those excellent officials who worked on the Act, including officials from the Law Office and from the present Chief Minister's Department - present and former officials - you will know that it was clearly anticipated that the character of this city, based to an extent upon the complexion of the previous House of Assembly, was such that it would return Independents.

It is, in our view, consistent with the intention of the Act for us to take all reasonable - and, I stress, lawful - steps to nullify standing orders 5A and 5B which were drafted, in our view, to reinforce the "them and us" theme of the two-party system. Accordingly, we have joined forces on this issue to ensure that independently minded, Canberra based political groupings may operate in this chamber in a more cohesive and effective manner for all Canberrans. This does not mean that we give away our own individual attitudes. But past Assembly debates have shown that, on many issues affecting the Canberra community, we are in accord. On other issues, such as the connived creation of a self-serving power sharing arrangement between the major parties, we are in full agreement.

There are other areas of agreement directed towards making this chamber a productive and respected element in the Australian parliamentary system. I stress that we are not alone in seeking a new level of representation for the people. I thought justice was not done to the chamber when it was suggested that there was some quirky development on the floor today. Mr Deputy Speaker, I seek leave to table an article from the *Australian* of Tuesday, 18 June 1991.

Leave granted.

MR COLLAERY: That article clearly sets forth a report on the mood of a group of Independents, so-called, in New South Wales. Also, the author of that article is a most informed Australian commentator, and comments are made there. Also, Mr Peter Costigan, writing in the *Canberra Times* of Monday, 17 June, spoke of the major parties in the following terms:

Protected since the mid-1920s by an absurd law compelling all voters to present themselves at the polling booth and corrupted by the secrecy surrounding their internal affairs, the major parties have become both obsessed with power and increasingly subject to the pressures of artful, enterprising minorities.

In that latter category, there is clearly a factional grouping in the Liberal Party which has helped to destabilise the current Assembly. Of course, I am referring to Mr Humphries and the group who are with him and who effectively took out Mr Kaine. We acknowledge the recent election of an Independents group to the New South Wales Parliament. Their charter of reform reflects a number of our enunciated objectives. I seek leave to table that document because this will complete the history of today's events.

Leave granted.

MR COLLAERY: It does reflect a number of our enunciated objectives, in particular the need for a proper separation of constitutional powers. We say that that applies in this Territory as well. We have settled on a process to entrench the independence of the judiciary and we propose to move a motion in the appropriate terms, unless the Attorney does so at an early date.

It is equally important that we respond to calls by the Auditor-General of this Territory for resource independence. This Assembly is also beholden - we ourselves are beholden - to the elected Treasurer for resources. Independent machinery is necessary both to guarantee independence and to eliminate the temptation to trade resources for support, such as salary, travel and the perks of office. On a broader scale, the Alliance Government had prepared whistle-blower legislation, which

21 June 1991

is drafted and ready for introduction in a public corruption Bill. This will also confer a level of independence upon that large number of honest public servants who need protection for speaking on behalf of the community when they speak, perhaps, of corruption, excessive waste and the like.

It is fundamentally wrong that a powerful group in any Assembly reserves to itself the overwhelming share of resources for staffing and positions. I stress, members, that that is particularly applicable on committees, where clearly a deal is being stitched up across the floor, again between the major groupings, to deal with the committee elections.

Mr Humphries: What about your deal, Bernard?

MR COLLAERY: Mr Humphries interjects, asking about our deal. Our deal to do with the Leader of the Opposition was a clearly enunciated goal, a clear warning which I gave on Matt Abraham's radio program the other morning. Mr Humphries chose not to listen and criticised the comments. That was a clear clue as to what might happen, and you ignored it, to your peril. I commend Mr Abraham for that program.

Mr Humphries' reversion to the old approach does not augur well for this chamber. It is, in fact, inconsistent with Mr Kaine's interest in creating a more collegiate structure, and we endorse his earlier comments. We do not accept that the office of Leader of the Opposition should exist; but, given the fact that we are unable to abolish the relevant standing orders at this stage - the major parties having at least nine votes between them - and not being entirely clear where Mr Moore stands, we have resolved to share out the resources allocated to that unwanted post.

Accordingly, there will be an equitable redistribution of the \$146,000 staffing and resources budget among all non-government members of the Assembly - including the Liberal members but excluding the Speaker, who has a separate allocation. Moreover, the elected leader will not accept the extra salary attributable to the position. He has said that the money may be waived, returned to the budget or lawfully distributed to charity. We will leave that to him.

This brings me to the position of shadow Ministers. We now inform the house that there will be no appointments as shadow Ministers. I congratulate those mature elements in the media who have recognised the incongruity of a small group of Liberals announcing a shadow ministry. The media has used the expression "the spokesperson", and we accept that that should be the formula. Likewise, we reject the notion that it is necessary for the Chief Minister of this

Assembly to have a single person to deal with. Members have shown that they are quite capable of appointing their own whips; or individual members can represent themselves at joint meetings.

We believe that the time has come for a significant development in the processes of this Assembly. We firmly believe that we will have stable government until the next election, and that all members realise the odium which will attach to a divided Assembly which puts the community to a premature, expensive and undoubtedly divisive election. I also inform the Assembly that we are taking the initiative of contacting all Independent members of parliament in Australia with a proposal for their greater interaction on issues to promote fuller representation for the people. We trust that the outcome will provide voters with greater choice at the next election, and greater representation thereafter.

We also believe that the role of Speaker should be reviewed. Whilst we have no complaints of partisanship on the part of the Chair, we believe that the time has come to also review that post and to produce a non-voting political neutrality by having the self-government Act amended to do away with the deliberative vote and give the Speaker a casting vote only. I believe that we should adopt the House of Representatives practice and adopt that procedure.

MR JENSEN (5.13): Mr Deputy Speaker, I believe that today is an historic day for our fledgling Assembly.

Mrs Nolan: "Fledgling" is right.

MR JENSEN: Well, that is true, Mrs Nolan; it is a fledgling Assembly. I think it is appropriate for organisations like ours to grow, as all previous early parliaments have done in Australian history. I suggest that if you go back and read your history you will see, in fact, that that is the case.

Mrs Nolan: Mr Jensen, it will grow without you next time.

MR JENSEN: We will see, Mrs Nolan - through you, Mr Deputy Speaker, we will see. Time will tell.

This important debate may set the scene for a Legislative Assembly which operates on more open and democratic lines than has been possible in other parliaments around the country which are locked into the inflexible two-party system. Indeed, the earlier debate on the notion of a Leader of the Opposition has illustrated this point perfectly. Both of the major parties feel threatened by the presence of small parties and Independents, and so are united in their attempts to denigrate them.

21 June 1991

I wonder whether the populace at large, and the media, see it in the same limited way. In case any members consider that what we are proposing today is somehow new, or has not been canvassed before, let me remind them of an article written by me which was printed in the *Canberra Times* on 21 March 1989. In that article I referred to the opportunity for our new parliament to set the scene for parliamentary reform in Australia. If I may take the liberty to quote from that article, I said:

Will the new Assembly take the procedures used by the House of Representatives or the Senate and, with minor amendments, entrench some of the archaic practices they contain, or will they bite the bullet and seek to drag them kicking and screaming into the last years of the 20th Century?

Unfortunately, as we have seen, both major parties in our Assembly continue to be wedded to this archaic and inefficient adversarial system, which is surely an inappropriate format for such a small legislature.

I welcome the comments made by Mr Kaine in this matter this afternoon. Who can forget the many voters who rejected the duopoly and either voted to abolish what had been forced upon them or at least sought to establish a council style of legislature without the trappings of the executive system? The current system means that we have a very overworked executive, while the talents and abilities of the remaining Assembly members are underutilised. With only 17 elected members, that is surely a very wasteful way to administer this Territory.

Our local community has made its feelings on this matter quite clear. By and large, they despise this Assembly, and the members in it. We can blame the Federal Government for the manner in which self-government was established and then left high and dry by them. There is no doubt that the continual sniping and point scoring - the inevitable outcome of an adversarial system - has added to that public perception. Canberrans want us to work together to govern the Territory as effectively as possible, rather than wasting time and resources to work against each other.

Both the former Follett Government and the Alliance Government were unfortunately hampered by the inability of the duopoly to accept that the people of the ACT wanted their views to be heard. And they clearly said, "A curse on both your houses", by voting to support a style of consultative government.

Mr Kaine: Not "a curse"; "a pox", I think, is the expression.

MR JENSEN: Well, a pox. I was being polite, Mr Kaine, in our Assembly. This situation has been reflected in parliaments around the country. The need for reform has never been greater, as Australians have become generally

aware that the Westminster system does not actually provide the government or the politicians that they can respect. It would be a pity if we could not now, as an Assembly, reflect on the mistakes of the past and seek to provide a new direction for parliaments throughout Australia, and maybe even the Commonwealth.

I am the first to admit that, if we have made a mistake because the information used to make a decision was found to be flawed, we should stand up and say so. To do anything else is dishonest, and I think that recent events on the Federal and local scenes have shown that honesty and integrity have not always been the way of some politicians, both local and Federal. I have no doubt that the voters will remember that.

Mr Berry: You take the cake. You got the big belt this time.

MR JENSEN: You were not told any lies at all, Mr Berry. It has been said that if you want something to happen it will happen, and I take Mr Kaine's point. I think that, in fact, if the community wishes to make a system work and is prepared to work towards that, it will happen.

As part of a vision for reform of the parliamentary system, I would like to make some comment on the future of the committee system in our Assembly. It is my firm view that if we are to maintain some credibility within the community we must do much more with our committees. I quote from Professor Emy, who said, in *The Politics of Australian Democracy*:

... the case for committees rests on the general premise that the House as a whole is no longer an appropriate body to carry out the legislative functions of scrutiny and investigation. The House should ... provide greater job satisfaction for the back bencher, utilise those talents which are at present frustrated by parliamentary ritual, and offer Parliamentarians a more positive chance to contribute to policy discussions, both before the government is publicly committed to a course of action, and prior to the purely symbolic exchange of views in Parliament.

This means that not only must the reports be well researched and presented to the people but the committees and the members must have sufficient resources to do that necessary research and prepare the reports. For this reason it is very important that the Assembly, and not the Executive, must have greater control over the size and shape of the Assembly's budget.

For committees to function effectively, they need to incorporate the following characteristics, I believe, as identified by Professor Pat Weller at the biennial meeting of the public accounts committees in Brisbane last year. Professor Weller said that expertise was the first item

21 June 1991

that was important, and this he identified as the ability of members to do their homework and come to grips with the implications of the information presented to them. Second was access to information, which is self-explanatory and, I am sure, related to the first because, as we all know, to use the computer jargon, garbage in, garbage out. The third factor was time - the time to do the job properly. Neutrality and fearlessness were next; the necessity for members to examine issues on their merits, not through ideological glasses. And the fifth was resources, which I have already mentioned.

The Self-Government Reform Group's charter, which my colleague Mr Collaery has already tabled today, provides some views on how some of these increased roles for committees might be achieved. The first action is to establish the committees by legislation, as has been done in some parliaments. I understand that the South Australian Parliament has put in place, or is in the process of putting in place, this sort of legislation. It is my view that we should quickly establish a select committee, chaired by an opposition member, to undertake the task of preparing a recommendation to the Assembly for such legislation for the ACT.

Notwithstanding this committee's report, however, it is my view that the following minimum provisions should be included in that legislation: Non-Executive members to chair the public accounts and estimates committees; there be two types of committee, select and executive - select committees formed for particular inquiries of a political nature, and executive committees to be chaired by the responsible Minister and with a majority of non-government members. In this way the contentious issues can be worked out within the much more relaxed atmosphere of a committee operating in open session. The committee system also provides an opportunity for the community to put a point of view and be further questioned in open forum. This is more than nice sounding words; it is open and consultative decision making and government.

One task for these executive committees would be to conduct a performance review of the departments in their portfolio areas at least once every term of the Assembly. Such reviews should consider not only financial performance but also whether the aims and objectives of the department have been achieved and their overall performance reviewed. Unfortunately, the process of the Estimates Committee does not provide sufficient time for this to take place. The bureaucracy then becomes more responsive to the whole Assembly and not just to the Executive.

Naturally, the reports of our committees are important, and it is important that the new legislation require the Executive to respond to each committee report no more than 90 days after it has been tabled. The report should then be listed on the notice paper for debate within six sitting days of the tabling of the response from the Executive. The extent and nature of the debate would then be up to the Assembly. In closing, these few comments on our vision for the opportunities for a new and exciting form of Assembly operation are enunciated with the hope that this time we will get it right and that the Assembly will finally find its rightful place within the community.

DR KINLOCH (5.23): I would like to emulate the excellent example set by Trevor Kaine. He made a few comments and then came to one very useful conclusion, which was that these matters that we are now discussing should be referred to a select or standing committee or some kind of special committee. I agree with that. So, much that has been said, I do not propose to repeat. I especially thank my two colleagues to my left for the proposals they make. I also agree with Trevor Kaine about the need for reform of system as well as process. Both are obviously essential.

If there were such a committee - and I wonder whether it would be useful to have formalised that by August - I would like to propose the following matters for further discussion. I agree that we would not want to go back to or initiate some kind of mini-municipal government, but I wonder whether there is another alternative which is not this pocket handkerchief version of a Westminster parliamentary system but which is a large-scale, Canberra related, city council type of government covering the whole range of things that we now cover, but without - may I suggest - the parliamentary pretensions that we now have. I would like to see that reconsidered.

I would certainly like to see an effective, straightforward and easily understood electoral system. We are going to be looking at all that, so I will not go on with it here. But I would ask, in terms of both system and process, that we worry considerably about a 7:7:5 Hare-Clark break-up. I would like to worry greatly about that. I think it will create difficulties and anomalies. For another reason, as I will now explain, I would like to argue for at least a 7:7:7, three-area break-up. But why 21 altogether - 7:7:7? Later today we will be discussing committees; that is, our standing and select committees. Whether this is to be, in the long run, a Westminster style legislative assembly or a large-scale, unique city council, these standing and select committees are at the heart of our activity here.

The body of work at the moment is too great. I am not complaining about the amount of work. It is just that if one is on two, three, four, five or six committees - and I think Bill Wood and Robyn Nolan in particular have had that problem - there is just too much to cope with. I am sure Mrs Nolan would agree. The body of information is so great; the range of committee responsibilities is too great. We need more indians and fewer chiefs in connection with those committees. You need time to digest the range of material in front of you, and an increase of four members would go some way to solve this, as it would solve the problem of the difficulties of the 7:7:5 break-up.

21 June 1991

Let me come quickly to the chiefs, as well as to the indians. I congratulate the Chief Minister on some of her suggested rearrangements. I think that health and education as one department was a huge dilemma. I am not blaming anyone or being critical of anyone; I am just saying that I wonder whether it would not now be possible to look to the future for a minimum of five or six Ministers, or senior alderpersons, or whatever they might be called, so that no-one would be overwhelmed by the range of work to be done. Even better in that connection, I commend the committee system of government as put forward here in the Self-Government Reform Group charter, with five or six major committees chaired by the five or six Ministers. I commend our little charter on that matter.

I will leave it at that, Mr Deputy Speaker. I would just like to note that a sheet of paper has been referred to. That sheet of paper with names on it has no status and I - - -

Mr Collaery: Knew nothing about it.

DR KINLOCH: I knew nothing about it until I saw it this afternoon.

MR MOORE (5.27): I will say just a couple of words, Mr Deputy Speaker, having heard this new enthusiasm for consultative government from these members of the cross benches who for the last 18 months have been so enthusiastic about a strong government that can make hard decisions. Suddenly, when they are booted out of that, they get a new enthusiasm for a consultative government where they get a bit more power. What happened in these last 18 months to these ideas that we suddenly hear coming forth now? They are ideas for which we can now refer back to 1989. Yes, we had all these ideas in 1989 and on 21 March Mr Jensen published all these things; but they sold them out. What we hear now is the speaking of a group of chameleons.

MR SPEAKER: The discussion appears to have concluded.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Inquiry into Defamation Law

MR STEFANIAK: Mr Speaker, I present the report of the Standing Committee on Legal Affairs inquiry into defamation law in the Australian Capital Territory, together with copies of the relevant minutes of the proceedings. I move:

That the report be noted.

Mr Speaker, at this stage, rather than me and the other members of the committee speaking, I seek leave to suspend so much of standing orders as would prevent me from moving the adjournment of debate so that I get the call on the next occasion.

Leave granted.

MR STEFANIAK: I move:

That the debate be now adjourned.

Question resolved in the affirmative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Alteration of Reporting Date

MR JENSEN: Mr Speaker, I seek leave to move a motion to alter the reporting date for the Standing Committee on Planning, Development and Infrastructure inquiry into the proposed 1991-92 new capital works program.

Leave granted.

MR JENSEN: I move:

That the resolution of the Assembly of 2 May 1991, concerning the reference of the 1991-92 New Capital Works Program to the Standing Committee on Planning, Development and Infrastructure, be amended by omitting "by 12 July 1991" and substituting "by 15 August 1991".

I wish to make just a couple of brief comments, Mr Speaker. I understand from discussions with the leader of government business that there is a proposal to rejig the capital works program that was provided to the committee. Unfortunately, I am not aware of any advice or letter having been received yet.

Ms Follett: It is on its way; I have signed it.

MR JENSEN: Thank you, Ms Follett. That will give the committee, in whatever form, the appropriate opportunity to examine the new proposals. It would seem, however, that the time is a little short; but I guess that the committee will do the best it can.

Question resolved in the affirmative.

21 June 1991

STANDING AND SELECT COMMITTEES
Membership

MR BERRY (Deputy Chief Minister): I seek leave to move a motion concerning membership of standing and select committees.

Leave granted.

MR BERRY: I move:

That:

- (1) Ms Follett and Ms Maher be discharged from the Standing Committee on Public Accounts, and Mr Kaine and Mr Moore be appointed in their place;
- (2) Mr Connolly and Mrs Nolan be discharged from the Standing Committee on Legal Affairs, and Mr Collaery and Mrs Grassby be appointed in their place;
- (3) Mr Berry and Mrs Nolan be discharged from the Standing Committee on Planning, Development and Infrastructure, and Mrs Grassby and Mr Kaine be appointed in their place;
- (4) Mr Stefaniak, Dr Kinloch and Mrs Nolan be discharged from the Standing Committee on Conservation, Heritage and the Environment, and Mr Jensen, Mr Humphries and Mr Collaery be appointed in their place.
- (5) Mr Wood be discharged from the Standing Committee on Social Policy, and Mrs Grassby be appointed in his place.
- (6) Mr Connolly and Ms Maher be discharged from the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and Mr Collaery and Mrs Grassby be appointed in their place.
- (7) Mr Jensen and Mr Berry be discharged from the Standing Committee on Administration and Procedures, and Mrs Grassby and Mr Duby (Leader of the Opposition) be appointed in their place.
- (8) Mr Wood be discharged from the Select Committee on HIV, Illegal Drugs and Prostitution, and Mrs Grassby be appointed in his place.

Ms Maher: Can we have a copy of it, please?

MR BERRY: Yes, I will circulate that. In speaking to the motion, I would advise that I have also received correspondence from Mr Jensen on behalf of the Residents Rally, I suspect - the reborn Residents Rally, shall I say; Ms Maher on behalf of the Independents Group; and Mr Stevenson on behalf of himself.

Mr Stevenson asked to go on the Public Accounts Committee as well as the Social Policy Committee. Mr Stevenson's name appears only on the Social Policy Committee. He had previously asked me to do that in the course of negotiations. Ms Maher asked for Mr Duby to be appointed to the Public Accounts and Administration and Procedures Committees. Mr Duby is proposed in the motion for membership of the Administration and Procedures Committee, which he specifically requested in discussions with him. Ms Maher retains her position on the Social Policy Committee.

In relation to the request from the Residents Rally party, it requested that it get a berth on the Public Accounts Committee for Mr Jensen. His name appears in the motion, appointing him to that position. Mr Jensen requested to be appointed to the Planning, Development and Infrastructure Committee. His name appears in the motion, appointing him to that position. Dr Kinloch asked to be on the Conservation, Heritage and Environment Committee. Mr Collaery has been proposed in the motion for appointment to that. Dr Kinloch asked to be appointed to the Social Policy Committee and his name appears in the motion in connection with that committee. Mr Collaery asked to be appointed to the Scrutiny of Bills and Subordinate Legislation Committee and his name appears in the motion connected with that committee. Mr Jensen asked to be appointed to the Administration and Procedures Committee. Mr Jensen's name does not appear in relation to that committee because Mr Duby had previously asked to be appointed to it.

There are only so many committees and so many holes. One has to do one's best to fill them all. I think, in the light of the consultation which has taken place and the letters which I have received, that the motion reflects fairly the position which would be acceptable to the Assembly.

MR STEVENSON (5.36): As everyone knows, I have been a member of the Social Policy Committee. I think there have been some three other committees for which I have nominated during the existence of this Assembly. At one time I was put on a committee, the Cultural Activities and Facilities Committee. There was a slight problem with that one. Prior to being put on the committee, nobody told me about it. Once again we have the famous consultation - - -

Mr Berry: I raise a point of order, Mr Speaker. Is the member speaking for or against the motion? It is hard to make out.

21 June 1991

MR STEVENSON: I will certainly make that perfectly clear, as I usually do with most things I speak on. There is never much doubt when I have finished speaking.

So, there was a slight problem with that one in that I was not asked whether I wanted to be on it or not, and indeed I did not go on it. But I would have liked to be on the other three that I did ask for and on which I felt I could serve the people well. I have had in mind for some time the idea of serving on a major committee such as the Public Accounts Committee, and at one time I would ask to be elected onto that committee. I believe that any member of any grouping in this Assembly, if they wish to do so, should be elected to the Public Accounts Committee because, after all, no money, no government. That is the major one that we need to look at.

I have been becoming increasingly concerned about the use or misuse of taxpayers' money in the ACT. The Auditor-General's Report No. 4 did nothing to allay those concerns; there are major problems. I look forward to looking at Report No. 5 as well. I had earlier suggested that I was not going to nominate for the Public Accounts Committee, but I changed my mind. I did so because there is no doubt whatsoever that the ACT is in a very perilous situation with regard to accounts. I think we need to look at the fact that the ACT has not been handled well economically by either the ALP when it had control of the numbers or the Alliance when it had control of the numbers.

The ACT, when self-government was formed, was set up along the lines of a State-like government. Accounting practices were put in line that would be more fitting to New South Wales or some other State. Perhaps it would have been far better to have set up in the ACT something more fitting to the numbers of people we have here - perhaps something along the lines of a local council, because that is what we have as far as numbers are concerned. So, as I said, I have asked to be included on the Social Policy Committee as well as the Public Accounts Committee.

MR DUBY (Leader of the Opposition) (5.39): Mr Speaker, I do not know whether this is the appropriate time to say this. I have some difficulty with point one of the motion. As Mr Stevenson has rightly outlined, the Public Accounts Committee currently has only three members. I tend to agree with Mr Stevenson's statement that that is an important committee which should have a broader representation from throughout the Assembly. I therefore seek leave to move that the Standing Committee on Public Accounts be expanded to include five members.

Leave not granted.

MR DUBY: Then I move:

That so much of standing and temporary orders be suspended as would prevent Mr Duby (Leader of the Opposition) from moving a motion to amend the resolution of appointment of the Standing Committee on Public Accounts.

Question put.

The Assembly voted -

AYES, 6

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Ms Maher
Mr Stevenson

NOES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

Question so resolved in the negative.

Question put:

That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

NOES, 6

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Ms Maher
Mr Stevenson

Question so resolved in the affirmative.

21 June 1991

SUSPENSION OF SITTING

MR SPEAKER: Is it the desire of the Assembly to suspend the sitting for a period? There being an objection, we must proceed.

Mr Kaine: Mr Speaker, I move: That the Assembly adjourn for one hour.

MR SPEAKER: I am afraid that that has to come from a Minister, Mr Kaine - unless you suspend standing orders.

Motion (by **Mr Berry**), by leave, agreed to:

That the Assembly suspend for one hour.

Sitting suspended from 5.47 to 6.47 pm

ELECTION OF LEADER OF THE OPPOSITION - SECOND BALLOT Papers

MR KAINE (6.47): Mr Speaker, I seek leave to move a motion concerning the tabling of certain records of the Assembly.

Leave granted.

MR KAINE: I move:

That the ballot papers for the second ballot for the election of Leader of the Opposition earlier this day be laid on the table by the Clerk.

MR SPEAKER: The question is: That the motion be agreed to.

Mr Moore: Are you going to allow people to speak to it?

MR SPEAKER: Please proceed, Mr Duby.

Mr Duby: Mr Speaker, I am not too sure of the purpose of this motion. Mr Kaine, are you going to speak?

MR KAINE: I am quite happy to speak briefly to it and to explain why. Members of the Assembly will be aware of events concerning the leadership of the Liberal Party over the last few days and I believe that there are many people in the Liberal Party and in the community who will believe, unless I demonstrate otherwise, that I voted against my own leader for this position. I believe that the only way to demonstrate positively and irrevocably that that is not the case is for the ballot papers to be laid on the table so that all can see how I, in particular, voted.

That is why I seek to have this matter clarified. It is a matter of great concern to me personally. In fact, it has already been suggested, and I heard it on television this evening, that one of the suspects for voting against the leader of the Liberal Party is me. I would like that speculation and that questioning of my integrity to be set to rest without question, Mr Speaker.

MR DUBY (Leader of the Opposition) (6.48): Mr Speaker, in perusing the standing orders I notice that there is no provision here that it is a secret ballot. That was the only question that I had in my mind; whether this was establishing a precedent which we would not like to see followed in future and supposedly secret ballots would become public. Given Mr Kaine's concerns and given the amount of respect which I think most members of this Assembly have for him, I support the motion.

Question resolved in the affirmative.

MR SPEAKER: The ballot papers will be stamped and initialled by the Clerk and then tabled.

MR KAINE: Mr Speaker, the Assembly having agreed to the tabling of these documents, I would now like it to be recorded in *Hansard* that my vote on this issue for my party leader has been clearly established. I would like that on the record.

MR PROWSE: Mr Deputy Speaker, I seek leave to make a short statement.

Leave granted.

MR PROWSE: I also have been recognised on TV tonight as being the other nigger in the woodpile, or possible - - -

Mr Berry: That is a bit racist.

MR PROWSE: I am sorry; the one who voted against my leader. My ballot paper is there, clearly identified by me and by Mr Humphries, to whom I gave a copy of my printing before the ballot papers were presented.

MR COLLAERY: Mr Deputy Speaker, I seek leave to make a short statement.

Ms Follett: Whom did you vote for?

MR COLLAERY: It is all there. You can look now.

Leave granted.

MR COLLAERY: Mr Deputy Speaker, I think *Hansard* should also record that this regrettable and unprecedented step has been taken at the request of the Labor Party - - -

Mr Connolly: What nonsense!

21 June 1991

MR COLLAERY: I am sorry; of the Liberal Party, rather. It should be recorded that so little trust did Mr Kaine's colleagues have in him that they all expressed an interest in checking his ballot paper, and this is a sad day.

DISCHARGE OF ORDERS OF THE DAY

MR BERRY (Deputy Chief Minister) (6.55): Mr Speaker, I seek leave to move a motion to discharge orders of the day, executive business and private members' business.

Leave granted.

MR BERRY: I move:

That:

(1) the following orders of the day, executive business, be discharged -

- | | |
|--------|---|
| No. 1 | Magistrates and Coroner's Court (Registrar) Bill 1991 |
| No. 2 | Magistrates Court (Amendment) Bill 1991 |
| No. 3 | Commercial Arbitration (Amendment) Bill 1991 |
| No. 4 | Film Classification (Amendment) Bill 1991 |
| No. 5 | Budget 1990-91 - Ministerial Statement - Motion to take note of Paper |
| No. 6 | Literacy - International Year - Ministerial Statement - Motion to take note of Paper |
| No. 7 | Legal Practitioners (Amendment) Bill 1991 |
| No. 8 | Legal Aid Commission - Report 1989-90 - Motion to take note of Paper |
| No. 9 | Ageing - Progress report on the implementation of the Blueprint for the Ageing - Ministerial Statement and Report - Motion to take note of the Papers |
| No. 10 | Vocational Training Authority - Report 1989-90 - Motion to take note of Paper |
| No. 11 | Milk Authority - Report 1989-90 - Motion to take note of Paper |
| No. 12 | Schooling in Australia 1989 - National Report - Ministerial Statement - Motion to take note of Papers |
| No. 13 | Commonwealth Grants Commission - Ministerial Statement - Motion to take note of Paper |
| No. 14 | Summer Street Machine Nationals 1990 - Ministerial Statement - Motion to take note of Paper |
| No. 15 | Trade Measurement Bill 1990 |

- No. 16 Priorities Review Board - Ministerial Statement and Papers - Motion to take note of Papers
- No. 17 Environmental Assessments and Inquiries - Draft Regulations and Bill - Ministerial Statement - Motion to take note of Paper
- No. 18 Planning and Land Use - Draft Legislation - Ministerial Statement and Papers - Motion to take note of Papers
- No. 19 Operation of the *Drugs of Dependence Act 1989* - Report 1989-90 - Motion to take note of Paper
- No. 20 Transport Trust Account - Financial Report - Extension of Time - Motion to take note of Paper
- No. 21 Housing Trust - Report and Financial Statements - Extension of Time - Motion to take note of Paper
- No. 22 Hudson Report - Ministerial Statement - Motion to take note of Paper
- No. 23 Auditor-General - Efficiency Audit - ACT Government Vehicle Fleet - Motion to take note of Paper
- No. 24 Auditor-General - Efficiency Audit - ACTION - Motion to take note of Paper
- No. 25 Petrol Pricing - Ministerial Statement - Motion to take note of Paper
- No. 26 Explanatory Memoranda - Ministerial Statement and Paper - Motion to take note of Papers.

(2) the following Orders of the Day, private members' business, be discharged -

- No. 1 Disallowance of Determination No. 8 of 1991
- No. 2 Interpretation (Amendment) Bill 1991
- No. 3 Landlord and Tenant (Rental Bonds) Bill 1990
- No. 4 Lakes (Amendment) Bill 1990
- No. 5 Weetangera Primary School
- No. 6 Quality Teaching
- No. 7 Film Censorship Board Guidelines
- No. 8 Business Leases Review Bill 1983
- No. 9 Griffin Centre Site
- No. 10 Civic Square Redevelopment Project - Ministerial Paper - Motion to take note of Paper
- No. 12 Westpac Documents - Tabling and Publication
- No. 13 Children - Disabilities
- No. 14 Conservation, Heritage and Environment - Standing Committee - Discussion Paper - Fuelwood Heating - Motion to take note of Paper

21 June 1991

No. 15	Casino Project - Ministerial Statement - Motion to take note of Paper
No. 17	Schools Authority (Amendment) Bill 1990
No. 18	Royal Canberra Hospital Bill 1990
No. 19	Human Rights Bill 1990
No. 20	Ainslie Transfer Station Bill 1990.

For the information of members, it is the Government's intention to examine, as a priority, all legislation that is listed on the notice paper today, with a view to reintroducing that legislation that it considers appropriate as soon as possible. The Government will also be considering all its items of private members' business listed today with a similar view.

MR KAINE (6.56): I just wanted to note, Mr Speaker, the importance of some of the matters that are now being removed from the notice paper. I accept Mr Berry's assurance that these matters will be brought back onto the agenda; but I note the fact that there are matters here of great importance, and I will just run through a few of them.

There is the report on the implementation of the former Government's *Blueprint for the Ageing* - a very important matter for our senior citizens. There is a paper on the Commonwealth Grants Commission. There are the ministerial statement and papers concerning the draft legislation for planning and land use. There is the Auditor-General's efficiency audit concerning the use of ACT Government vehicles. Those are all matters listed under executive business.

Turning to private members' business, there are matters such as the Landlord and Tenant (Rental Bonds) Bill, which I am sure Mr Connolly will bring forward again. There is a motion concerning the Weetangera Primary School, although I notice that the Weetangera Primary School has disappeared off the agenda of recent times. There is a motion concerning quality teaching. There is another one concerning the Griffin Centre and what might be done on the site round there for a community centre. There is the Civic Square redevelopment project, the Publications Control (Amendment) Bill brought up by Mr Stevenson, a matter concerning disabilities in children and another one concerning the Human Rights Bill.

Those are all matters of major concern and I think that the Assembly should note that those matters were on the agenda for discussion under the business of the previous Government. I know that Mr Berry and the Government will bring those matters back. They need to come back for consideration by the Assembly at the earliest possible time because they are matters of great concern to elements of this community.

MRS NOLAN (6.58): In regard to the removal of orders of the day and, in particular, committee reports, I believe that ever since this Assembly has been in operation there has been considerable work done in terms of committee reports. I would hope that the new Government will respond to those committee reports, and respond to them in the accepted time, if you like, which is perhaps a parliamentary practice rather than a specific period; that is, in the order of three months after the tabling of a committee report. I believe that some very good reports have been tabled in this Assembly. I hope that that very good work has not been left not to be responded to and to be acted upon. I ask that the Government take that into consideration. I look forward to seeing the responses to those reports.

Question resolved in the affirmative.

DAYS OF MEETING

MR BERRY (Deputy Chief Minister) (6.59), by leave: Mr Speaker, I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members, or the Assembly otherwise orders, the Assembly shall meet as follows for the remainder of 1991:

August	6 13	7 14	8 15
September	10 17	11 18	12 19
October	15 22	16 23	17 24
November	19 26	20 27	21 28
December	10 17	11	12

For the information of members, this motion is being moved to enable the Assembly to sit an extra day, Tuesday, 17 December. This is being done in order to meet the requirement of the Australian Capital Territory (Self-Government) Act 1988 for the Assembly to meet once every two months, thereby ensuring that the Assembly does not have to meet again prior to the election in February 1992.

Mr Speaker, I must also add that during the course of negotiations recently a proposition was put to members that the Assembly not sit on 6, 7 and 8 August. Residents Rally members indicated that they would not agree to that because

21 June 1991

they felt that there was some business the Government had that it ought to bring forward in that week. The Liberal Party has taken a position of agreement; in the absence of support for the presentation this evening of a Bill in relation to move-on powers, they would move to support those days - that is, 6, 7 and 8 August - being again set down as sitting days for the Assembly. I commend the motion to the Assembly.

Question resolved in the affirmative.

LEAVE OF ABSENCE TO MEMBER

Motion (by **Mr Moore**) agreed to:

That leave of absence from 24 June to 6 August 1991 inclusive be given to Mr Moore.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

Motion (by **Ms Follett**) agreed to:

That, in relation to the proceedings on the Rates and Land Tax (Amendment) Bill 1991 and the Rates and Land Tax (Amendment) Bill (No. 2) 1991, so much of the standing and temporary orders be suspended as would prevent:

- (1) the presentation of the two Bills together;
- (2) one motion being moved and one question being put in regard to both the agreement in principle and agreement to the Bills;
- (3) the consideration of both Bills as a whole together in detail stage; and
- (4) consideration of the Bills, at all stages, to proceed forthwith.

RATES AND LAND TAX (AMENDMENT) BILL 1991 RATES AND LAND TAX (AMENDMENT) BILL (NO. 2) 1991

MS FOLLETT (Chief Minister and Treasurer) (7.03): Mr Speaker, I present the Rates and Land Tax (Amendment) Bill 1991 and the Rates and Land Tax (Amendment) Bill (No. 2) 1991. I move:

That these Bills be agreed to in principle.

Mr Speaker, these Bills each amend the Rates and Land Tax Act 1926. The Rates and Land Tax Act provides for the imposition of municipal rates and land tax in the ACT. Bill No. 1 proposes amendments to allow use of the 1991

triennium land revaluations for the 1991-92 rating year and to introduce annual revaluations of ACT land and measures to improve the administration of the Act.

Currently, Mr Speaker, the unimproved land values determined at 1 January 1991 would not be available for use for rating purposes until 1 July 1992. This means that the land values are 18 months old at the time that they are first used. As the revaluations occur triennially, the land values are 4 years old at the end of the triennium. The use of these "aged" values for assessing land tax charges results in a loss of revenue in the second and third years of the triennium. Also, rate and land tax payers are sometimes faced with substantial increases in land values when the new values are introduced at the start of the new triennium.

The proposed amendments to the Act therefore provide for the land values determined at 1 January 1991 to be used for rating purposes as from 1 July 1991; that is, 12 months earlier than is currently provided for in the Act. The use of these values within six months enables rate and land tax payers to more readily associate the unimproved land value with the market value of the property, thereby gaining greater acceptance of any change in value. Consequently, there should be fewer objections to changed values.

At the same time an amendment providing for annual revaluations will complement this change, ensuring that wide variations to land values are minimised and revenue from land tax charges will also more accurately reflect current unimproved land values.

In the process of recovering overdue rates and land tax the ACT Revenue Office sometimes incurs additional costs which are recoverable from debtors. If the land is sold the debt remains with the seller and because these costs are not a charge on the land, as are primary rates and land tax charges, it is possible for the property to be sold without the debt being discharged. Loss of revenue can occur if the defaulting payer is unable to be traced to have the debt discharged.

Mr Speaker, an amendment proposed in Bill No. 1 provides for these costs to become charges on the land, thereby ensuring that the costs, if not recovered earlier, will ultimately be taken into account and recovered when the property is sold. Bill No. 1 also provides for a ratepayer to be unable to receive a discount on the current year's rates while still owing rates from a previous year. This removes an undesirable situation which is inequitable to ratepayers meeting their total rating obligations each year.

The Government is also proposing that the second, third and final rates instalments are to be in whole dollar amounts, while the first instalment will contain the remaining amount, including the odd cents. This change will provide

21 June 1991

considerable administrative relief to cashiers through a reduction in keystrokes, reconciliations and associated checking functions.

Bill No. 1 addresses problems where one of the joint owners of land is the Commonwealth or a statutory authority of the Commonwealth which is exempt from rates and/or land tax charges by providing for recovery of rates and/or land tax charges for the whole property from a non-exempt joint owner. Currently the benefit of such an exemption flows to the non-exempt joint owner involved in a joint ownership arrangement; for example, Westfields at Belconnen, where one of the owners is a Commonwealth statutory authority and is exempted from land tax by enabling legislation. The non-exempt partner benefits from the reduced operating costs of the overall business arrangement. Other land owners are thus being disadvantaged by comparison.

Finally, Bill No. 1 proposes to bind the Crown in right of the Territory, the States and other Territories. This provision will ensure that State and Territory governments are liable to pay rates and land tax charges on properties owned in the ACT. In conclusion, the proposed amendments in Bill No. 1 will considerably improve the land revaluation system, enhance administrative procedures in the Revenue Office and increase revenue.

In relation to Bill No. 2, the Government is proposing these amendments to alter the urban and rural rates for 1990-91 and to make a minor administrative change. Bill No. 2 provides that the municipal rates for 1991-92 are to be 1.149 per cent of the unimproved value for land in the city area and 0.5745 per cent of the unimproved value for rural land.

This Bill also makes a minor administrative amendment. Section 15 of the principal Act is amended by omitting subsection (6) and a reference to subsection (6) in subparagraph 15(5)(b)(i). This subsection provides for fractions of a cent to be included in the last rates instalment and is no longer required because of an amendment to the Act proposed in Bill No 1. Amendment Bill No. 1 provides for all instalments to be equal, except for the first instalment.

The combined effect of the two Bills I have presented today is to increase the overall rates revenue from existing rateable properties by 4 per cent - the expected rate of increase in the consumer price index. Individual ratepayers may experience a change in their rates greater or less than 4 per cent due to the effect of the property revaluation which we propose will occur at the same time. By restricting the average increase to only 4 per cent the Government is seeking to protect ratepayers who were hit last year with an across the board 16.6 per cent increase by the Alliance Government. Mr Speaker, I now present the explanatory memoranda for the Bills.

MR STEVENSON (7.10): Mr Speaker, I do not believe that the community would agree with these rates increases. However, of course, there is no opportunity for community consultation or to ask the community whether or not they agree with these increases. Certainly this sort of legislation can be effective in raising taxes.

What we are actually looking at is part of a budget given to us without any indication of what other increased taxes there are going to be. In this Assembly we are asked to vote for the increases without knowing what is in the rest of the package. Under those circumstances, I do not propose to vote for this part of the package prior to knowing what is in the rest of the package. I think that we should look to what we were talking about today and give the community the time to agree or not agree with such rates increases.

MR DUBY (Leader of the Opposition) (7.12): I rise to speak in support of these Bills.

Mr Wood: What a modest proposal it is, too, after yours last year.

MR DUBY: Thank you, Mr Wood. I am delighted to note that. I notice that in the presentation speech Ms Follett mentioned the rates increase which it was necessary to bring in last year. Basically these are work-a-day Bills. I think Bill No. 1 certainly tidies up a lot of areas that need to be tidied up. Indeed, the previous Alliance Government would have been bringing Bills of a very similar nature to the Assembly round about this time anyway.

Whilst the actual rate that is levied on the unimproved value of land is declining, I noticed in that explanatory memorandum that you handed out - thank you very much, Chief Minister - and which accompanied this yesterday to warn us and foreshadow what was happening, that there were some members of the community who were going to have a substantially higher increase than a mere 4 per cent. Admittedly some people were also going to have a reduction. However, I guess that in a way that is unavoidable, particularly when those new increased valuations are taken into account.

All in all, I support the Government in this matter. It is important that issues that affect revenue for the Government be in place prior to 1 July, and I have no problem with the Bills.

MR KAINE (7.13): Mr Speaker, the Liberal Party has no disagreement in principle with these two Bills and supports the right of the Chief Minister and Treasurer to put such Bills to the Assembly so that revenue, in terms of rating on residential and commercial property and rural property, can be collected effectively from 1 July.

21 June 1991

I would like to take issue with Mr Stevenson's proposition that this is a rates increase. In fact, it is not. By allowing for only the expected CPI increase for next year, of 4 per cent, this is, in fact, not an increase at all. It is merely maintaining revenue from this source in real dollar terms. So, I would argue that it is not a rates increase.

Indeed, the Government is taking somewhat of a risk, in my view, by projecting its revenue from this source for the next fiscal year on the basis of only a 4 per cent change in the CPI, given the hole that the budget is in. I know the hole that the budget is in and I know that the Chief Minister is now aware of that; hence her visit to Mr Kerin. The difficulty is going to be to generate sufficient revenue from all available sources next year to actually cover the cost of running the Government. That is going to be the case, even if the Government puts no new initiatives into place next year.

The Government is going to have great difficulty finding revenue from all sources just to keep pace with the current costs of government, increased to cope with the expected 4 per cent CPI increase next year, or rate of inflation. So, I think that the Government is being very conservative in projecting only a 4 per cent CPI increase and adjusting its rating only to that level, because it does close off an option to adjust it, perhaps, if in a month or two, or three months' time, they discover that 4 per cent is much too low an estimate. In that event their collections from rates next year could be an underachievement and make their budget-balancing on their recurrent budget even more difficult than it is going to be now. I do have to take issue with Mr Stevenson on the proposition that it is a rates increase; it is not.

The Government, of course, is putting into effect, by means of these amendments, the same kinds of things that we would have done had we remained in government. The move to annual revaluation of land for rating purposes is something that we had proposed to do. It is sensible. What we will find now is that there will not be major fluctuations in the valuation of land every three years. By doing an annual valuation, changes will be much smaller and people will not be surprised at the nature of the change in their unimproved land value. Of course, the percentage in the dollar that we will be collecting for rates will not change dramatically from one year to the next as long as successive governments stick with the proposition that rates should increase only in accordance with CPI movements. So, that is a sensible thing and it is something that we would have done in government.

The other adjustments, as have already been noted, are really tidying up the Act and removing some anomalies. The Chief Minister has run through them and I do not think I need to do it again. They are all things that we would have done had we remained in government. They remove some

of the anomalies from the rates collection business. So, Mr Speaker, as I have said, speaking for the Liberal Party, we support these two Bills in principle.

MR COLLAERY (7.18): Mr Speaker, the Residents Rally also supports these Bills in principle. I thank the Chief Minister for being willing to provide advance information on the Bills to us. I welcome her decision to proceed with the reform of the ACT's rating system. The decision to have annual valuations has been made possible only by the enormous work and dedication of the officials on the valuation and associated computer project.

Three-yearly valuations can result in some large movements. In the sample information provided to us by the Chief Minister there are increases in rateable values of 26.2 per cent for Monash and 23.2 per cent for Page. Plainly, such large increases may cause hardship to some of the residents in those suburbs. Our ratepayers should be informed of the existing provisions for deferred payments for compassionate cases. Of course, an annual rating system will produce far fewer of these unpleasant surprises.

It should be remembered, Mr Speaker, that increased rate valuations represent increased capital enrichment. For commercial tenants this is not the case. They have to pay increased rates under their subleases but do not have the compensating benefit of capital enrichment. However, the Rally's private members' Bill on commercial tenancies, which we hope to introduce shortly, will remedy this by providing greater security to tenants so that the value of their goodwill, their capital asset, is retained.

Mr Speaker, the new Government is faced with overcoming a major deficit in the coming budget, a deficit which has been magnified by actual cuts in Commonwealth grants to the ACT at the Premiers Conference. The ACT Treasury has estimated that these cuts could amount to \$40m in real terms.

The rates Bill is a major component of the budget strategy; so it is timely to examine the implications of the deficit. As the Grants Commission has pointed out, most of the deficit is accounted for by high levels of expenditure in health and education relative to the other States. While savings need to be made in all areas of the ACT Government, it is in fact health and education which offer the greatest potential. The single principal hospital was seen as a way to save costs as well as to provide for high technology and high cost hospital services in an affordable way.

The Rally always had concerns about the fast-tracking approach to the development of the principal hospital, and events have proved that our fears were well founded. As the Enfield report pointed out, the health department's finance and management systems are defective. Taking on such a large and complex project as the redevelopment has

21 June 1991

accentuated those problems. We support Labor's moratorium on the fast tracking. It is time, Mr Speaker, to have a stocktake and work out the best way forward.

Mr Speaker, it is not just a question of defining the best hospitals strategy, important as that is; there is also the need to address the inefficiencies of the health bureaucracy. The Health Department has a large central staff which is quite massive in comparison to the size of our health system. Rather than cut services, much can be gained by cutting overheads.

On the education front, Mr Speaker, much of the deficit arises, ironically, from the success of the ACT education system. We have the highest participation rates in the country for preschools. Again, at the other end of the school system, we have by far the highest retention rates in years 11 and 12 because of our excellent college system. The colleges are so successful that they reverse the drain to the private school system in those years. The extra years at school are certainly an added cost, but the benefits to the students and our community far outweigh the costs. A highly educated and skilled work force is essential so that Canberra can develop from being just a government town.

Our TAFE system also has high enrolments but has already been hit hard by budget cutbacks. Up to a point the cutbacks brought about improved economy and efficiency in the TAFE system; but further cuts will force cuts in courses and services, to the detriment of staff and students. In particular, recreational courses were an early casualty. An unfortunate consequence has been to cut off an avenue for women to rejoin the work force. These recreational courses have proved useful in helping women to redevelop their study skills so that they then have the confidence to take on vocational courses and become skilled members of the work force. Similarly, the disadvantaged are being penalised by the greatly increased course fees. Support services for those with disabilities have been eroded, and their chances for equal opportunity are fading away.

Mr Speaker, the Federal Government emphasises the need for Australia to become the clever country. Cutting back on government spending is a line pressed on us by the so-called economic rationalists, but cutting back on education is hardly the way to become clever. Many of the OECD countries are now increasing their education budgets so that they can compete in today's information based economy. This is a point that the new ACT Government should be making, and making vigorously, to their colleagues in the Federal Government.

Plainly, education services cannot continue to be cut. At the same time the budget deficit must be addressed. One option, Mr Speaker, is to meet the deficit with increased taxes, as embodied to some extent in this Bill. The

problem is that the ACT's revenue base is small and increased taxes and charges can meet only some of the shortfall. Hardship will be caused to small business and the community if large increases are made, particularly as we are in the depths of the recession. Nevertheless, the Government should pursue some increases in framing the budget, providing the impact is equitable and care is taken to protect the disadvantaged in our community.

Rather than just relying on traditional revenue sources, the ACT Government should be creating new ones. One good example is my initiative, as Attorney, for limited partnerships, for which Dr Terence Dwyer is developing proposals. Dr Dwyer will complete them in early August. As well as providing a simpler option for running businesses, it will generate registration fees for the ACT Government. I trust that the present Attorney will bring forward that report immediately it is presented, given the urgency of the situation regarding small business and investment concerns in this Territory.

The final option is for further expenditure reductions. As I have already said, we need to maintain and even improve services in the ACT to the greatest extent possible. That means that the ACT Government will have to tackle the enormous overheads in the bureaucracy. I am very critical of our failure to tackle and look for top structure reforms in the ACT Government Service. At a time when services are being cut back, the ACT Government remains top heavy with SES positions, with the majority congregating in the Chief Minister's Department. Their relative opulence contrasts with the threadbare services to those with disabilities. These senior advisers press on us a steady diet of economic rationalism, often without direct care for the dire social consequences that it will cause. I again reiterate the need for an economic planning council to provide more balanced economic advice to the Government.

The ACT Government Service still remains a copy of a Commonwealth department and in many areas has failed to move with the times. It still has a bureaucratic hierarchy for which a good characterisation is "people hired to read reports which others of them had been hired to write". The emphasis now in successful organisations is to switch the resources to the front-line staff, the people who do the real work and deliver the services. The organisation is turned around in that manner to work for their customers.

What this means is cutting out most of the layers of middle management and supervisors and devolving responsibility and authority to the working staff. A major role of management becomes the support and development of staff to improve the effectiveness of their service delivery and their productivity. The traditional paper warfare games of managers can no longer be tolerated or afforded. One need only refer to the Auditor-General's reports in that regard and the current situation of the Housing Trust, where real reform is about to be introduced.

21 June 1991

Mr Speaker, the ACT Government has myriads of small organisational units, each handling some small slice of the Government's business. Each has its own manager, often with its own administrative support. Seasonal fluctuations may mean staff are frequently underoccupied. Overheads are high and productivity is low. Consolidation into larger units, but with a focus on a community of clients, could achieve major efficiencies. Staff will gain as well through an investment in multi-skilling and the creation of more interesting jobs.

Mr Speaker, the Access Communications report I commissioned, which proposed an ACT Sports Council, is a good example of what is possible. This proposal was for the amalgamation of the key government sports units. It promises a rationalisation of administrative overheads and a freeing up of resources to better meet the needs of its clients - the ACT sports community.

Mr Speaker, I was concerned to note during question time that Mr Berry and Mr Connolly tossed the ball around about the Tuggeranong pool. I was even more concerned when I read the administrative arrangements orders and saw that Mr Bill Wood is responsible for the Public Baths and Public Bathing Act. So, clearly - - -

Mr Wood: Why would you be concerned?

MR COLLAERY: And, I might add, the Nudity Act, Mr Wood. So, you there have your challenge. One wonders whether we are going to get that rationalisation of administrative overheads when there are three Ministers really nodding at each other when someone poses a question about the Tuggeranong pool. Perhaps, Mr Wood - through you, Mr Speaker - Mr Berry would have the deep end of that pool, given his stature; Mr Connolly would be slightly behind him in the diving section still; and Mr Wood would be the loyal back-up down there in the wading end.

The administration needs to be continually challenging the way it does its business, and we need Ministers who will continue to do that challenging. If that produces the odd unfavourable report in the press, as some members of the former Alliance Government got, so be it.

Mr Humphries: Like in health and education.

MR COLLAERY: I did not hear Mr Humphries interjection; but, if it was a mea culpa, then I will accept it.

Mr Speaker, does a particular task or job have to be done? Are there better ways of doing it? Could the work be done better by contracting it out? They are the questions to be asked. A businesslike approach to contracting could transform the operations of much of the ACT Government. The example of Manly Municipal Council could be followed. There the works department has to bid for council business

against private bidders. While it is still early days, the results have been good. There has been much more cooperation between the various sections and departments than has previously been the case, to make sure that they win the business.

Such initiatives have been few and far between in the ACT Government Service. Our budget gap makes action on streamlining the administration imperative. These tasks are what the ACT's SES should be working on, not grandstanding. Finally, Mr Speaker, and the message can be taken, if key top public servants are not prepared to revitalise the public service, and so far some of them show no inclination to do so, I believe that we must replace them with people who are responsive to the social priorities in our community. I commend Ms Follett's Bills, and they will receive support from the Rally.

MR STEFANIAK (7.29): I understand that the Scrutiny of Bills and Subordinate Legislation Committee has not had a chance to look at this Bill, naturally enough. Its legal adviser, Professor Whalan, has had a look and I am advised that he sees no problems whatsoever. I am not going to go over what other members have said in relation to this Bill, except to say that this is basically exactly what the Alliance Government would have brought in. It is a necessary Bill. It has to be brought in now. It is one of the main reasons why we are sitting today and, accordingly, it has the support of the Liberal Party.

MR MOORE (7.30): I accept the direction of this Bill and the need for it to go ahead. One point that I would like to make in addition to many of the comments made this evening is the notion that this Bill needs to come before the Assembly each year to adjust the rates. Each year we have seen it come here, the argument has been that we need to put the rates in line with the CPI so that there is no increase in real terms.

It seems to me that the logical way to go about it, therefore, is simply to pass one Bill that ties the rates to the CPI. This would also resolve the problems that Mr Kaine raised in terms of projecting what the CPI might be. If the rates were tied to the CPI and readjusted accordingly twice a year, or something to that effect, then, I think, we would have a much more sensible system and a system that does not require constantly coming back to this Assembly for reconsideration and the sort of misunderstanding that Mr Stevenson presented in suggesting that this is actually a rates rise.

Although in actual dollars it is a rates rise, if we took Mr Stevenson's approach, and looked back, there would have been no rates rises over the last 10 years. The CPI increase would have meant that the rates are totally out of kilter with expenditure. So, it is quite important, I believe, that rates be tied to the CPI if governments are to meet their financial and budgetary responsibilities.

21 June 1991

MR HUMPHRIES (7.32): Mr Speaker, as other speakers have mentioned, these Bills are Bills which would have been put forward by the Alliance Government.

Mr Wood: The CPI increase?

MR HUMPHRIES: I believe so, Mr Speaker, in answer to Mr Wood's interjection. I think that there would have been increases very similar to those that are being put forward in this Bill. Certainly, the general principle of CPI increases is obviously desirable. In the case of the operation of the Rates and Land Tax (Amendment) Bill (No. 2), some householders will experience increases in their rates quite considerably in excess of the CPI. That, of course, is a direct reflection of the fact that the unimproved value of their land has risen quite considerably since the last rating occurred. That is unfortunate.

Undoubtedly, Mr Speaker, there will be letters in the newspaper from irate residents of some suburbs, saying that it is outrageous that their rates should rise by so much. Others, I hope, will reflect carefully on the fact that the increased value of their land is in fact a benefit of sorts to them in any case, and that therefore the fact that the rates have also risen is only a reflection of the additional value of the asset that they now own. However, Mr Speaker, those things are inevitable, and I think we should acknowledge that the general principle behind this legislation is appropriate and ought to be supported.

It is also appropriate that the increases in rates that will occur in future under the second of the two Bills being discussed tonight will be annual rather than triennial. That is one way of mitigating the effect of having increases of 25 per cent or more in any one year. I believe that that will provide some relief from the suddenness, in future years, of rates increases. Of course, it will also mean that the Government is able to take advantage of those increases sooner rather than later.

Mr Speaker, it is very hard to criticise any revenue measures in the present environment. My party, the Liberal Party, would be very prepared to support, as I have made quite clear already, measures of this kind which are tough but fair. I believe that the package of legislation that has come to us tonight falls into that category. It does meet the growing needs of the ACT and the fact that the ACT has an annual increase in its costs by virtue of the CPI. The ACT needs to meet those annual increases and, as a result, it needs to consider increases in the rates that it collects.

Mr Speaker, as I mentioned, these are Bills which would have otherwise been brought forward by the Alliance Government. Therefore, it behoves us to support them, and we do so gladly.

MS FOLLETT (Chief Minister and Treasurer) (7.35), in reply: I thank members for their support for these Bills and for their comments, which are extremely useful to me in looking at the question of rates legislation. The very strange thing is that Mr Stevenson's first comment was exactly my first comment when I looked at the proposed rates Bills. Mr Stevenson wanted to know what was in the rest of the budget package, and I think that is a fair enough question when you are looking at raising taxes in one particular area. I had hoped that the paper that I put to the Assembly this afternoon on the outcome of the Premiers Conference and the outlook for the ACT budget might have put some of those questions into perspective for Mr Stevenson. Perhaps if he has a closer look at that, that might well be the case.

Mr Speaker, members have made the point that some ratepayers will be paying increases greater than the CPI increase of 4 per cent, and that is undoubtedly the case. Some of them will be paying much less, of course. In those areas where the increased valuation is less than the average, they will be paying less rates.

I think it is wise to bear in mind, first of all, that there are quite significant differences within suburbs, and the figures that we have been given by way of illustration are just average suburban figures. From house to house, street to street, there could be quite a variation. The other point is that ratepayers, of course, have a right to appeal against their valuation. That is a very important right for them. If they feel that their valuation is way out of kilter, they do have that right, and every time there is a revaluation significant numbers of ratepayers take advantage of that appeal right.

Mr Collaery canvassed some very broad issues - well outside the scope of the rates Bills, in fact. But I believe that it is very useful to have his comments on the record in the context of the broader budget. I will certainly be having a much closer look at what he said.

In conclusion, I thank members for their support. It is never an easy task to have to increase a cost to ordinary householders and it is certainly not one that I relish; but in the Bills that we have before us today I have certainly sought to make that increase as small as possible, just to cover the CPI, and also as equitable as possible, and I have done that by implementing that revaluation. Where people's properties are worth significantly more, that is reflected, and I think that is the equitable solution.

Question resolved in the affirmative.

Bills agreed to in principle.

Leave granted to dispense with the detail stage.

Bills agreed to.

21 June 1991

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR STEFANIAK (7.38): Mr Speaker, I move:

That so much of standing and temporary orders be suspended as would prevent Mr Stefaniak from moving a motion to amend standing orders.

The motion will be:

Omit standing orders 5A and 5B and substitute the following standing orders:

- "5A. The Leader of the Opposition of the Legislative Assembly for the Australian Capital Territory shall be the Leader of the largest non-Government party with the consent of the Member.
- 5B. In the event that the two largest non-Government parties are of equal size, the Assembly may elect a Leader of the Opposition and the election shall be conducted by the Speaker in a similar manner to the election of Chief Minister."

After the extraordinary events of this afternoon - and, indeed, it might well be, Mr Duby's short-lived day as Leader of the Opposition - I think, perhaps regrettably in some respects, the standing orders have to be amended along the lines of the motion I have foreshadowed.

Firstly, I think a few points should be made. The Opposition, despite what Mr Collaery might think, is not everyone who is not in government. The Opposition, in the Westminster system - and, as I said earlier to Mr Stevenson, like it or not, this Assembly is in the Westminster system - is the major non-government group that in fact shadows the Government. I do not think Mr Collaery is too sure of his facts or knows what he is talking about, because over the last few weeks or so he has consistently described his party as sitting on the cross benches. The cross benches are, in fact, different from sitting in opposition. The cross benches are not opposition; they are quite different. There is a need, in a Westminster system, for an opposition. It is there to represent the alternative when you can have only two views.

Looking at the history of this short-lived Assembly and going back to the first Follett Government, which was a minority government, I think there was then a perception in the community - certainly pushed about by the Residents Rally and, indeed, by Mr Collaery, its leader - that the Residents Rally was going to be the real opposition. He objected to the principle of a Leader of the Opposition on day one, on 11 May, 1989. He stated that the Liberal Party

would become irrelevant and insignificant. He stated that the Rally would supplant it as the second party in this set-up and that it would be, in fact, the real opposition.

Mr Collaery: It will.

MR STEFANIAK: Bernard, you were wrong then and you are wrong now. You have about 3 per cent of the vote. The Liberal Party is a major party in Australia; it is a major party in Canberra; and really, I think, Bernard, you will find yourself probably back full time at the law, come February, along with the rest of your party.

Mr Berry: Would he get full-time work in it here, in the ACT?

MR STEFANIAK: I do not know, Mr Berry. At any rate, going back to what happened in the first Labor Government, despite the bombast of Mr Collaery then, it became painfully obvious after about six to eight weeks that the Liberal Party then was the Opposition, just as, regardless of what happens here tonight and regardless of what farces we went through this afternoon, the Liberal Party is the main opposition in this Assembly and will be the Opposition in this Assembly.

Mr Connolly: For many years to come.

MR STEFANIAK: Not necessarily, Mr Connolly, because after you people make a total stuff-up of everything, I am sure we will be voted in.

Mr Kaine: We were about to say "for the next fortnight".

MR STEFANIAK: Yes, or at least until Sunday. At any rate, whilst this Assembly lasts and whilst the second Follett Government remains as the Government, the Liberal Party will be the Opposition. I cannot see any reason why anything will be different from the situation when we had the first Follett minority Government. When one takes all those matters into account, this is a timely motion, given the events of today.

I note with interest Mr Stevenson's comments and the comments made by people in relation to the form of government in the ACT. Some very valid comments were made by members on that. But the fact of the matter is that we are a Westminster type of set-up. That is what we have been given in the self-government Act, and that really necessitates that this motion be supported in the interests of stable government and stable opposition in this Territory. It is something that I think the people are crying out for.

If Mr Collaery believes that he is going to get back in at the next election, he is deluding himself, because the vast majority of the people I speak to are absolutely sick and tired of the shenanigans in this Assembly, and a lot of the

21 June 1991

blame for that can be put down to some of the characters we have in here, and indeed the minor groupings - and not the major traditional groupings. I think we will certainly see a swing back to the major parties at the next election. That has been reflected in the opinion polls. I commend this motion to members.

MR DUBY (Leader of the Opposition) (7.44): I rise to speak on this motion. I view this motion actually with absolute dismay and disdain.

Mr Humphries: I am sure you do.

MR DUBY: I will have a smile on my face all the time, Mr Humphries, unlike some sore losers. What this indicates to me is a complete abolition of the free will of this Assembly to elect the Leader of the Opposition. This is clearly what it is aimed at. For the Liberal Party, with five members out of the 12 non-government members, to claim that they have the absolute right, God given, to be entitled, first of all, to the position of Leader of the Opposition and, secondly, to the perks that go with it is, in my view, clearly ridiculous.

The fact of the matter is that, of the 12 non-government members, a majority does not wish the leader of the Liberal Party to be identified and have the position of Leader of the Opposition. The reason for that is quite plain. It is clearly ludicrous for Mr Humphries, or for that matter anyone who is the leader of the Liberal Party, to say that they are our leader; that they have the right to appoint, for example, shadow Ministers to shadow the minority government that we have here.

What is more, it is clear - well, I imagine that it is going to be the case - that the Labor Government members are going to vote with their bosom buddies, the Liberal Party members, to ensure that this is the case. Of course, what has happened is that Rosemary Follett has done a quick addition of numbers and realises that she could well be in this position herself next year and she wants to make sure that - - -

Mr Kaine: Next week.

MR DUBY: Next week, next year, whenever. She wants to make sure that the leader of the Labor Party is entitled to the perks that go with that office of Leader of the Opposition. I have announced publicly, since being elected to that position by this Assembly, that I intend to adequately and equitably share the resources that come with that position with all non-government members of this Assembly.

Mr Humphries: You will not have the chance now.

MR DUBY: Yet I have not heard anything along those lines coming from you, Mr Humphries. It is clear that you have decided that somehow this goes against the natural order of things; that the major parties, between them, now have the right to the position of either Chief Minister or Leader of the Opposition. Such is clearly not the case. We are also going to see the bizarre situation, in my view - if it is attempted to force the matter through right now - of the Government of this Territory in effect electing the Leader of the Opposition. Such a situation is frankly ludicrous. What democracy in the world, what Westminster system of government, allows the government of the day to have a say in who should be the Leader of the Opposition? It is a scandal and it is an outrage.

Ms Follett does well to leave this Assembly. She must be hanging her head in shame at the thought that the Labor Party, that supposedly great democratic party, is party to these goings-on. I think it is a real day of shame. What we have seen clearly is that Mr Humphries in particular and the Liberal Party generally are, frankly, sore losers. In Mr Humphries' comments this morning we had the bizarre situation of him saying that, because he was outvoted by members of this Assembly in seeking election to a position, that was undemocratic.

Mr Humphries: I did not say that.

MR DUBY: You did so.

Mr Humphries: I said that having no Opposition Leader was undemocratic.

MR DUBY: You said, "If I can get only five votes and someone else can get six, it is undemocratic that I do not have the position".

Mr Humphries: No, I did not say that.

Mr Connolly: That is not what he said.

MR DUBY: We are all great bedfellows. Yes, we are all together now, and we will soon see what is happening here. This denies the non-government members of this Assembly, both now and in the future, the right to decide by election who should be in the position of Leader of the Opposition. If this motion is passed, I think it will be an absolute travesty. It indicates just what bad sports the members of the Liberal Party are and what sort of person the man who wishes to become leader of this opposition is.

MR HUMPHRIES (7.49): Mr Speaker, Mr Duby says that we are sore losers in this part of the house. I think that Mr Duby well knows that earlier this afternoon - - -

Mr Connolly: You blokes were all cabinet colleagues two weeks ago.

21 June 1991

MR HUMPHRIES: A great deal of water has gone under the bridge since then, Mr Connolly, I can assure you. The sad fact, for Mr Duby, is that he had the numbers earlier this afternoon; he no longer has the numbers now. It is as simple as that. Earlier this afternoon Mr Duby was quite prepared to use the numbers that he had at his disposal - a minority of members of this Assembly. He was quite prepared to use those six votes to secure a position for which he did not have the support of a majority of the members of this Assembly. He was quite happy to do so.

Mr Duby: The Government has no say in who is the Leader of the Opposition.

MR HUMPHRIES: He no longer has majority support on the floor of this Assembly and therefore he has to accept the outcome of the vote of this Assembly.

Mr Duby says that the Government should not be involved in electing the Leader of the Opposition. I entirely concur; of course it should not be involved in doing so. But what the Government could do, should do and, I think, will do in the course of this debate is support the principle - the same principle in the Westminster tradition that Mr Duby alluded to only a few minutes ago - that the largest non-government party becomes the Opposition, and the leader of the largest non-government party becomes the Leader of the Opposition. That is the tradition used everywhere else. That is the tradition which I think we should incorporate here, and we should do so expressly by incorporating it into standing orders rather than doing it in any other fashion.

Two or so weeks ago Mr Collaery approached the Alliance Government to remove standing orders 5A and 5B and thereby, so he thought, to abolish the position of Leader of the Opposition from this ACT Assembly.

Mr Jensen: It was not only Mr Collaery; I was there as well.

MR HUMPHRIES: Okay; he and his colleagues agreed, at that time, to do that. They came to us and said, "We would like to abolish the position of Leader of the Opposition and we therefore ask you to support us in this matter". The Alliance, at the time, agreed that standing orders 5A and 5B, as they then stood, ought to go. And that, I might say, is still the position of the Liberal Party; standing orders 5A and 5B, as they stand, ought to go, because to provide that the whole Assembly should elect the Opposition Leader is a mistake. It is contrary to the traditions of the Westminster system.

We are not proposing that the whole Assembly elect the Leader of the Opposition. What we are proposing tonight is that the Opposition Leader be the person who would be opposition leader in any other parliament in the

Westminster tradition. That is what we are proposing. We are saying that, rather than leave that as a matter of convention, as it is in other parliaments, it should become a matter for the standing orders of this Assembly.

Obviously, on some occasions - I hope not often - there will be situations where the Assembly finds itself with two non-government parties of equal size and larger than any other non-government parties. In those circumstances, obviously, there has to be some procedure to resolve the conflict between the claims of two parties to be the opposition and to have the Opposition Leader. It seems to me appropriate, in those circumstances, that a mechanism ought to be provided, and it is provided in Mr Stefaniak's motion in his standing order 5B. That provision ought to be that there be an election, at the will of the Assembly, which provides for a choice between those two largest non-government parties.

Mr Collaery has long talked about the duopoly. Tonight, perhaps, through his own actions, he has caused the duopoly, perhaps for the first time in this Assembly, to actually rear its head. We have not actually seen a great deal of the duopoly in the last two years of this Assembly, I might say. The occasions on which the Liberal and Labor parties have voted together have been, in fact, quite rare, as Mr Collaery and Mr Duby will see if they care to look at the record. (*Extension of time granted*) Through the actions earlier today of those sitting on the so-called cross benches, it is now the case, I think, that that duopoly will operate and it will cause the same tradition that is used elsewhere in the Westminster world to be used here in this Assembly. That, in my view, is appropriate.

I emphasise again that there is confusion, particularly among those sitting on my right, about what it is to be in opposition. Opposition is not the same as non-government.

Ms Maher: It is.

MR HUMPHRIES: No. Ms Maher, obviously, displays her confusion about this; it is not the same as non-government. The Australian Democrats, for example, in the Federal Parliament are not in opposition; they sit on the cross benches. The Liberal Party and the National Party in the Federal Parliament are in opposition. There is a difference. I do not think that those, like the members of the Residents Rally, who claim - - -

MR SPEAKER: Order, Mr Humphries! The time for the debate has concluded.

21 June 1991

Question put:

That so much of the standing and temporary orders be suspended as would prevent Mr Stefaniak from moving a motion to amend standing orders.

The Assembly voted -

AYES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

NOES, 6

Mr Collaery
Mr DUBY
Mr Jensen
Dr Kinloch
Ms Maher
Mr Stevenson

Question so resolved in the affirmative, by an absolute majority.

LEADER OF THE OPPOSITION
Amendment of Standing Orders

MR STEFANIAK (7.58): I move:

Omit standing orders 5A and 5B and substitute the following standing orders:

- "5A. The Leader of the Opposition of the Legislative Assembly for the Australian Capital Territory shall be the Leader of the largest non-Government party with the consent of the Member.
- "5B In the event that the two largest non-Government parties are of equal size, the Assembly may elect a Leader of the Opposition and the election shall be conducted by the Speaker in a similar manner to the election of Chief Minister."

Having said what I wanted to say in relation to my motion to suspend standing orders, I reiterate what I said and urge members to vote for this motion.

MR MOORE (7.58): Mr Speaker, this afternoon and this evening, we have seen some very strange occurrences. I think the precedents that have been set tonight are quite extraordinary. The first one, and the most extraordinary one, is that a ballot that is understood to be a secret ballot can be revealed. That precedent has now been set by this Assembly, and it is a precedent that we ought to look at very carefully to see just what we have done. I think it was a most appalling motion put by Trevor Kaine.

I can understand the emotions that brought that about. It is ironic that the members of the Liberal Party chose to take their knives out and keep cutting at each other. I realise that they are approaching a preselection at this point; nevertheless, it is ironic. The temptation for me to race out and hold up any of the ballot papers and say, "Look, mine is red, or purple, or something" was also great; but I chose not to do that, because I said today that I would not comment on how I voted - and I still will not comment on how I voted in that particular ballot.

Mr Kaine: You did, Michael, publicly, on television.

MR MOORE: The ex-Chief Minister, Mr Kaine, now suggests that I did, publicly, on television. What I said on television - and I think you should go back and have a look at it - was quite clear. I did not say how I voted, and I left it at that. The reality is that a vote was held for the Leader of the Opposition, under a system with which you were very happy today, and because the result did not go your way you now think, "There must be something wrong with the system". I think that in some ways you are quite correct about there being something wrong with the system. Nevertheless, if that is the case, you have to look at these things first, weigh them up and assess the system.

Changing the standing orders because things have not gone your way is yet another precedent that has been set tonight. I think it is an appalling precedent which will have a wide-ranging effect on perceptions of this Assembly within the community. The only question for me to weigh up is whether that is going to bring about more disrepute than leaving the situation as it is. I think that is the situation that members such as I are presently weighing up. I will be very interested to hear the rest of your arguments so that I can make up my mind how I am going to vote on this particular motion.

MR HUMPHRIES (8.02): Mr Speaker, I will conclude the remarks I started before, to make some points that I think need to be made in the debate, particularly in response to Mr Duby's comments. Mr Duby said in his remarks that I had said earlier today that having lost a vote on the floor of the Assembly was undemocratic, or words to that effect. I did not say anything of the sort. What I have maintained at every stage - - -

Mr Collaery: You used the word "undemocratic".

21 June 1991

MR HUMPHRIES: I certainly did use the word "undemocratic", and I used it in respect of the concept of having no Leader of the Opposition. That is undemocratic because it is a feature of the system which obtains in every Westminster parliament of which I am aware, and which I believe, therefore, is appropriate for this parliament as well.

There clearly is confusion on the part of those sitting at that end of the chamber about what it means to be in opposition or to be on the cross benches. Only a few weeks ago, Mr Collaery made great capital of the fact that he and his party were sitting on the cross benches. What does "cross benches" mean? It seems to me to connote the idea of being a cross between the government and the opposition. It cuts across those two; it is neither one nor the other. That is what I understand by that term, I think it is what Mr Collaery meant by the term when he said it, and it is in fact what most people who are familiar with the workings of parliaments understand by that term.

If he is on the cross benches, Mr Collaery cannot purport to want to be Leader of the Opposition, or to support a candidate for the position of Leader of the Opposition. It is not much better than asking the Government to vote on who will be Leader of the Opposition. I think that those people in that part of the chamber need to understand what it is that a Westminster parliament actually does and how it actually works. Those people clearly do not understand, and I suggest that they go away and do some reading and work out what it is all about.

I have to ask the question: Why was this problem not raised in this forum on 11 May 1989, or on 5 December 1989? We had an election for Leader of the Opposition only two weeks ago, on 6 June. On that occasion why did Mr Collaery, Mr Duby or anybody else in the chamber not raise this problem? There was a call for nominations. One nomination was received and that person was duly declared elected. But the fact of the matter is that we proceeded with the process of choosing a Leader of the Opposition. Why did you not object at that time to the idea of electing or choosing an Opposition Leader? Clearly, it is because their minds have changed because they thought they had the numbers.

Finally, Mr Duby said that I had given no indication of my willingness to discuss sharing of the resources of Opposition Leader. That is untrue. In fact, I said to Mr Duby, when we were discussing a paper sent downstairs by Ms Follett on the appropriate sharing of resources, that I would do so. Subsequently, a determination arrived announcing that that paper had been confirmed by Ms Follett as the appropriate allocation of resources for parties not in government. I said, however, to Mr Duby after that time - after that determination came down - that I would still be prepared to discuss the matters that we had agreed to discuss before.

Mr Duby: That was two weeks ago.

MR HUMPHRIES: We have not had any discussions since on that matter, Mr Duby, and you are as capable of starting discussions as I am. I think this motion is appropriate. It puts into place what would be the case in any other parliament in the Westminster tradition. How you could possibly object to that, I do not know.

MR MOORE (8.05): Mr Speaker, I seek leave to speak again, very briefly, to clarify my position.

Leave granted.

MR MOORE: Thank you, members; I greatly appreciate that. Mr Speaker, earlier today we had a ballot for Leader of the Opposition. What has become apparent is that it was my vote that in fact broke the deadlock, as was the intention. I did say that it would have suited me better to get a 30-minute adjournment. That is certainly true; it would have. But I thought of that afterwards.

The reality is that this is a matter that needs to be resolved. Having looked at the arguments and having listened to Mr Humphries, I believe that it is appropriate that the Leader of the Opposition come from the major party, and I will actually support this motion to change standing orders. However, I still feel that a number of precedents have been set in this Assembly today which are to be regretted, at the very least.

MR COLLAERY (8.07): Mr Speaker, I would like to remind members of the self-government Act, in particular the provisions relating to the conduct and procedures of the Assembly. But that is all overshadowed by the enjoiner to us in section 16 that the Assembly should not conduct its affairs in an improper manner. I believe that members should be aware that this next twist of today's events is likely to attract far more odium than anything earlier today. It will attract the odium of many Australians who take the view that a poor loser who seeks to change the game plan after the race has been fairly won is not Australian. The average man in the street will see that. The average woman would probably agree, too.

Mr Speaker, the situation that you yourself are in is that you are presiding, as Speaker, over an issue on which, in my view, you should more properly abstain or step down from the chair. That will not do anything other than allow you to come down onto the floor and speak to this motion. I believe that we should hear your views, as the Speaker of this house, as to the propriety of the course of conduct being moved by your party leaders. And I say that with great respect, Mr Speaker.

Mr Humphries: Putting pressure on people; twisting the arm.

21 June 1991

MR COLLAERY: Mr Humphries shows an alacrity in his response which indicates that he does not want to hear you on the floor, Mr Speaker. Mr Speaker, the decision is yours. This is no suggestion that you are in any way impaired in respect of your deliberative vote, which is given to you, of course, under section 18 of the self-government Act.

Mr Speaker, the cross benches are here, and they exist in other parliaments where the structure is that of a duopoly. Mr Speaker, we would prefer to be in one circuit in this chamber. That is the Rally's view. We are not alone in expressing that view. We have taken ourselves to these cross benches on the basis that we can start to get some real reforms going in the Territory. We were criticised for the action we took this morning. But those who have had time to read and reflect upon the documents we tabled will have seen that we put some careful thought into it and drew upon the experiences we have had in this chamber, experiences that others have had in this chamber, and the observations that other commentators, particularly some of the learned parliamentary observers, are making. Our attempt today was well motivated. It was properly conducted and, so that there would be no suggestion of hypocrisy on the part of the Rally, I did not seek to be sponsored for the position.

Let me indicate what this standing order would produce if it were passed. It would produce a situation of great instability in the chamber. It would certainly produce all of the divisiveness that we have seen in the past. The very reason why we wish to do away with standing orders 5A and 5B is to break down the inequitable and unjust speaking time allocations and other things throughout the standing orders that accrue to the Leader of the Opposition.

Those issues have been well traversed in the past. Members will see that in the *Hansard* and in the opinions given to the Speaker and the Clerk in the past when this issue has come up. Section 21 of the self-government Act provides as follows:

- (1) Subject to this Act, the Assembly may make standing rules and orders with respect to the conduct of business.
- (2) Without limiting the generality of subsection (1), standing rules and orders may be made:
 - (a) for the election of a deputy (however titled) to the Presiding Officer; and
 - (b) conferring on that deputy such powers as are specified in the rules and orders ...

I have never conceded that the term "make standing ... orders with respect to the conduct of business" embraces and covers the creation of an office under this Act of Parliament. The office of Leader of the Opposition is an

anomaly. After arduous research and debate by parliamentary lawyers and our own present government law officers, the post of Opposition Leader, well marked in May's *Parliamentary Practice*, was specifically left out of the self-government Act. There is, in my view, a contrary intention. With great respect to the learned Professor Richardson, I disagree with the opinion previously tendered to this house on that. I believe - and I think members should be aware - that that opinion may well be tested in the courts as a result of a vote here this evening. That would be regrettable.

I think it is most inappropriate to take this path, or at least not to leave a cooling-off period so that members would reflect upon the situation. After all, we were not going to sit again until August, from today. In my view, it would be most appropriate for the Chief Minister and her colleagues not to go off in knee-jerk fashion to support Mr Humphries' sour grapes proposal, put by his colleague Mr Stefaniak, but rather to put this issue over to August so that the Chief Minister and you, Mr Speaker, can seek to redetermine the legality of this further attempt to create the office of Leader of the Opposition.

I further point out to the house that the relevant standing order that Mr Stefaniak seeks to eliminate provides as follows:

On the first day of meeting of the Assembly after an election, or whenever the office becomes vacant, a Member ... may be elected by the Assembly to be the Leader of the Opposition.

I draw to the attention of the house that the office of Leader of the Opposition is not vacant. The standing order says:

On the first day of meeting ..., or whenever the office becomes vacant ...

It is not vacant. What Mr Stefaniak is seeking to do is to set up a procedure for the election of the next Leader of the Opposition. Of course, Mr DUBY seems to be hale and hearty. We are going to take care of him. We will regulate his diet, we will carry him from place to place and we will ensure that he is happy and contented, like a veritable Manchu. Mr Stefaniak - through you, Mr Speaker - I hate to disappoint you, but it would appear that your motion fails to achieve your objective, unless you are going to move a further motion to attempt to vacate an office. That will do some other things.

Mr Connolly was not in this house on 11 May 1989. He is an adornment to the house - and I am not going to get into any *ad hominem* today. Mr Connolly does assist this house. He is assisting this house because he was about the first on his side, after Mr Wood who had to back off, who assisted us in a consultative fashion when he was in opposition. Mr

21 June 1991

Connolly has found that I was nominated by Mr Moore on 11 May for the office of Leader of the Opposition. As Mr Moore will readily attest, there was no prior consultation. It was a tactical reaction of Mr Moore's and, as he said later, "I feel no ill will at all about it at this stage". It was predictably lost, and the nomination was not spoken to or assented to by me.

Mr Humphries: Talk about sour grapes. You did not get it on 11 May, and that is why you are doing this.

MR COLLAERY: Mr Humphries seeks to take a point on it. Mr Moore can quite easily clarify that situation. These comments of mine follow the most specious and most illogically broken up speech that I have heard Mr Humphries give. He is an excellent university debater, and I have conceded that to him in the past in this chamber. But his speech was pure sophistry, and it did nothing to feed his apparent overweening ambition.

MR KAINE (8.16): It has occurred to me over the last 2 years that it is a most curious example of democracy in action in this new Assembly of ours. I have excused it on many occasions because it is going through a learning process. Some of the members here had not been exposed to the political arena before they were elected to this place, and some of them had not even been exposed to the administrative arena before they were elected to this place. So, we have gone through this learning process and some of us have learned a few things along the way.

This whole question of the Leader of the Opposition has been an interesting point of contention right from day one because, indeed, the self-government Act does not prescribe one. I point out that the circumstances under which the Commonwealth Parliament was established did not provide for a leader of an opposition either. But the Commonwealth Parliament has evolved in the form and format of the Westminster system and so we have a Leader of the Opposition in the Federal Parliament, and so we set about recreating that on a smaller scale here.

I know that some members of the Assembly have objected to that right from the beginning. In any case, we are now 2 years downstream. With all of the records that we have created in the evolution of this Assembly, today looks like going down in history as a rather unusual one for yet another reason: By the time we adjourn tonight there will have been three Leaders of the Opposition in this house in this one day - indeed, in half a day. My leader has just pointed out that there are still a few hours to go; we might have four before the day is out. I came into the chamber at 2.30 this afternoon and I was the Leader of the Opposition for about three minutes, until my resignation was accepted graciously by the Assembly and we then proceeded to elect another one - - -

Mr DUBY: Democratically elected.

MR KAINE: The Assembly speaks in strange ways, I have discovered over the months, Mr Duby. I am sure you have witnessed before that the Assembly very often speaks in strange ways. I think that today we are seeing a further expression of the strangeness of the ways of this body. I believe that shortly we are going to see Leader of the Opposition No. 3 for this day.

We can debate the rights and wrongs of that and we can talk about the Westminster system and the House of Representatives precedent and all of those things. Most of it is entirely irrelevant because we had a debate this afternoon, on the motion of Mr Stevenson, which led to the conclusion that we should be, perhaps, trying to turn this place into a different kind of Assembly. Yet every time we try to do something differently somebody jumps up and says, "You cannot do that because it is not prescribed in the handbook for the House of Representatives" or "It is not prescribed in the handbook for the Westminster system".

I must admit that I have been most impressed by that part of the debate put forward by my leader that says that, in practice, somebody who sits on the cross benches not only should not be voting on whether or not we have a Leader of the Opposition but should not even be debating it, because he set himself aside from the Government and the Opposition when he opted to sit on the cross benches. So, here we have this curious sequence of events which will culminate tonight, in a few minutes, in the passing of a motion from the Liberal Party that we again try to formalise this process of how the Leader of the Opposition will be determined in this place.

People can argue that it is undemocratic, that it is inappropriate, that it does not suit them because they did not vote for it or whatever they like, after the event; but I submit that the members of this Assembly are still able to exercise their will and they are still able to change their mind between one vote and another if they so wish. And I think that what we are about to see, perhaps, is some members of the Assembly changing their mind in the course of the evening's debate.

To end where I think I began, this day will go down in the history of the Assembly as being that day on which there were three Leaders of the Opposition in one day, and I guess that that is just another record we are going to have to live down.

MR JENSEN (8.21): Mr Speaker, I would seek to move an amendment to the motion by deleting everything after "5B". Quite clearly, what that would do is bring us back to the motion that I sought leave to move this afternoon; to delete the position of the Leader of the Opposition from the standing orders completely. Mr Kaine and Mr Humphries have talked about parliamentary practices, et cetera. I think it is important to remember that the fact that things

21 June 1991

like this are done in other parliaments does not make it necessary for us to slavishly follow that way in this parliament. I think, in fact - - -

Mr Moore: There are two "5Bs". You will need to clarify your point.

MR JENSEN: In case there is any concern about clarification, I would propose that the motion put forward by Mr Stefaniak be amended to read: "Omit standing orders 5A and 5B" - full stop. Is there any problem with that now? Is everyone happy with that? I will move to omit all words after "5B", first occurring. I do not see any problem; I just want to get the strategy right. I move:

That all words after "5B" (first occurring) be omitted.

We have an Assembly that is made up of a minority government; one group which has five members, albeit coming into this Assembly with four; another group with two; the Residents Rally, of course, with three, albeit coming in with four; Mr Stevenson, elected as a representative of the Abolish Self Government Coalition; and, of course, Mr Moore, an Independent.

It was unfortunate that today Mr Moore made some comments in relation to this matter. Mr Moore made some comments about selling out. I seem to recall standing on the same platform as Mr Moore in front of a rather large banner. On that rather large banner were two rather large robots. One had "ALP" emblazoned upon its chest and the other one had "Lib" emblazoned across its chest. There was, I seem to recall, one of those beautiful big circles with a big diagonal stripe through the middle, basically indicating to the people of Canberra that we, the Residents Rally, supported the abandonment, if you like, of the two-party system. Mr Moore was one of those who supported that.

It is most interesting to see that Mr Moore has stood up here today and indicated quite clearly that he is prepared to support this sort of machine, if you like - the machinations between the two major parties in our Assembly. I think it is important to remember that the Assembly in its current format is not a normal Australian-type assembly with a major party having the government and a coalition - in the case of the Federal parliament - forming under a coalition agreement to be the opposition.

These arrangements, of course, operate all around Australia. Only a couple of parliaments have a different arrangement, with the balance of power being held by a group of Independents in the case of Tasmania, and, in the case of New South Wales, one Independent supported by four others who have banded together and produced the document on which we based our proposal for the formation of a new style of government system in the ACT. Such a style of government would, I suggest, be much more suited to the

small and much friendlier Assembly that I know we have had in the past. I hope that there is a potential for us to return to it in the future, with a greater emphasis on the committee system - something that I know most of my colleagues in this Assembly are quite happy to support.

It is important to emphasise that the Residents Rally has always said that it was happy to remove the position of Leader of the Opposition. We never supported it, despite suggestions from people opposite, particularly Mr Humphries, that Mr Collaery nominated for the position. That is not strictly correct. Mr Collaery was certainly nominated for the position, but he was nominated by Mr Moore without Mr Collaery's approval. As Mr Humphries knows full well - if he looks at standing order 3(i) - standing order 3(i) quite clearly says that, once nominated, a member cannot withdraw until after the first ballot. Mr Humphries, who was present in the chamber at the time, quite clearly saw Mr Collaery indicate that he was not keen to be nominated for that position; but, unfortunately, it was not possible for him to withdraw until after the first ballot.

Mr Humphries: You are rewriting history, Norm.

MR JENSEN: It is the truth, Mr Humphries, and I am afraid I must tell the truth.

Mr Humphries: No, it is not the truth.

MR JENSEN: It is the truth. That is what happened. You were here, Mr Humphries. You know full well what, in fact, occurred.

Mr Humphries: He can decline the nomination.

MR JENSEN: He cannot decline the nomination. I have asked that question before and the advice that I have been given is that it is not possible to decline the nomination until after the first ballot, Mr Humphries. Show me in standing orders where it says that he can decline the nomination. It is not there. So, Mr Humphries, do not try to mislead the people with your interjections. On that basis I think it is important that this Assembly today remove this iniquitous part of the standing orders so that we can operate with a much more consultative style of Assembly such as the numbers in the Assembly clearly establish.

MR BERRY (Deputy Chief Minister) (8.29): I think the most important thing that we have to look at in this debate is the history of the Assembly. It is very clear that this Assembly decided, on 11 May 1989, that we would have a Leader of the Opposition. There is a very good reason for that. There was a very strong convention in the Westminster system for a Leader of the Opposition. And, in turn, there is a good reason for that. According to legal advice which was provided to the Assembly, it is to ensure a democratic system of government on the basis that there

21 June 1991

should be an effective opposition of political representatives of the electors who voted in elections against the government of the day. That is a very simple reason for it, and that is why the convention has developed. It creates an environment for good government because you have effective opposition.

I would have to say that it has yet to be proven that the Liberals, in opposition, will be effective enough to dislodge anybody on the other side of the house; certainly the Residents Rally will not; and neither will the Independent members, whatever they decide to do. But it is an important part of good government, and it is important for the Territory, that there be an effective opposition to ensure that both sides of the political spectrum are well represented and argued. It is important, of course, that they have resources to do that. That has been recognised by convention throughout the Commonwealth and over the history of the Westminster system - certainly since the 1920s.

What appals me about the situation we find ourselves in now is the behaviour of some of the members. It is very clear that all but four decided that a Leader of the Opposition was a healthy thing for the Australian Capital Territory Legislative Assembly. There is no question about that. Indeed, one of the four decided that he might even like to be the Leader of the Opposition - Mr Collaery.

Mr Collaery: Do not do that, mate; do not get us offside. Be warned, mate.

MR BERRY: Mr Collaery says, "Do not get us offside". Mr Collaery, we never ever thought you were in our pockets and, after today's events, we have seen more chicanery from the Residents Rally than we have seen in recent times.

Mr Collaery: Take care.

MR BERRY: Mr Collaery says, "Take care". I will not avoid the events of the last couple of days. You might wish to, but I will not avoid them; neither will I forget them. I suspect that the memory of the Liberal Party will be a long one, too, in terms of the behaviour of the Residents Rally.

What is most awkward about today's events, as far as the Labor Party is concerned - being a supporter of having an effective opposition in the parliament - is that, having always supported that position, we have seen a member accept nomination and have himself elected without telling this parliament what his intentions were. From our point of view, if the majority of the Opposition clearly wanted him to be Leader of the Opposition, I think we would have been stuck with it. But this member who has been elected has said, after he was elected, that not only will he not take the title but also he will not do the job, and he is deciding on where the money will go, without authority. He has no authority to determine where the money goes.

That is the situation that we in the Labor Party are presented with. We support an Opposition Leader because it provides effective opposition to any government. We would support anybody that opposition members wish to elect, if that person is prepared to do the job. But we will not support somebody who got there by such devious means, for the wrong reasons - - -

Mr Collaery: I raise a point of order, Mr Deputy Speaker. I ask that the word "devious" be withdrawn. There was an open ballot in this chamber.

MR DEPUTY SPEAKER: What are you saying he said that was - - -

Mr Berry: I will speak to the point of order. I said that he got there by devious means because he did not tell this Assembly what his intentions were as he went into the ballot. He went into the ballot misleading the people in this Assembly - - -

Mr Duby: On the point of order, Mr Deputy Speaker: How can the matter be devious when the majority of members who voted for me, those who were eligible to vote, were well aware of what we were doing? There is nothing devious about that whatsoever.

Mr Humphries: You did not tell us what you were doing.

Mr Duby: I did not need to; I did not need your numbers.

Mr Humphries: Well, that is devious.

Mr Duby: Why?

Mr Humphries: You did not tell us. You misrepresented the situation. You told me yesterday that you would vote for me.

Mr Duby: On a point of order: No, I did not say that at all.

Mr Berry: In fact, on all of the occasions - - -

MR DEPUTY SPEAKER: Mr Duby has the floor, Mr Berry.

Mr Duby: Mr Humphries, you asked me whether I would vote or abstain, and I said, "I certainly will not abstain". I have a witness.

Mr Humphries: I said, "Would you support me?".

Mr Duby: No, you asked, "Will you vote or abstain?", and I said, "I certainly will not abstain".

21 June 1991

MR BERRY: It is very clear that in recent days Mr Duby told Mr Humphries that he was one of his supporters, and yet today he has done a turnaround. Mr Deputy Speaker, if that is not devious, nothing is.

I say that we are presented with a problem which has to be addressed if this Assembly is to retain any of its credibility and to offer the people of the ACT an effective opposition. Clearly, the Residents Rally is no longer effective as a political unit in this Assembly. It cannot produce the goods; it has shown that. It is highly criticised in the community. It has nowhere to go.

The Independents, the No Self Government people - whatever you like to call them - are no longer effective in this Assembly, and they have proven that they are prepared to betray the electorate at every turn. That is what they have done on this occasion. They have said that they wanted the position of Leader of the Opposition on the basis that that person would, as far as we were concerned, be an effective Leader of the Opposition and one who was prepared to put their shoulder to the wheel for the people of the ACT - an effective opposition to test the Government.

Immediately their nominee was elected, he made it clear to this Assembly that not only would he not assume the title but also he would not do the work and would distribute the money for other purposes. That is not what the position of Leader of the Opposition was decided upon in this Assembly for. It was decided upon because of the convention of the Leader of the Opposition being held in high regard by members of this Assembly - for no other reason. That is why the Labor Party supports the convention, and that is why the Labor Party will be supporting this motion to maintain the convention of a proper position of Leader of the Opposition.

We will not be party to, or accept, shonky arrangements such as have been demonstrated in this house today. It brings this place again into disrepute. We have to restore normality. It is not normally our wish to get involved in the determination of the Leader of the Opposition and we restrained ourselves, as is the convention, when this matter went to the vote this afternoon. But, as we first did in this Assembly, we support the establishment of a strong and effective opposition. We will continue to do that. The chicanery today has not produced a strong Opposition Leader; nor will it supply an effective one, because it is clearly the intention of the person who won the position not to do the job and not to deliver what the people of the Australian Capital Territory deserve.

MR PROWSE (8.38): Mr Deputy Speaker, again I have been asked to comment as Speaker, and I am also commenting from the floor as an MLA; it is very difficult to be in the two chairs at the same time. The situation, as I see it, is that this is a momentous occasion for this Assembly. We have been brought, once again, into ridicule over the last sitting day. It is a sad day; it is an historical day; and I hope that it is one that will never repeat itself.

Today, on two occasions, I have been asked to vote in a particular way as Speaker, if I were to retain my speakership. This has happened to me in this Assembly on other occasions. Each time that this has happened, I have been a man of integrity; I have put my speakership on the line and gone straight down the middle. I will not be bought. I cannot be bought. I will never be bought.

The situation is that the Rally people have put themselves on the cross benches. They have said on numerous occasions, "We do not want to be part of either government or opposition". The Rally people have stated their position. So, I believe from my recollections, has Mr Moore. He wants to be on the cross benches.

Mr Duby: This is claptrap.

MR PROWSE: That is the statement that was made to me on numerous occasions, and, if anybody suggests that that is claptrap, I will go back to my Speaker role and state that the chairs had to be moved so that they were on the cross benches. That is why this Assembly has been reorganised, to allow for cross benches.

If that is the case, those people in the Rally and on the cross benches have no right to vote as the Opposition and to call on a Leader of the Opposition. Mr Duby and Ms Maher, and perhaps Mr Stevenson, certainly have that right. That right is given to them because I believe that they see themselves as opposition.

The circumstance is that these people, these Rally people, have again brought this place into disrepute with their manoeuvrings and double-dealings. That is an insult to this Assembly, and the reading of *Hansard* will show this in future. To me, the upholding of the Westminster system is the most important role that I have been charged with over the period that I have been Speaker. I have never deviated from that. I have been straight down the middle. I have put party politics aside. I have always represented the fair situation as the Speaker.

A situation has once again been put to me; but on the first occasion today it was put to me that I either abstain from a vote or vote for Mr Duby and, were I to do so, I would get votes as the Speaker. I told the person who put that case to me that under no circumstances would I deviate from

21 June 1991

the Liberal Party situation and, if that were to cost me the speakership, so be it. I voted for Mr Humphries and it was proved, by disclosure of the secret ballot, that, in fact, I voted for Mr Humphries.

Mr Berry: The not-so-secret ballot.

MR PROWSE: It has become a not-so-secret ballot, and that is a sad event that has happened in this house, too. I agree with Mr Moore on that issue. But, unfortunately, it hit the TV screens across this state of ours tonight that either Mr Kaine or I had done the wrong thing; so it was quite appropriate, under those circumstances, that some action was taken. I applaud Mr Kaine's initiative on that issue.

The second situation was that on another occasion tonight I was handed a note from a person which suggested that I should take a particular position, or else again I would be watched from the cross benches. I read that, again, as a threat to my integrity, as it suggested to me that, if I did not vote the way that was expected of me by those particular people, I would lose the speakership. If that is the circumstance, I will say once again that I cannot be bought. If my situation and my vote tonight to uphold the motion put by Mr Stefaniak cost me the speakership, so be it - and shame on the lot of you!

Mr Collaery: Mr Deputy Speaker, under standing order 114, I ask that the last speaker be directed to table the document that he just read from.

MR DEPUTY SPEAKER: Standing order 114 relates to questions to Ministers, Mr Collaery. Standing order 213 is what I think you are after.

Mr Prowse: My speaking notes are not - - -

Mr Duby: We are not talking about your speaking notes. We are talking about the note that you got from this member.

MR DEPUTY SPEAKER: Mr Prowse has speaking notes there. Members, has he leave to table those speaking notes that he was referring to?

Mr Collaery: Mr Deputy Speaker, I do not wish to establish a precedent of calling for speaking notes. I believe that Mr Prowse was referring to a note in his hand that he had received. I simply observe that he has not tabled the note, and he has referred to the cross benches. Under standing order 46, I will withdraw my request.

Motion (by **Mr Moore**) proposed:

That the documents quoted from by Mr Prowse be presented pursuant to standing order 213.

Mr Collaery: He has to quote from it, though, Michael.

Mr Moore: He did. He quoted from it.

MR DEPUTY SPEAKER: That relates to quoting from documents; you may order that that be presented. The only documents that he was quoting from were actually his notes on the table. Do you wish those to be tabled?

Mr Collaery: Mr Deputy Speaker, I ask that you view the notes that Mr Prowse has on the table, to see whether there is a note from a member.

MR PROWSE, by leave: Mr Deputy Speaker, I will personally hand the speaking notes that are scribbled here to Mr Collaery and anybody else. They do not name the name; they do not have the specific name to hand and I did not go into detail. I did not quote from the specific note that was handed to me, nor did I intend to. If you force the issue, I will present it.

MR DEPUTY SPEAKER: Order, members! I will make a ruling on that request by Mr Moore. Under standing order 213, it is only a document that a person refers to, and specifically refers to, and that is quoted from. You can talk about some other document. If that is not in his possession and if he does not read from it, that cannot be presented. The only documents that can be tendered are, in fact, the documents that he refers to. That is what that standing order means.

Mr Berry: Mr Deputy Speaker, it seems to me that what has been raised by the Speaker is, prima facie, a breach of privilege, and a very serious one. It ought to be referred to the Administration and Procedures Committee for determination, or he should name the name.

MR DEPUTY SPEAKER: I will take advice on that.

Mr Prowse: Mr Deputy Speaker, I will - - -

Mr Berry: I am not talking about you breaching privilege. I am talking about these people here. You are the victim.

MR DEPUTY SPEAKER: Just a second, Mr Prowse.

Mr Prowse: I am going to go and get my note.

Mr Kaine: I think you would do well to take the advice of the Deputy Speaker at this stage.

MR PROWSE: Mr Deputy Speaker, I seek leave to read the note.

Leave granted.

21 June 1991

MR PROWSE: The note reads:

David:

Democracy is being subverted here.

May I give you a personal warning. There will be those in front of you who will be watching to see if the Speaker, symbol of the House, will vote on this issue. Party before principle!!? Can you stand down to speak on this one?

I took that as a warning, re the - - -

Mr Moore: Whom is it signed by?

MR PROWSE: It is signed, "Hector". Is everyone happy?

MR DEPUTY SPEAKER: Mr Moore, if you withdraw your motion, we can get on with the substantive motion.

Mr Moore: I seek leave to withdraw that motion, Mr Deputy Speaker.

Leave granted.

Motion, by leave, withdrawn.

Mr Moore: I point out that we still have a matter of privilege outstanding. Mr Prowse has put a slur on all members of the Assembly by saying that he has been under threat previously from some other member. I believe that it is appropriate that he name the person. I seek leave to move that that person be named, or that he have leave to do it.

MR DEPUTY SPEAKER: You have to put it in writing.

Mr Collaery: Mr Deputy Speaker - - -

MR DEPUTY SPEAKER: Just a second, Mr Collaery. Mr Moore, have a look at standing order 71. If you raise a matter of privilege, you have to give written notice of the alleged breach to the Speaker as soon as reasonably practicable after the matter has come to your attention. It has to be in writing. The question now is - - -

Mr Moore: Mr Deputy Speaker, I think the situation would be clarified if Mr Prowse would name the member.

MR DEPUTY SPEAKER: Mr Prowse, to my knowledge, has named a member. He has referred to a document and that is - - -

MR PROWSE: Mr Deputy Speaker, may I speak further on this?

MR DEPUTY SPEAKER: You have to seek leave to speak. If the members give you leave to speak, you can.

Leave granted.

MR PROWSE: In my statement, I was referring to previous threats which, in fact, caused - as we all recall - the fall of the Follett Government in the first instance. They were previous threats that I was talking about, and that is - - -

Mr Duby: Back in December 1989.

MR PROWSE: That is right. So, what I am saying is that, on previous occasions, when anyone has asked me to vote in a particular way as Speaker, I have always played it down the line and brought it to the attention of the Assembly, and the result has occurred therefrom. That is what I was talking about as far as other threats go.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.49): I do not want to enter into the politics of this debate, tempting though it may be. I do wish to make a statement, in effect, in the role as a law officer. Mr Collaery was making a suggestion that Mr Stefaniak's motion - your motion, Mr Deputy Speaker - would be invalid and have no effect because, as he put it, there is no vacancy in the office of Leader of the Opposition, the Leader of the Opposition having been duly elected pursuant to standing orders.

The position, of course, is that the Leader of the Opposition is an office, a creation of a statute or a creation of the standing orders. That has been referred to today by those who would abolish the office and who had no doubt that a resolution abolishing those standing orders would effectively abolish the office. It is abundantly clear that the motion moved by Mr Stefaniak omits standing orders 5A and 5B, therefore abolishing the office. There then being no Leader of the Opposition, it substitutes a new 5A which provides, as is before us, that the Leader of the Opposition shall be the leader of the largest non-government party.

Therefore, it is abundantly clear that, if this motion is carried by the Assembly this evening, the position of Leader of the Opposition presently held by Mr Duby ceases to exist; Mr Duby ceases to hold that office; and the person elected as leader by the largest non-government party, the Liberal Party leader, Mr Humphries, would hold the office. There can be no doubt as to the legality of this motion.

21 June 1991

MR COLLAERY (8.51): Mr Deputy Speaker, of course, I am obliged to say, with the greatest respect, that Mr Connolly is entirely wrong.

MR DEPUTY SPEAKER: You can speak only to the amendment, Mr Collaery.

MR COLLAERY: I am speaking to the amendment, Mr Deputy Speaker. Mr Deputy Speaker, the self-government Act requires - and I believe that members should dwell on this, particularly Mr Connolly - that all questions arising at a meeting are to be decided by a vote. That is section 18. Now instead, Mr Deputy Speaker, Labor and Liberal have combined to deem Mr Humphries the Leader of the Opposition.

The motion that is going to be passed by the duopoly reads as follows:

The Leader of the Opposition of the Legislative Assembly for the Australian Capital Territory shall be -

my underlining -

the Leader of the largest non-Government party ...

Hence the question of filling the vacancy caused by Mr Kaine's resignation and, a priori, the further one, on Mr Connolly's argument, are resolved by the passage of a standing order which deems a person elected. The Government, in effect, elects its own Opposition Leader. It does that without a vote of this Assembly. By denying those on this side of the house a vote, you breach section 18 of the Act. I have a press release prepared and that will go out shortly, as soon as you go through this charade, this improper act.

MR STEVENSON (8.53): Mr Deputy Speaker, I wish to speak on the amendment. The amendment would have the effect of abolishing the position of the Leader of the Opposition and, indeed, that is what should happen. That is what we are talking about. In this Assembly there are at least six groups - five of them, after the ALP. The suggestion that one of those five groups could speak on behalf of the other four is, of course, nonsense. Yet, what we have in this Assembly is people in the Labor and Liberal parties standing up and suggesting that it has something to do with democracy.

I think it is obvious that it has to do with power. It is not to do with stable government; it is not to do with tradition; and it is certainly not to do with democracy. What Craig Duby said he was going to do was to take the position in name, but not to take the money. I suggest that, if Mr Humphries feels that the position is so important, he should take the position in name, but not the

money. So, one could well say: Are you going to take the staff? Are you going to take the salary increase? Are you going to take the car? And the answer to all those questions - if I can say this on your behalf - would be yes.

Mr Kaine: He has the car.

MR STEVENSON: I know. I was not necessarily going to say how he got the car; but most people in this Assembly probably already know how Mr Humphries got hold of Mr Kaine's, or, should I say, the people's, new Statesman.

I must admit that nothing that I have ever seen in this Assembly has changed my opinion of political parties one iota, and I must make the point that I do not mean only the major political parties. I do not see any particular differences between smaller political parties. The major ones have been at it longer, and they do it better.

When we talk of stable government, there should be a law against using the term because it is not stable for the people and it is not stable for democracy. It is stable for the parties. People say that what a party represents is the majority expressed will of the party, and that is what they are in existence for.

Mr Prowse mentioned that he could not be bought. I do not say that he could, but there is an irony here because other people would also say that they cannot be bought. There was a gentleman in Tasmania who said that he could not be bought, and someone ended up in gaol as a result of trying to buy his vote after the Tasmanian elections. Yet what we see every day in Australia is people who are being bought; we see members of parliament, in the Labor Party and in the Liberal Party, who have been bought. What they have been bought with is position, cars, power, money, staff, trips, Falcon jets to whip up to Sydney - that is the Federal area; you will have to wait, Gary - and various things like this. Democracy in Australia requires that every member of this Assembly obey the majority expressed will of the people, obey the people that they stand for. I note that Robyn Nolan and some other people have smiles on their faces.

Mrs Nolan: No, we have not.

MR STEVENSON: And I am not surprised. It was not to do with that?

Mrs Nolan: No.

Mr Humphries: What is your price, Dennis?

Mrs Nolan: Voters' veto?

MR STEVENSON: Once again, let us make the point.

21 June 1991

Mrs Grassby: Of course he has a price.

MR STEVENSON: If you would be quiet for a minute and let me tell you, I will tell you; but you would have to shut up.

Mr Humphries: All right. It is worth it. I will do it.

MR STEVENSON: Good. So, do I have a price? I have no personal price, and you know it. The sort of people who would make that statement signify that they do not believe that, and the reason why people usually do not believe that is that it is not within their hearts to do the same thing. They cannot believe it; it is way past their reality, their level of understanding and comprehension, to understand that people could not be personally bought. But, let me tell you, there are many people who have no material benefit that controls them. Only those people who themselves have so little integrity - - -

Mr Berry: You will not sell much snake oil here.

MR STEVENSON: Let me tell you, I would not expect to sell you the story, because I do not doubt - - -

Mr Berry: You will not sell me any snake oil; nor will you sell any to anybody else.

MR STEVENSON: You convince me by your actions that you do not believe it, and I have given you the reason why people do not believe that.

MR DEPUTY SPEAKER: Mr Stevenson, would you address your remarks through the Chair, please?

MR STEVENSON: I am sorry; were you talking to Mr Berry or me?

MR DEPUTY SPEAKER: To you. Would you address your remarks through the Chair. If you are talking to Mr Berry, do it through the Chair.

MR STEVENSON: And if Mr Berry is talking to me?

MR DEPUTY SPEAKER: Through the Chair too, thank you. Carry on, Mr Stevenson.

MR STEVENSON: Mr Berry, if you are going to interject, interject through the Chair.

MR DEPUTY SPEAKER: Just carry on, Mr Stevenson.

MR STEVENSON: So, it is an interesting situation. People come along and suggest that they will not talk to me. When they come along to me in those very rare times when we get together, it is because of a no-confidence motion - which is why I have said that there should be more of them. After all, I like to chat to people, like everybody does.

I am a gregarious sort of a guy. I would not mind if we had one every couple of weeks. We could all get together. I would get together with the Labor Party; I would get together with the Liberal Party. I think it would be great.

But that is the only time, I might add - and it leads us straight back to the situation of the Opposition. The idea of the Opposition speaking on my behalf, or even asking what my viewpoint is, is ludicrous. Yet there they sit - basically, the members on each side of the major machines - and say that democracy has been harmed because people in this Assembly, the majority of non-ALP people, have said that they wish to do away with the position of Leader of the Opposition in the only way that it could be done.

Mr Berry said that Mr DUBY took the position for the wrong reasons. I suggest that it was for the right reasons; it was to do away with the position. The people of Canberra will not think that is the wrong reason. He also said that it was not delivering what the people of the ACT desire. Let me tell you, if you think the people of the ACT want a Leader of the Opposition and want it to be one man of five members, you have not been doing your surveying.

The truth of the matter is that it is a matter of power; it is a matter of ego. It is the name, it is the money and it is the position. And all that money and the position and the power are going to go to benefit one of the machine parties, the Liberal Party. It will not benefit the rest of the people in this Assembly. If it does, it will be unique, because none of it has gone that way yet. You will note that nobody jumps to their feet to say, "What a terrible thing to say. Let me give you the proof. Let me show you that you are wrong. Let me show you that, when we were leader of the so-called Opposition, we supported all people in other parties". No-one does that - and we all know why.

So, the truth of the matter is that, when people stand up in this Assembly and say, "Heavens above, some people think we are a farce", it is because we are a farce. And the reason why we are a farce is that this thing was forced upon us by machine parties in the first place - Labor and Liberal. It was continued by machine parties, Labor and Liberal, and I do not negate the fact that they were ably supported by some other people at the time. None of it benefits the people of Canberra one iota. But that is not the question in most people's minds here today. It is to do with power, raw power; the rest of it does not matter.

DR KINLOCH (9.03): Mr Deputy Speaker, first of all, in connection with events that are taking place, I would make it very clear indeed that I have been a very true and loyal friend to David Prowse today in a number of ways, including giving him a very proper and friendly warning on those who would, frankly, have him in another place.

21 June 1991

Now, I would like to discuss the matter of the cross benches. The reason some of us are where we are is that we do not wish to be part of either the Labor Party Government or the Liberal Party. That is why we are here. There is a Labor Party Government and there are 12 members of an opposition. If you think I am just starting on this one, may I refer you to a debate on 23 May 1989. It appears in *Hansard* under the heading "Leader of the Opposition: Election. Discussion of matter of public importance", at pages 34 to 53. That was a very interesting debate. There were some excellent speeches. I noticed excellent speeches by Mr Whalan, Ms Follett and others. I spent a long time, dare I say, in saying the following things and I would like to repeat them:

What we are discussing here is a matter of historical importance. What is important is the proper historical nature of this Assembly.

... I would like to make a distinction between what is marginally possible by a narrow and partisan interpretation of the law - I think, wrongly - and what is historically proper.

What I wanted to get at is that of course there is a Westminster system, and it takes many forms, in Canada, Fiji, Tonga, Norfolk Island and here in the ACT. We have a very, very strange form of the Westminster system, and I think a very improper one. But what is improper when it is a precedent? It is a tricky question. The strange precedent we have here is that when we are meeting in a body of 17 people there is a time when we suspend the usual forms of the Westminster system and five people do not take part. The other 12, while still sitting here, elect a so-called Leader of the Opposition. I declared that to be improper two years ago. It is still improper. It is a most unfortunate precedent.

We had this extraordinarily undemocratic manoeuvre to change the standing orders on 11 May 1989. It is no better now than it was then, and it was done under most peculiar circumstances. The Chief Minister at that time, in a very good speech which I have just reread, made the point that this was a precedent; indeed, it was.

But might I put forward another precedent. The precedent I suggested then, and I suggest now, is this: In the matter of an opposition it is better to go to other parts of the Westminster system to see what the precedents are there. You do not elect a leader of an opposition on the floor of the house in the presence of the government. That is the precedent I would wish to put forward. I make the suggestion here that what we should have done would have been a better precedent. I said then:

Might I suggest that there would have been another precedent. We could have declared ourselves a committee of the whole, the members of the Government could have left, and the members remaining as an opposition -

that is, the 12 of us then and the 12 of us now -

could have spent an hour, two hours, three hours, four hours if necessary, discussing the nature of that proposal -

the proposal for a Leader of the Opposition -

and whether it was historically right and proper for that to proceed.

I certainly believe that it was not. What we - 12 of us - would have done by that precedent is that in a democratic procedure we would have chosen a Leader of the Opposition by majority vote. In a strange way, that is what we did this afternoon. We had a democratic procedure this afternoon. We had a number of ballots. Those ballots were properly conducted. There was a result of those ballots and Mr Doby was chosen. We did that properly.

What I very much object to is this strange subversion of the Westminster system. A few hours later - as Mr Kaine properly says, all this is happening in one afternoon - we suddenly find that people who could not accept a democratic decision are trying to overturn it. I very much resent that. I find it totally improper. I very much regret that we also have another part of our system in which the Speaker, unhappily, has a deliberative vote rather than a casting vote. However, that is the way of our standing orders; so be it.

I very much acknowledge and agree with Mr Collaery's earlier point today; that it would be better if the Speaker were in a neutral position, only in a casting vote position, rather than in a position to make a deliberative vote which, in effect, unfortunately becomes a party vote. So, we have a very strange, peculiar, unique, so-called precedent convention of our peculiar part of the Westminster system here of electing the Leader of the Opposition. I have always found it wrong. I found it wrong again today and out of keeping with the best traditions of that system.

I am distressed at the Liberal Party tonight - very distressed. I have said negative things about the Liberal Party earlier, over the past few weeks, as I have watched some very unfortunate things take place in that party. That is not my business here now. But I think that this is the most unfortunate of all. There has been a proper democratic decision in these strange circumstances and the Liberal Party would try to overthrow it by making use of the Government. I find that appalling.

21 June 1991

MS MAHER (9.09): Mr Deputy Speaker, I think that what has happened tonight is very sad. I think the Liberal Party have been very sad losers and their spitefulness is coming out. I think this puts the Liberal and Labor parties in the same bed. It is an occasion when they are working together. Just see what it does to both those parties.

If Mr Jensen's amendment fails to get up, which I presume it will, because the Labor and Liberal parties have the numbers together, I want it to be put on the record that if Mr Humphries does become Leader of the Opposition he, or the Liberal Party, does not represent me or speak on my behalf as a member of the Opposition.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.10): Mr Deputy Speaker, I speak on the amendment. I rise to again nail down a legal doubt that was about to be cast on the office of Leader of the Opposition by Mr Collaery. Despite running a preliminary argument that there was no vacancy in the office and, therefore, your motion would be invalid, he then raised a very ingenious argument that subsection 18(2) of the self-government Act, the overriding Federal Act, in effect our constitution, would render your motion invalid.

I would have to express the view that subsection 18(2), which refers to the way in which questions arising at a meeting shall be put, must refer to the way in which the motion is dealt with, and the motion clearly will be dealt with in accordance with the standing orders and the self-government Act. That section of the self-government Act can in no way prevent this Assembly from, in effect, passing a standing order which says, as Dr Kinloch would have us say, that the position of Leader of the Opposition ought to be decided by the majority non-government party. I see no legal doubt surrounding the outcome of this vote.

MR DUBY (Leader of the Opposition) (9.11): Mr Deputy Speaker, this is a truly remarkable evening. What we are seeing here tonight is an absolute travesty of democracy and of justice.

Mr Berry: What, that we get a vote?

MR DUBY: That is exactly right. Mr Berry has hit the nail right on the head. He says, "We get a vote". The Labor Party gets a vote. What they have done is that they have cooked up a deal between themselves and the Liberal Party, who did not accept the majority will of non-government members of this Assembly that I should be elected as Leader of the Opposition.

Mr Berry: It is because you refused to do the job.

MR DUBY: I will come to those matters in a moment, please. The Liberal Party have then gone off crying to the Labor Party and said, "Isn't this awful? Guess what happened. We had a vote today and we lost. What we have to do is change the rules so that we cannot ever lose and, of course, you cannot ever lose either in the future. The system should be rigged so that invariably the Leader of the Opposition shall always be, perhaps, a leader of the Liberal Party or a leader of the Labor Party". That is the simple, absolute travesty of this situation.

We followed the standing orders as they currently apply for the election of a leader of an opposition. We did it in a democratic and correct fashion, and now they do not like the result; so they change the rules. You, Mr Deputy Speaker, should be ashamed of yourself for having agreed to put up this motion. It is a travesty.

During Mr Berry's speech he made a number of comments along the lines that the reason that the Labor Party have decided to change the standing orders so that I no longer hold this position is that I supposedly have announced that I am not going to perform the duties of the job. I have never at any stage said that, Mr Deputy Speaker. What I have announced is that I will decline to use the extra salary for my own purposes. I have never ever denied in any way that I would fulfil the duties of Leader of the Opposition, as a coordinator between the Government and other Opposition members. I defy Mr Berry to produce a record of some kind, of any kind, where I say that that is the case.

The simple fact is that Mr Humphries is no more my leader than I am his, or than I am Mr Stevenson's leader, or than I am Mr Moore's, or, for that matter, than I am all the other members' - Mr Collaery, Mr Jensen or Dr Kinloch. For the Liberal Party and the Labor Party to maintain that having the position of Leader of the Opposition, which enables the retention of the existing duopoly, is the only effective method of having a Leader of the Opposition is clearly untrue, unfair and outdated. We actually had a real possibility here, with me in the position of Leader of the Opposition, of establishing a new role and a new model for this process to work, particularly given our small Assembly.

Whilst everyone shouts and says that it will be a two-party system in the future, there is every possibility in my view, Mr Deputy Speaker, that, given the volatility of Canberra politics, there will always be a number of groups represented in this Assembly. It would not surprise me in the least to have people like the much vaunted Democrats, whom we hear so much about, sitting in the next Assembly. I certainly have reason to believe that quite a number of members here who are not members of the Government or the Liberal Party will also be returned. So, to suggest that in future the Leader of the Opposition shall always be that leader of the party, I think, is an absolute travesty.

21 June 1991

Mr Collaery: It is illegal. It is unlawful.

MR DUBY: I tend to agree with Mr Collaery. From my scant understanding of the points he has raised with me, I tend to agree with him that it is actually unlawful.

Mr Berry: Are you a judge now?

Mr Connolly: That makes me feel a lot better.

MR DUBY: I am certainly not in the same category of legal expertise and training as Mr Connolly, Mr Collaery or, for that matter, Mr Humphries or you, Mr Deputy Speaker; but in plain commonsense language it appears to me that the steps being taken here today are unlawful and illegal. In addition, I think this is outrageous. The fact remains that I have been elected Leader of the Opposition in a democratic and fair way, and you are now changing the rules to declare that somehow that position no longer exists; and then changing the rules again so that the position will always remain the property of either the Labor Party or the Liberal Party.

Right now the members of the Liberal Party think they are being quite smart. Right now the members of the Liberal Party think they are being smart by cooking up a deal with the Labor Party to achieve this end; but I know - and I am sure of it - that at the end of the day the people of the Territory will see just what grasping, self-seeking organisations the Labor Party and the Liberal Party have become, to involve themselves in such chicanery as this.

This clearly is outrageous. A democratic decision having been taken according to all the rules, you then decide, "We do not like the result, so we will change it". I defy Mr Humphries to again read his *Hansard*. If he did not say this afternoon that it was undemocratic that he could get only five votes and I could get six, there is something wrong. My ears might need washing, but I heard that myself.

I endorse the comments made by Dr Kinloch and, of course, those of Mr Stevenson in a lot of ways. Dr Kinloch's comments, I think, were very apt. They certainly made far more sense than the theatrical claptrap we had from Mr Speaker, saying that he was going to be threatened with this and threatened with that, et cetera, et cetera, et cetera, when he read out the note which supposedly threatened him. To me it made perfect sense. Those of us who know Dr Kinloch's style know exactly what it was and what it implied. There is no way known that that was a threat to the Speaker, particularly from the very man who has announced publicly that he would not support knocking him over. What a load of rubbish it is for you to come here and do all that sort of thing, Mr Speaker.

I also endorse the view of Dr Kinloch that Mr Prowse, as Speaker, should abstain from this. Mr Prowse is bringing the position of Speaker into disrepute by participating in this farce. I also think the Speaker needs to review, in an impartial fashion, whether this act is or is not legal. That, I think, is something that will be taken up in the future.

All in all, this is a sad and sorry day. The Liberal Party have turned out and demonstrated themselves to be absolute wimps. Because they have lost the game, they now have to go and change the rules; and they have to change the rules with the connivance and the dishonest support of the Labor Party.

Mr Connolly: I take a point of order, Mr Deputy Speaker. Dishonest support?

MR DEPUTY SPEAKER: I think you should withdraw the word "dishonest". That has been held to be unparliamentary before, Mr DUBY.

Mr Stevenson: I thought it was honest support. They made no joke about it. They were quite open in their support.

MR DUBY: You are dead right, Mr Stevenson. I do withdraw. I will say that it is honest support, because they are all quite gleeful about what they are achieving here. The long and short of it - I am sure that the media and the newspapers will pick up this fact - is that the Government, this minority Government, is now electing the leader of its own opposition. There is no question that that is the case. It is absolutely outrageous that such a thing should happen. In my view it is immoral. It is immoral for a party, a group of people who like to take the high ground on so many lines, to do this. I know what the people of Canberra will think of this action. To me it is an absolute fraud that they can participate in this sham of a government electing a leader of the opposition.

Mr Berry: I think he should be directed to withdraw "fraud".

MR DEPUTY SPEAKER: I will just look at that. Yes, perhaps you should withdraw the word "fraud". "Fraudulent" has been held to be unparliamentary before, Mr DUBY.

MR DUBY: Well, what is appropriate? I withdraw the word "fraud". Perhaps we can find another term to put in its place - sham and scandalous behaviour.

MR DEPUTY SPEAKER: Yes, thank you; that is fine.

Mr Jensen, are you speaking to your amendment?

21 June 1991

MR JENSEN (9.21): Yes. I have already spoken once. I presume that I have a right of reply. If I speak to the amendment, that is it.

I need to make only a couple of brief comments. If my amendment is not carried today, this standing order proposed by you, Mr Deputy Speaker, will decide the position of this Assembly. It will not be done by a vote of the Assembly, as required by subsection 18(2) of the Australian Capital Territory (Self-Government) Act. I think it is appropriate, as Mr DUBY has already indicated, that where there is doubt in relation to this matter there should be some request for advice from an appropriate eminent legal authority to make sure that there is not a problem with this in the future.

If my amendment is not carried tonight, the position of Leader of the Opposition will be decided in the ballot-box or, as has recently happened, in the party room of a political party or group, not on the floor of the Assembly. That is how the occupant of the position of Leader of the Opposition will be decided. I think it is important to put that point of view on the record just to make sure that we know what we are doing if we support the motion and not my amendment.

MR DEPUTY SPEAKER: Mr Jensen, in fact you did not have a right of reply as the mover of an amendment, not the substantive motion. Just for the record, would you politely seek leave to make the statement you have just made?

MR JENSEN: I am terribly sorry, Mr Deputy Speaker. I seek leave.

Leave granted.

MR DEPUTY SPEAKER: The question now is: That the amendment be agreed to.

Mr DUBY: Mr Deputy Speaker, I have not spoken to the amendment. I spoke to the motion for the suspension of standing orders - - -

MR DEPUTY SPEAKER: Mr DUBY, as you spoke after the amendment was moved, that is taken to be a speech on the amendment. You may seek leave, Mr DUBY.

MR DUBY (Leader of the Opposition): I seek leave to make a short explanation, Mr Deputy Speaker, because undoubtedly there will be catcalls of derision.

Leave granted.

MR DUBY: Let me say from the outset that I disagree with some other non-government members of the Assembly about the position of Leader of the Opposition. I personally have no problems with a Leader of the Opposition if it is going to be a proper and representative role, representing all non-government members of the Assembly. On that basis I would support the concept of a position of Leader of the Opposition. However, I notice that Mr Jensen's amendment clearly abolishes that position.

Ms Follett: Yes. If he cannot have it, no-one can.

MR DUBY: Well, strange but true, that is almost the logic which I am going to apply. Given the outrageous behaviour that is being exhibited here tonight by both the Liberal Party and the Labor Party in, in effect, monopolising and ensuring that the position of Leader of the Opposition will always be a sham position, one which will in future always be filled by one of the representatives of those parties, I say that I support Mr Jensen's amendment. Perhaps we can then put in some proper rules about the Leader of the Opposition. The simple fact is that this sham means, in my view, that it would be dishonourable for anyone to even occupy the position. So, at the moment, I support getting rid of it.

Question put:

That the amendment (**Mr Jensen's**) be agreed to.

The Assembly voted -

AYES, 6

Mr Collaery
Mr DUBY
Mr Jensen
Dr Kinloch
Ms Maher
Mr Stevenson

NOES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

Question so resolved in the negative.

MR SPEAKER: The question now is: That Mr Stefaniak's motion be agreed to.

21 June 1991

MR STEVENSON (9.27): Bob Hawke, before the 1989 ACT election - - -

MR SPEAKER: Order! The amendment was moved and I believe that you spoke to the original motion.

MR STEVENSON: No, I did not. I spoke on the amendment. I stood up for it. You can speak on an amendment and on the motion.

MR SPEAKER: You spoke after the amendment was moved. Therefore you have had your turn. You may seek leave to speak.

Mr Stevenson: I take a point of order, Mr Speaker. I was waiting to speak on the main motion. Someone moved an amendment and I decided not to wait. I wanted to speak on the amendment.

MR SPEAKER: Mr Stevenson, if you speak after the amendment is moved, you are speaking to both issues. On my interpretation of the standing orders, you have spoken to the main motion.

MR STEVENSON: Right, Mr Speaker; thank you very much. I seek leave to make a statement.

Leave not granted.

Motion (by **Mr Humphries**) put:

That the question be now put.

The Assembly voted -

AYES, 10

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

NOES, 7

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Ms Maher
Mr Moore
Mr Stevenson

Question so resolved in the affirmative.

Original question put:

That the motion (**Mr Stefaniak's**) be agreed to.

The Assembly voted -

AYES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

NOES, 6

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Ms Maher
Mr Stevenson

Question so resolved in the affirmative.

MR SPEAKER: On behalf of the Assembly, I now pose the question to Mr Humphries: Do you consent to being Leader of the Opposition?

Mr Jensen: I take a point of order, Mr Speaker. I seek your indulgence. It would appear quite clear from the statements made in the house tonight that there seems to be some doubt about the legality of the process that you are about to undertake. As a point of order, I ask that you actually seek a legal opinion before you take the course that you are about to take.

Mr Humphries: Speaking to the point of order, Mr Speaker: It seems to me that it would be quite appropriate, if it is the wish of the house, or even whether it is or it is not, that there be some legal opinion sought in this matter and that it be done after the standing orders are enacted as passed by the house tonight. Then the matter could be looked at, if that is the wish of the house. It should not await the decision of the house, which, of course, cannot be recorded until we return in August.

MR SPEAKER: Thank you for your observation, Mr Humphries.

Mr Collaery: I take a point of order, Mr Speaker. In calling for consent from Mr Humphries you are deciding from the chair that the position of Leader of the Opposition is vacant. I draw your attention to section 14 of the self-government Act, which stipulates the manner in which a member vacates office. The term "office" is used in the

21 June 1991

standing orders, both those formerly and those now, and Mr Duby holds an office which he has not vacated pursuant to section 14 of the self-government Act. I draw your attention to that, Mr Speaker, and I move:

That this house recognises Mr Duby as Leader of the Opposition.

MR SPEAKER: You need leave to move such a motion, Mr Collaery.

MR COLLAERY: I seek leave, Mr Speaker, to move the motion that I just indicated.

Leave not granted.

MR COLLAERY: Mr Speaker, I move:

That so much of standing and temporary orders be suspended as would prevent Mr Collaery from moving a motion that this Assembly takes note of section 14 of the Australian Capital Territory (Self-Government) Act 1988 and recognises Mr Duby as Leader of the Opposition who has not vacated office pursuant to section 14.

Question put.

The Assembly voted -

AYES, 6

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Ms Maher
Mr Stevenson

NOES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Wood

Question so resolved in the negative.

MR SPEAKER: I again pose the question to Mr Humphries: Do you accept, do you consent -- -

Members interjected.

MR SPEAKER: I would like to get the question presented - - -

Mr Humphries: Mr Speaker, I consent to that appointment.

MR SPEAKER: Thank you.

Mr Duby: Mr Speaker, I am the duly elected Leader of the Opposition in this Assembly and I have not resigned from that position and, Mr Speaker, - - -

MR SPEAKER: Order! Mr Duby, are you speaking to a point of order or are you seeking to make a statement?

Mr Duby: I certainly am, Mr Speaker. It is a very important point of order. I would ask that you direct Mr Humphries to refrain from taking, either directly or indirectly, any remuneration, allowance, honorarium or reward for services rendered in the Assembly as Leader of the Opposition, for fear that he may well be, until this matter is sorted out, in breach of the self-government Act.

MR SPEAKER: Order, Mr Duby! I do not believe that this is a point of order. You are debating an issue. If you wish to seek leave to make a statement, you may do so; but that is not a point of order.

I will bring this to a conclusion if I can, if you will allow me to. It seems that the expressed wish of the majority of the members of this house is that the vote that we took earlier be upheld. Mr Humphries has agreed to become Leader of the Opposition. I assure the Assembly that I will seek a legal opinion on the validity of that position taken by the majority of the members. I declare forthwith that Mr Humphries is declared Leader of the Opposition.

Mr Collaery: I take a point of order, Mr Speaker. Why take a legal opinion if you are prejudging the issue? I regard that as grossly improper, with respect. Mr Duby is Leader of the Opposition until you get the right legal opinion, and Mr Humphries risks office in this Assembly.

MR SPEAKER: Order, Mr Collaery! The majority of the members are directing me in this task. It is now concluded.

POLICE OFFENCES (AMENDMENT) BILL 1991

MR STEFANIAK: In light of the fact that we now have six sitting days in August, including two private members' days - the 7th and the 14th - I seek leave to adjourn the presentation of the Police Offences (Amendment) Bill 1991 to Wednesday, 7 August 1991.

MR SPEAKER: I am not quite sure just what you have done, Mr Stefaniak.

MR STEFANIAK: It is a written notice.

MR SPEAKER: You seek leave to adjourn that?

21 June 1991

MR STEFANIAK: Yes, I do.

MR SPEAKER: Just give a notice in writing, please, Mr Stefaniak.

ADJOURNMENT

Motion (by **Mr Berry**) proposed:

That the Assembly do now adjourn.

Labor and Liberal Parties

MR STEVENSON (9.40): Bob Hawke, before the 1989 election, said that he saw no problem with the Labor and Liberal parties joining together. This is obviously something that I wanted to mention during the earlier farcical situation when the rules were being changed by those two parties to make sure that the power remained within the Labor and Liberal parties. What Mr Humphries is suggesting is that he represents the rest of us, or some of the rest of us, or, when he said, "It does not represent everybody", perhaps none of us. I am not sure which. However, the notion of a position of Leader of the Opposition is that it represents those people who do not have control of the government.

Mrs Nolan: Rosemary did not represent you before, Dennis.

MR STEVENSON: I have said that often enough. I think it would be good to look at whether or not the leader of the Liberal Party is in a position to represent other Independents or groups in this Assembly. We well know that in the Labor Party, when they have a vote, they so mistrust the people in their party that they look, physically, at the way they voted. Indeed, Rosemary Follett, earlier today, said that her Government - there is really no such thing but we will leave that aside for a moment - will not be one of division. I do not think there is anybody in this area who would suggest that the Labor Party, within its own party, is not the most divisive organisation in our land. We do know that they do not trust their members.

However, we have a situation in this Assembly today that may be a first for the Liberal Party in Australia. This could well be the first time that the Liberal leader - I presume that it was the Liberal leader, Gary Humphries - perhaps trusted other members of the Liberal Party so little that he took the unprecedented step - - -

Mrs Nolan: That is not true.

MR STEVENSON: Not true?

Mrs Nolan: That is not true. Mr Kaine said himself - - -

MR SPEAKER: Order, Mrs Nolan!

MR STEVENSON: Yes. We are told that Mr Kaine suggested that we should look at the ballots after Mr Humphries did not trust him enough to - - -

Mr Berry: Mr Speaker, I raise a point of order. It seems to me that Mr Stevenson is reflecting on a decision of the Assembly.

MR SPEAKER: Mr Berry, I overrule your objection. Please proceed, Mr Stevenson.

MR STEVENSON: So, it could be a first for the Liberal Party in Australia and it is a sad day, indeed, that we have seen that they trust their own members so little that they would do that. The major objection to the Liberal Party gaining the position, the money, the car and everything else that goes with the post of Opposition Leader is that it does not make any sense. It does not make any sense to have someone who leads one group to speak on behalf of five groups. It is an absurdity.

Indeed, the standing orders, possibly illegally, have been changed to talk about the major minority grouping. That means that if there are two Liberals in this Assembly after the next election, or at any time, and, let us say, 10 Independents, or eight Independents, or whatever, the post of Leader of the Opposition would go to one of the two Liberal members. That, of course, is an absurdity. Mr Speaker, it was a sad day, I think many people will acknowledge, when the Liberal Party agreed with the Labor Party to change the rules when they lost the vote.

Speakership

MR PROWSE (9.45): Mr Deputy Speaker, I would like to clarify a point made during the debate wherein Mr Duby stated that I had harshly judged Dr Kinloch and in fact had maligned him. If they were not the words used, they were something along those lines; I cannot recollect them. I would like to state here, and put on the record, that I did receive from Dr Kinloch a friendly warning, given to me in friendship, that there was possibly to be a move against me if I did not toe the line. I did not reflect on Dr Kinloch's intentions; I assumed that he was giving me the friendly warning that others may do so. I would like to have that on the record.

Question resolved in the affirmative.

Assembly adjourned at 9.46 pm until Tuesday, 6 August 1991, at 2.30 pm