



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 March 1995

9 March 1995

Thursday, 9 March 1995

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**LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**PARLIAMENTARY DEBATES
(Hansard)**

THIRD ASSEMBLY

Thursday, 9 March 1995

Members assembled at 2.30 pm.

NOTICE CONVENING MEETING

The Clerk: I inform members of the following notice convening the first meeting of the Third Legislative Assembly for the Australian Capital Territory:

Pursuant to subsection 17(2) of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth), I, Roberta McRae, Speaker of the Legislative Assembly for the Australian Capital Territory, do by this Notice convene the first meeting of the Third Legislative Assembly for the Australian Capital Territory at 2.30 pm on Thursday, 9 March 1995, in the Chamber of the Legislative Assembly, Canberra, in the Australian Capital Territory.

Dated 2 March 1995

ROBERTA McRAE, OAM
Speaker, Legislative Assembly
for the Australian Capital Territory

9 March 1995

SWEARING-IN OF MEMBERS

The Clerk: Section 9 of the Australian Capital Territory (Self-Government) Act 1988 provides that a member of the Legislative Assembly for the Australian Capital Territory shall, before taking his or her seat, make and subscribe an oath or affirmation in accordance with the form set out in that Act.

The oath or affirmation is required to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory.

His Honour Mr Justice Miles, Chief Justice of the Supreme Court of the Australian Capital Territory, will attend the chamber so that members may make an oath or affirmation.

The Chief Justice attending accordingly -

The Clerk: I present the instrument notifying the names of candidates elected to the Legislative Assembly for the Australian Capital Territory.

The instrument read as follows:

Mr Mark McRae
Clerk of the Legislative Assembly

CANDIDATES DECLARED ELECTED TO THE A.C.T. LEGISLATIVE ASSEMBLY

As a result of the poll held on Saturday, 18 February 1995, the following candidates have been declared elected to the ACT Legislative Assembly.

Electorate of Brindabella

Mr Tony De Domenico
Mr Trevor Kaine
Mr Paul Osborne
Mr Andrew Whitecross
Mr Bill Wood

Electorate of Ginninderra

Mr Wayne Berry
Mr Bill Stefaniak
Ms Roberta McRae
Mr Harold Hird
Ms Lucy Horodny

Electorate of Molonglo

Ms Kate Carnell
Ms Rosemary Follett
Mr Terry Connolly
Mr Gary Humphries
Ms Kerrie Tucker
Mr Greg Cornwell
Mr Michael Moore

Phillip Green
Electoral Commissioner

2 March 1995

The elected members made and subscribed the oath or affirmation of allegiance.

The Chief Justice retired.

ELECTION OF SPEAKER

The Clerk: Is it the wish of the Assembly to proceed with the election of a Speaker?

MR BERRY: I propose Ms Roberta McRae as Speaker of the Assembly and I move:

That Ms McRae be elected Speaker.

MS McRAE: I accept the nomination.

The Clerk: Is there any further proposal?

MR HIRD: I propose Greg Cornwell as Speaker of the Assembly and I move:

That Mr Cornwell be elected Speaker.

MR CORNWELL: I accept the nomination.

The Clerk: Is there any further proposal?

The time for proposals has expired. There being more than one candidate proposed, the election of a Speaker will proceed by ballot. Pursuant to standing order 2(f), the bells will now be rung and a ballot taken.

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A ballot having been taken -

The Clerk: The result of the ballot is: Greg Cornwell, nine votes; Roberta McRae, eight votes. Therefore, Mr Cornwell, the candidate with the majority of votes, is declared elected as Speaker.

Mr Speaker having taken the chair -

MR SPEAKER: I wish to express my thanks for the honour the Assembly has conferred upon me.

ELECTION OF CHIEF MINISTER

MR SPEAKER: The next item of business is the election of a Chief Minister.

MR BERRY: I propose that Rosemary Follett be elected as Chief Minister for the Australian Capital Territory and I move:

That Rosemary Follett be elected Chief Minister for the Territory.

MR SPEAKER: Is there any further proposal?

MR DE DOMENICO: Mr Speaker, I propose that Kate Carnell be elected as Chief Minister for the Australian Capital Territory and I move:

That Kate Carnell be elected Chief Minister for the Territory.

MR SPEAKER: Is there any further proposal?

The time for proposals has expired. There being more than one candidate proposed, the election of a Chief Minister will proceed by ballot. Pursuant to standing order 3(f), the bells will now be rung and a ballot taken.

A ballot having been taken -

MR SPEAKER: The result of the ballot is: Kate Carnell, 11 votes; Rosemary Follett, six votes. Therefore, Mrs Carnell, the candidate with the majority of votes, is declared elected as Chief Minister. Congratulations.

MRS CARNELL (Chief Minister): I seek leave to make a statement.

Leave granted.

MRS CARNELL: Mr Speaker, I would like to thank the Assembly for its vote of confidence in electing me as the new Chief Minister for the Australian Capital Territory. I must admit that it is a great honour - and I am still shaking. I also welcome and congratulate the five new members of the Assembly - Harold Hird, Lucy Horodny, Paul Osborne, Kerrie Tucker and Andrew Whitecross, in alphabetical order. I am sure that all of you, together with the 12 members who have continued on, will represent the people of Canberra and their wishes to the very best of your abilities. It would be remiss of me not to take this opportunity to acknowledge those members of the Second Assembly who were not re-elected or who decided not to stand again - Annette Ellis, Ellnor Grassby, David Lamont, Dennis Stevenson, Helen Szuty and Lou Westende. All of them have helped to improve our city and the quality of life enjoyed by its residents.

Mr Speaker - and it is with pleasure that I say that - when I first entered politics, just over three years ago, I never imagined that I would be in this position today. My surprise, however, is tempered by my and my colleagues' enthusiasm for the task ahead. On 18 February the people of Canberra voted for change, and that change has presented my team with the chance to take us in a new direction. The changes we plan to make will bring a new, fresh approach to the management of our city and our Assembly. We want to create an open, modest, local government which is accessible to the community and more city council-like in nature. That was the commitment we made to the electorate, and that is the commitment I make again today.

The challenges that now confront us are exciting, but they are also daunting. They are challenges for every member who is interested in making this Assembly more relevant to those it represents. Canberrans have had nearly six years to assess how well the current executive system of law-making and government has performed. We believe that it can be improved, and so does the community. In the next three years we hope to create a government that is more responsive, consultative, honest, hardworking and efficient and to provide a model of open government that will serve as an example to other States. Reforms such as strengthening the role of Assembly committees and encouraging a much freer flow of information between government agencies and all MLAs - and I stress "all MLAs" - will help to foster this more open approach. It is our belief that the primary tasks of the Assembly are to ensure that the most effective and efficient use is made of taxpayers' money, for the better management of Canberra and to help those who most need that help.

This should not be a purely political forum; nor should the success of the Assembly be judged merely on how much legislation it passes or debates. We believe that the Assembly should spend more of its time focusing on identifying and solving community issues and problems than debating legal technicalities, although those things as well can be very important. I hope that this is the measure by which we are all judged, rather than by the volume of the laws that are enacted.

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In coming weeks, I will outline in much more detail the initiatives that this Government will undertake; but today I want to speak briefly on the philosophy that my team will bring to government, and that is commonsense and compassion - a commonsense approach that puts management of our city first and politics last; and a compassionate approach that will show that we care about what Canberrans face every day of their lives and how this Assembly can help them. One of our first priorities will be to address the problems in our public hospital system. We all believe, and I suspect that everybody in this Assembly believes, that too many Canberrans are waiting longer and longer for necessary surgery. I am sure that all members of this Assembly believe that it is no longer good enough to spend more and get less. Unfortunately, the piecemeal reform of the past has not worked. What is required is fundamental change in the way we manage the system. Some tough decisions will need to be made, but the people of Canberra have signalled that it is time that these decisions were taken.

Whatever decisions this Assembly makes, they will be set against a background of reduced Commonwealth funding and increased pressure upon the ACT to live within its means. If we fail this challenge, we will place the future of our city at risk. The formulation of our first budget will be a priority. To this end, we want to work more closely with everyone in this Assembly to provide for a more open and consultative approach to budgeting. All of our reforms will require a cooperative approach, but I am confident that everybody here wants to have maximum input into the decision-making process that goes on in this place. Mr Speaker, you certainly will not see only four people involved in decision-making. We want everyone to be part of that.

I spoke earlier about the challenges that we face. These challenges also represent opportunities for innovation, for excellence and, importantly, for enthusiasm. If enthusiasm counts for anything - I am sure that it will - then my team is ready to get Canberra moving forward. We are ready to accept the challenge that the people of Canberra and the Assembly have laid before us. I want to thank the Assembly again for electing me as Chief Minister. I look forward to working with all members to represent every Canberran - not just the ones who voted for me, for the Labor Party or for the Independents, but every Canberran. My congratulations, too, go to you, Mr Cornwell, as our newly elected Speaker. Back in 1959, Edward Murrow wrote, "Difficulty is the excuse history never accepts". The next three years in the life of the Assembly will be difficult; but I will not be looking for excuses, because I believe that we - not just the Liberal Party, but this whole Assembly - can make a difference.

LEADERSHIP OF AUSTRALIAN LABOR PARTY

MS FOLLETT: Mr Speaker, I seek leave of the Assembly to make a statement relating to the leadership of the Australian Labor Party.

Leave granted.

MS FOLLETT: Mr Speaker, I would like to inform the Assembly that the Australian Labor Party has chosen me as its leader.

LEADER OF THE OPPOSITION

MR SPEAKER: Under standing order 5A, the Leader of the Opposition shall be the leader of the largest non-Government party, with the consent of that member. As Ms Follett, as leader of the Australian Labor Party, is the leader of the largest non-Government party, I now seek her consent to being Leader of the Opposition.

MS FOLLETT: Mr Speaker, I give my consent to being Leader of the Opposition, and I ask for leave to make a statement.

Leave granted.

MS FOLLETT: I thank members. Mr Speaker, let me, first of all, congratulate you on your election. I am sure that you will endeavour to perform your tasks in a fair and impartial manner, and I can assure you that you will receive the support of Labor members for your actions on that basis. I would also like to extend my congratulations and those of my Labor colleagues to Mrs Carnell on her election as Chief Minister.

Mr Speaker, with the Assembly's indulgence, I wish to speak quite briefly about the record in government of my Labor team. It is a record I am very proud of. I am particularly pleased that we were able to fulfil virtually all of the commitments we gave to the people of Canberra in 1992. Our emphasis was on our social justice agenda, and I believe that we were able to make real improvements to the lives of many Canberrans who do not often come to public attention - for example, the Aboriginal and Torres Strait Islander peoples, women and children needing protection from violence, the unemployed, the poor, the mentally ill and all those reliant on government services and assistance.

Throughout our period in government, Mr Speaker, the Territory's revenue suffered massive reductions in the Commonwealth contribution. In fact, our general revenue grant has been cut by almost half. I am, therefore, very proud that, in government, we were able to maintain and add to the community's services such as public housing, public transport, public health, education and municipal services. At the same time, I was concerned to ensure that the financial burden of our adjustment to State-type funding levels was spread equitably. Our success in achieving these competing outcomes is demonstrated by our top rating by both the Evatt Foundation and Standard and Poor's.

The achievements of Labor in government were the product of a united, intelligent and committed team. All of my Ministers, all of the Labor members, worked hard and long in the best interests of their community. I am greatly indebted to them for their efforts and their loyalty. This year's election has seen three of our Labor colleagues lose their seats in the Assembly. I wish to place on record my thanks to them for their service and my admiration for their achievements in office.

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David Lamont put enormous energy and commitment into his committee work in this place, especially on planning matters. He was an able and supportive deputy to me, and his work as a Minister was truly remarkable, given his short tenure. I will draw special attention to his efforts to improve outcomes for people with a disability and for Housing Trust tenants; his concern for the environment, especially through waste management and energy reforms; and, of course, his enviable reputation as Minister for Sport. Annette Ellis was a tireless worker for the people of Tuggeranong, and her constant intercession on their behalf was often crucial in Government decisions on the provision of services and facilities. In particular, her work for Tuggeranong's young people produced real and tangible benefits. Annette's service on Assembly committees was also outstanding and, I am sure, will be missed by more than just her Labor colleagues. Ellnor Grassby served as a Minister in the First Assembly - and, I must say, as a very capable Minister. More recently, as a backbencher, she worked to help the many people who asked for her assistance. Mr Speaker, I do not believe that any member of this Assembly put more effort into meeting with and listening first-hand to the concerns of our community. My Labor colleagues and I will, of course, greatly miss David, Annette and Ellnor; but I believe that the Canberra community also owes them thanks for the service they gave.

Mr Speaker, the election last month contained a number of lessons for the Labor Party, and we will be heeding all of those lessons. In particular, we will be doubling and redoubling our already considerable efforts to listen to the community and to give them a real voice in the decisions which affect them. We will also be both vigilant and proactive in our concern for Canberra's environment, and I look forward to working with the ACT Greens MLAs on these issues. We will pursue our social justice objectives as best we can from opposition. I remain totally committed to working for real improvement in the lives of Canberrans, especially our disadvantaged and marginalised citizens.

Mr Speaker, the Labor team takes the role of opposition very seriously. We believe that a good opposition makes for better government because of its scrutiny of the representatives, policies, decisions and actions of the government. I have congratulated Mrs Carnell on forming a new government, and I wish her well in her task of providing government. Indeed, Mr Speaker, to do otherwise would be to deny the very real need of Canberrans for good government. However, I give notice to Mrs Carnell that my colleagues and I will not hesitate to point out the weaknesses in her leadership and her team - especially the contradictions for which she is rapidly becoming infamous and the divisions, the rivalry and the bitterness in her ranks. Furthermore, Mr Speaker, we believe that there are very few areas where the Liberal Party could claim that the electorate has given them a clear endorsement for their policies. Indeed, fully 60 per cent of the Canberra community did not vote for Liberal policies. So, I give notice also to the new Government that the Labor Party will be vigilant in ensuring that the more destructive Liberal promises are not implemented. We will not sit back and see productive public assets and necessary community services such as ACTEW, public housing and our public transport system dismantled, sold or given away for private profit. We will work with other members of the Assembly, with the union movement and with community organisations to ensure that the most dangerous of the Liberals' promises are never implemented.

Mr Speaker, I wish to touch on two matters which concern all members of this Assembly. Firstly, Labor believes that the Assembly's committee system has been one of our great strengths as a parliament - not least because committee work enables all MLAs to participate in research, consultation with the community, debate and decision-making on issues where they have a special interest or expertise. Notwithstanding Michael Moore's Machiavellian antics, Mr Speaker, we will not stand by and watch a diminution of this important structure; nor will we accept a departure from the fair and equitable representation on committees for all parties and Independents that our standing orders require. Secondly, Mr Speaker, I consider that it is the duty of every person elected to public office to ensure that their personal standards and behaviour maintain the dignity and professionalism of their office. I will be moving at an early date that the Assembly develop and adopt a code of ethics for MLAs, to make it clear that we accept no less a standard than we have, for instance, recently legislated for the ACT's public service. I look forward to the cooperation of all members in this task.

Finally, Mr Speaker, I would like to place on record my grateful thanks and those of all of my Labor colleagues to the many public servants who have so ably supported us during our period in government. It has been a great pleasure working with those professional, hardworking and dedicated people. Also, to my own personal staff and those of other Ministers, our grateful thanks are due and will be made probably more eloquently and more privately in the not too distant future.

STATEMENTS BY MEMBERS

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

Leave granted.

MR MOORE: Firstly, Mr Speaker, I would like to congratulate all members on becoming members of this Assembly today, and I certainly welcome the new members. I congratulate you, Mr Speaker, for taking on that role, which I believe you will perform in as fair and equitable a way as you performed the role of Deputy Speaker. My congratulations go also to the Chief Minister and the Leader of the Opposition for their election to those positions.

Mr Speaker, I would like to declare that I will be here in this Assembly as an Independent. I certainly intend to remain that way over the next three years, as I have done in the past. I am very disappointed that I am not able to be accompanied here on the cross benches by Helen Szuty, who I believe made an incredibly positive contribution to the Canberra community. All members who worked with Helen Szuty on committees and who negotiated with her would recognise the contribution she made to social justice in the Canberra community. However, I certainly look forward to working with members on the cross benches, in the Opposition and in the Government.

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I will take a moment to respond to the only negative comment that has been made so far - the comment by the Chief Minister in referring to my "Machiavellian antics" over committees.

Mr Humphries: The Opposition Leader.

MR MOORE: Mr Speaker, you can see that I still have problems in adjusting to that, despite the way I voted. I would like to respond to the comment made by the Opposition Leader about - to use her words - my Machiavellian antics with the committees. What we heard there represented the same thing as Labor presented to the community, and that was their incredible arrogance.

MR OSBORNE: Mr Speaker, I ask for leave to make a statement.

Leave granted.

MR OSBORNE: First of all, I congratulate Mrs Carnell on her appointment today, and also Rosemary. I would like to inform the Assembly that I will be taking my seat very much as an Independent.

MS TUCKER: I ask for leave to make a statement.

Leave granted.

MS TUCKER: I wish to inform the Assembly that I shall be taking my seat in the Assembly, with Lucy, for the ACT Greens. I would also like to say that our decision to allow Mrs Carnell to work as Chief Minister is by no means an endorsement of the Liberal policies. We intend to work in this place issue by issue. We also look forward, quite probably, to working on many occasions with Labor in opposition and with the other Independents. We welcome the Liberals' commitment to open government, and we look forward to working with them in that way. As to the Machiavellian tactics on committees, we have just had our first experience of how decisions regarding chairs of committees work. I do not know whether "Machiavellian" is the word, but numbers seem to be very important. So we look forward to discovering more about how these things work.

MS HORODNY: I seek leave to make a statement.

Leave granted.

MS HORODNY: I wish to inform the Assembly that I shall be taking my seat in the Assembly, with Kerrie, as a member of the ACT Greens. I would like to say that we both feel very honoured and very happy to be part of this Third Assembly, and we look forward to having, in conjunction with the community, strong input into changes that benefit Canberrans as well as the Canberran landscape.

ELECTION OF DEPUTY SPEAKER

MR SPEAKER: Is it the wish of the Assembly to proceed with the election of a Deputy Speaker?

MR BERRY: Mr Speaker, I propose Roberta McRae, and I move:

That Roberta McRae be elected Deputy Speaker.

MS McRAE: I accept the nomination.

MR SPEAKER: Is there any further proposal?

The time for proposals has expired. There being no further proposals, I declare Ms McRae, the member proposed, to have been elected as Deputy Speaker. Congratulations.

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

Motion (by **Mrs Carnell**), by leave, agreed to:

That the Assembly authorises:

- (1) the recording on video tape with sound by television networks of proceedings from the commencement of business until the Assembly proceeds to the election of the Deputy Speaker, today, Thursday, 9 March 1995;
- (2) the use by any television station of:
 - (a) “swearing-in” proceedings, with sound; and
 - (b) any other part of the recorded proceedings, without sound;in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule; and
- (3) the taking of still photographs during proceedings from the commencement of business until the Assembly proceeds to the election of the Deputy Speaker, today, Thursday, 9 March 1995, and the use of such photographs in the print media.

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SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS Papers

MRS CARNELL (Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for appointments to Flora and Fauna Committee, approvals, determinations, management standards, Supreme Court Rules and regulations, and variations to code of practice and programs. I also present notices of commencement for the Acts listed in the schedule.

The schedule read as follows:

Administrative Appeals Tribunal (Amendment) Act (No. 2) -
Notice of commencement (14 November 1994) of sections 9 and 28
(S250, dated 11 November 1994).

Bail Act - Bail Regulations (Amendment) - No. 43 of 1994 (S300, dated
20 December 1994).

Betting (Totalizator Administration) Act -

Determination of level of payment to the Racecourse Development Fund -
No. 3 of 1995 (S7, dated 6 January 1995).

Determination of level of payment to the Territory - Determination No. 4
of 1995 (S7, dated 6 January 1995).

Buildings (Design and Siting) Act - Buildings (Design and Siting)
Regulations (Amendment) -

No. 44 of 1994 (S304, dated 22 December 1994).

No. 9 of 1995 (S40, dated 8 February 1995).

Casino Control Act -

Casino Control Regulations (Amendment) - No. 45 of 1994 (S311, dated
23 December 1994).

Determination of General Tax Rate - No. 166 of 1994 (S312, dated
30 December 1994).

Determination of Junket Tax Rate - No. 167 of 1994 (S312, dated
30 December 1994).

Casino Control (Amendment) Act 1994 - Notice of commencement
(16 January 1995) of sections 4 to 8 (inclusive) (S21, dated
16 January 1995).

Crimes (Amendment) Act - Notice of commencement (6 February 1995) of sections 4 and 5 (S33, dated 31 January 1995).

Crimes (Amendment) Act (No. 2) 1994 - Notice of commencement (1 December 1994) of sections 4 to 11 (S270, dated 28 November 1994).

Education Services for Overseas Students (Registration and Regulation of Providers) Act - Education Services for Overseas Students (Registration and Regulation of Providers) Regulations - No. 48 of 1994 (S12, dated 10 January 1995).

Electoral Act -

Determination of fees - No. 19 of 1995 (S35, dated 1 February 1995).

Electoral Regulations (Amendment) - No. 4 of 1995 (S19, dated 12 January 1995).

Electricity Act - Determination of fees - No. 1 of 1995 (S5, dated 5 January 1995).

Electricity and Water Act - Canberra Sewerage and Water Supply Regulations (Amendment) - No. 3 of 1995 (S19, dated 12 January 1995).

Essential Services (Continuity of Supply) Act -

Essential Services (Continuity of Supply) Regulations - No. 5 of 1995 (S25, dated 20 January 1995).

Essential Services (Continuity of Supply) Regulations (Repeal) - No. 47 of 1994 (S11, dated 10 January 1995).

Fair Trading Act - Fair Trading Regulations - No. 1 of 1995 (S6, dated 6 January 1995).

Health Act - Determination of fees and charges - No. 9 of 1995 (S17, dated 12 January 1995).

Housing Assistance Act -

Variation to Public Rental Housing Assistance Program - No. 18 of 1995 (S31, dated 31 January 1995).

Variation to Rent Relief Program - No. 17 of 1995 (S31, dated 31 January 1995).

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Interpretation (Amendment) Act (No. 2) 1994 - Notice of commencement (29 November 1994) of section 4 (S269, dated 29 November 1994).

Juries Act - Juries Fees Regulations (Amendment) - No. 8 of 1995 (S32, dated 30 January 1995).

Land (Planning and Environment) Act -

Land (Planning and Environment) Regulations (Amendment) - No. 7 of 1995 (S30, dated 25 January 1995).

Revocation and Determination of fees - No. 20 of 1995 (S38, dated 6 February 1995).

Lands Acquisition Act - Notice of commencement (1 February 1995) of remaining provisions (S27, dated 20 January 1995).

Liquor Act - Determination of fees - No. 160 of 1994 (S297, dated 19 December 1994).

Liquor (Amendment) Act (No. 2) - Notice of commencement (19 December 1994) of sections 4 to 18 (S296, dated 19 December 1994).

Meat Act - Determination of fees and charges - No. 16 of 1995 (S26, dated 20 January 1995).

Mental Health (Treatment and Care) Act - Notice of commencement (6 February 1995) of sections 3 to 147 (inclusive) (S33, dated 31 January 1995).

Motor Omnibus Services Act - Determination of charges - No. 164 of 1994 (S303, dated 21 December 1994).

Motor Traffic Act - Variation of Determination No. 65 of 1995 - Determination No. 2 of 1995 (S7, dated 6 January 1995).

Nature Conservation Act - Flora and Fauna Committee -

Appointment of Chairperson and Deputy Chairperson - Determination No. 12 of 1995 (S17, dated 12 January 1995).

Appointment of Members - Determination No. 11 of 1995 (S17, dated 12 January 1995).

Remuneration and Allowances - Determination No. 10 of 1995 (S17, dated 12 January 1995).

Nature Conservation (Amendment) Act (No.2) 1994 - Notice of commencement (8 February 1995) of remaining provisions with the exception of sections 7, 9, 20, 23, 24 and 27 (S41, dated 8 February 1995).

Occupational Health and Safety Act -

National Code of Practice for the Control and Safe Use of Inorganic Lead at Work and National Standard for the Control of Inorganic Lead at Work - Instrument of Approval - No. 23 of 1995 (S46, dated 13 February 1995).

National Standard for Plant - Instrument of Approval - No. 24 of 1995 (S46, dated 13 February 1995).

Public Health Act -

Determination of fees and charges - No. 5 of 1995 (S10, dated 9 January 1995).

Public Health (Infectious and Notifiable Diseases) Regulations (Amendment) - No. 46 of 1994 (S1, dated 4 January 1995).

Public Place Names Act - Determinations -

No. 156 of 1994 (S294, dated 15 December 1994).

No. 157 of 1994 (S294, dated 15 December 1994).

No. 158 of 1994 (S294, dated 15 December 1994).

No. 159 of 1994 (S294, dated 15 December 1994).

No. 7 of 1995 (S13, dated 11 January 1995).

No. 8 of 1995 (S13, dated 11 January 1995).

No. 25 of 1995 (S52, dated 24 February 1995).

Public Sector Management Act - Management Standards -

ACTTAB Officers - No. 9 of 1994 (S4, dated 4 January 1995).

Canberra Theatre Officers - No. 12 of 1994 (S4, dated 4 January 1995).

Entry and Advancement - No. 8 of 1994 (S305, dated 22 December 1994).

Mobility With The Australian Public Service - No. 4 of 1994 (S4, dated 4 January 1995).

Transfer of Teachers - No. 7 of 1994 (S4, dated 4 January 1995).

Salaries of Nursing Staff - No. 1 of 1995 (S14, dated 11 January 1995).

Rates and Land Tax Act - Interest on Refunds - Determination No. 21 of 1995 (S45, dated 10 February 1995).

Referendum (Machinery Provisions) Act -

Notice of commencement (16 December 1994) of remaining provisions (S295, dated 16 December 1994).

Referendum (Machinery Provisions) Regulations - No. 2 of 1995 (S15, dated 12 January 1995).

Statute Law Revision (Penalties) Act 1994 - Notice of commencement (29 November 1994) of section 3 (S269, dated 29 November 1994).

Statutory Offices (Miscellaneous Provisions) Act - Notice of commencement (15 December 1994) of sections 3 to 9 (S293, dated 15 December 1994).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 42 of 1994 (S278, dated 5 December 1994).

Taxation (Administration) Act - Determinations -

Interest on Overpaid Amounts - No. 22 of 1995 (S45, dated 10 February 1995).

Marketable Securities - No. 15 of 1995 (S23, dated 16 January 1995).

Payroll Tax - No. 162 of 1994 (S299, dated 19 December 1994).

Stamp Duties (Acquisition of Business) - No. 14 of 1995 (S23, dated 16 January 1995).

Stamp Duties (Acquisition of Business) - No. 161 of 1994 (S299, dated 19 December 1994).

Stamp Duties (Homebuyer) - No. 13 of 1995 (S23, dated 16 January 1995).

Tenancy Tribunal Act -

Determination of fees - No. 6 of 1995 (S13, dated 11 January 1995).

Notice of commencement (1 January 1995) of remaining provisions (S308, dated 23 December 1994).

Variations to Code of Practice - No. 165 of 1994 (S309, dated 23 December 1994).

Weapons Act - Weapons Regulations (Amendment) - No. 6 of 1995 (S28, dated 24 January 1995).

Workers' Compensation Act - Approval - Protocol for Occupational Rehabilitation - No. 163 of 1994 (S299, dated 19 December 1994).

Workers' Compensation (Amendment) Act - Notice of commencement (25 November 1994) of those parts of section 5 inserting sections 15F, 15G and 15H and (1 January 1995) of remaining provisions (S286, dated 7 December 1994).

COMMITTEES Establishment

MR MOORE, by leave: I move together five motions relating to the establishment of the following standing committees: The Standing Committee on Planning and Environment, the Standing Committee on Legal Affairs, the Standing Committee on Social Policy, the Standing Committee on Scrutiny of Bills and Subordinate Legislation, the Standing Committee on Public Accounts, the Standing Committee on Tourism and ACT Promotion, and the Standing Committee on Administration and Procedure, as follows:

1. That:

- (1) The following general purpose standing committees be established to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committee to be of concern to the community:
 - (a) a Standing Committee on Planning and Environment to examine matters related to planning, land management, transport, economic development, commercial development, industrial and residential development, infrastructure and capital works, science and technology, the environment, conservation, heritage, energy and resources;
 - (b) a Standing Committee on Legal Affairs to examine matters related to administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, and consumer affairs;
 - (c) a Standing Committee on Social Policy to examine matters related to health, hospitals, nursing homes, welfare, employment, housing, social security, the ageing, people with disabilities, the family, Aboriginal people, youth affairs, the status of women, multicultural affairs, industrial relations, occupational health and safety, education, the arts, sport and recreation.
- (2) The Standing Committee on Planning and Environment shall consist of four members and the Standing Committee on Legal Affairs and the Standing Committee on Social Policy shall consist of three members.

- (3) If the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft Plan variations referred pursuant to section 25 of the Land (Planning and Environment) Act 1991 or draft Plans of Management referred pursuant to section 203 of the Land (Planning and Environment) Act 1991, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.
- (4) Each committee shall have power to consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.
- (5) Each committee be provided with the necessary staff, facilities and resources.
- (6) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

2. That:

- (1) A Standing Committee on Scrutiny of Bills and Subordinate Legislation be appointed.
- (2) The Committee will consider whether:
 - (a) instruments of a legislative nature which are subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act:
 - (i) meet the objectives of the Act under which they are made;
 - (ii) unduly trespass on rights previously established by law;
 - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or

- (iv) contain matter which should properly be dealt with in an Act of the Legislative Assembly.
 - (b) explanatory statements meet the technical or stylistic standards expected by the Committee.
 - (c) clauses of bills introduced in the Assembly:
 - (i) do not unduly trespass on personal rights and liberties;
 - (ii) do not make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (iii) do not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (iv) inappropriately delegate legislative powers; or
 - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
 - (d) explanatory memoranda meet the technical or stylistic standards expected by the Committee.
- (3) The Committee shall consist of three members.
- (4) If the Assembly is not sitting when the Committee is ready to report on bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.
- (5) The Committee be provided with the necessary additional staff, facilities and resources.
- (6) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

3. That:
- (1) A Standing Committee on Public Accounts be appointed to:
 - (a) examine:
 - (i) the accounts of the receipts and expenditure of the Australian Capital Territory;
 - (ii) the financial affairs of authorities of the Australian Capital Territory; and
 - (iii) all reports of the Auditor-General which have been laid before the Assembly;
 - (b) report to the Assembly, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed;
 - (c) inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question; and
 - (d) inquire into and report on the implementation of the Public Sector Management Act 1994 with particular reference to:
 - (i) the public interest; and
 - (ii) any other related matter.
 - (2) The Committee shall consist of three members.
 - (3) The Committee shall have power to consider and make use of the evidence and records of the Standing Committee on Public Accounts appointed during the previous Assembly.

- (4) The Committee be provided with the necessary staff, facilities and resources.
- (5) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

4. That:

- (1) A standing committee be appointed to inquire into and report on:
 - (a) the impact of tourism on the ACT economy, community and infrastructure;
 - (b) strategies to increase the level of activity in the tourism sector; and
 - (c) other matters relating to tourism in the ACT that the Committee considers should be drawn to the attention of the Assembly.
- (2) The Committee shall consist of three members.
- (3) The Committee be provided with the necessary staff, facilities and resources.
- (4) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

5. That:

- (1) Standing orders 16, 17, 18 and 19 be omitted and the following standing order be substituted:

“Administration and Procedure Committee

- 16. (1) A Standing Committee on Administration and Procedure shall be appointed at the commencement of each Assembly to:

- (a) inquire into and report on, as appropriate:
 - (i) the Assembly’s annual estimates of expenditure;

- (ii) the practices and procedure of the Assembly; and
 - (iii) the standing orders of the Assembly;
 - (b) advise the Speaker on:
 - (i) Members' entitlements including facilities and services;
 - (ii) the operation of the transcription service (*Hansard*);
 - (iii) the availability to the public of Assembly documents;
 - (iv) the operation of the Assembly library; and
 - (c) arrange the order of Private Members' business.
- (2) The Committee shall consist of the Speaker and four other members.
 - (3) The Speaker shall be the Presiding Member of the Committee.
 - (4) The Committee shall have the power to consider and make use of the evidence and records of the Standing Committee on Administration and Procedures appointed during the previous Assembly.
 - (5) The foregoing provisions, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.”.
- (2) Standing order 71(e) be amended by omitting “the Committee on Procedures” and substituting “a select committee appointed by the Assembly for that purpose”.
 - (3) Standing order 272 be amended by omitting “by a Minister”.

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Mr Speaker, the motions for the establishment of the five committees followed a quite lengthy process of negotiation, with all members of the Assembly represented in terms of their groupings. There were, in fact, two proposals put up. One was the status quo proposal, which was put by Mr Berry - to leave the committees exactly as they were. The second proposal, which was put by me - it is the one being put today - was to narrow the number of committees and the number of people on those committees. So, instead of having 33 committee places requiring members' time, we narrowed it to 22 and also narrowed the number of committees by a couple. Mr Speaker, I believe that this will make for a most efficient committee system. But, perhaps more importantly, if we go through a process of change - certainly I have made a commitment in these meetings, which I intend to stick by, that the Standing Committee on Planning and Environment be reviewed as to its effectiveness and make-up within the next few months, if that is required by other members - I would expect that process to be fruitful.

It is much easier, I argued, and I argue it again today, Mr Speaker, to increase the number of committees than to reduce the number of committees. I think it is the weight of that argument that has resulted in the agreement thus far reached - although clearly with some dissent from the Labor Party and with the comment that Ms Tucker made earlier, that sometimes, unfortunately, these things are about numbers. Mr Speaker, there was nothing Machiavellian about the discussions on these matters.

Ms Follett: Pull the other leg!

MR MOORE: It just appears that way to the former Chief Minister because she does not have the numbers. But those of us who, for the last six years, have been on the receiving end of the way Labor crunches numbers believe that pitching this as some form of Machiavellianism puts them in Machiavellian clothes for the last six years.

Mr Speaker, what has happened is that we have had discussions and we have come to an appropriate result. I hope that that will be recognised, as we have the best system for committees in the Assembly.

Mr Wood: You were not going to do deals.

MR MOORE: There was an interjection from Mr Wood: "You were not going to do deals". I have not done a deal. I did not do deals. I object to that. You know that I have never done a deal with you.

Mr Berry: With them you have, though.

MR MOORE: I have never done a deal with the Labor Party on this, and I will not do deals with them either. Mr Speaker, I was able to convince the Liberal Party, I was able to convince Mr Osborne and I was able to convince the Greens - although there are parts of this that they do not like and there are parts of it that I do not like - that this is the best compromise, and I believe that that will be the result of a vote on this issue.

MR BERRY (3.30): Mr Speaker, the Labor Party will be opposing this proposal. May I say at the outset that it is the third motion in this new Assembly and the first rort. One of the things that we have prided ourselves on in this Assembly is access to the committee process by members on a fair basis. We have done that in accordance with the standing orders. The two relevant standing orders, I suggest, are 220 and 221. Standing order 220 states that committees should consist of not more than seven members unless otherwise ordered. So, that allows for the establishment of committees of a number of sizes, to allow equal access to the committee process by members in accordance with the standing orders.

The other relevant standing order, 221, states:

Membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

Paragraph (10) of Mr Moore's motion says:

The foregoing provisions, so far as they are inconsistent with the standing orders, have effect notwithstanding - - -

Mr Moore: On a point of order, Mr Speaker: Mr Berry is getting a bit ahead of himself. He is speaking to a motion that I have not moved. I think he should save that for later. What we are doing at the moment is just establishing the five standing committees. I would be comfortable with moving all these motions together so that we can deal with this matter in one hit rather than being here all afternoon, if that would suit members.

MR SPEAKER: First of all, I uphold the point of order. We are discussing the motions for the establishment of five committees. We are not discussing the detail of the committees, which I understand is the subject of a motion that Mr Moore proposes to move shortly. So, Mr Berry, would you confine your remarks to the motions.

MR BERRY: It has been circulated, Mr Speaker.

MR SPEAKER: Yes. So have other things, Mr Berry. But I suggest that you confine yourself to the motions before the Chair at the moment. I could put the question and then we could move on to a more substantive debate on the next motion, if that were your wish.

MR BERRY: That would suit me.

MR SPEAKER: Very well. I think that is the best way to do it.

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Question put:

That the motions (**Mr Moore's**) be agreed to.

The Assembly voted -

AYES, 9

NOES, 8

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

Membership

MR MOORE, by leave: Mr Speaker, I move:

That:

- (1) The Standing Committee on Planning and Environment be comprised of Mr Moore and:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the ACT Greens;to be notified in writing to the Speaker.
- (2) The Standing Committee on Legal Affairs be comprised of Mr Osborne and:
 - (a) one Member to be nominated by the Government; and
 - (b) one Member to be nominated by the Opposition;to be notified in writing to the Speaker.

- (3) The Standing Committee on Social Policy be comprised of:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the ACT Greens;to be notified in writing to the Speaker.

- (4) The Standing Committee on Scrutiny of Bills and Subordinate Legislation be comprised of Mr Osborne and:
 - (a) one Member to be nominated by the Government; and
 - (b) one Member to be nominated by the Opposition;to be notified in writing to the Speaker.

- (5) The Standing Committee on Public Accounts be comprised of:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the ACT Greens;to be notified in writing to the Speaker.

- (6) The Standing Committee on Tourism and ACT Promotion be comprised of Mr Osborne and:
 - (a) one Member to be nominated by the Government; and
 - (b) one Member to be nominated by the Opposition;to be notified in writing to the Speaker.

- (7) The Standing Committee on Administration and Procedure be comprised of the Speaker, Mr Moore and:
 - (a) one Member to be nominated by the Government;
 - (b) one Member to be nominated by the Opposition; and
 - (c) one Member to be nominated by the ACT Greens;to be notified in writing to the Speaker.

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- (8) The Speaker must receive the written nominations of Members by 5.00 pm, Friday, 10 March 1995, and that those Members so nominated be declared by the Speaker to be appointed as Members of the respective Committees.
- (9) On the next meeting of the Assembly after 10 March 1995, the Speaker will inform the Assembly as to those Members so declared to be appointed Members of the respective Committees.
- (10) The foregoing provisions, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I believe that this is the more fundamental question that Mr Berry was referring to. The motion is to establish the membership of committees. It identifies by name the two Independents in this chamber - me and Mr Osborne - on some of the committees and it identifies for some other committees the ACT Greens. Otherwise, it has been prepared so as to identify "Government" or "Opposition", so that, whoever was going to get into government or whoever was going to get into opposition, the result would be the same.

The reality is, Mr Speaker, that it is consistent with standing orders. Mr Berry, with his legal background, will read very carefully from standing order 221:

Membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

Mr Berry, being the very effective bush lawyer that he is, knows that the law is interpreted by precedent. Of course, the precedent here, which was set by Labor arrangement - not by manipulation or by Machiavellian conduct - has been to ensure that the committees of the Assembly reflect the make-up of the Assembly. They reflect the fact that the Assembly is made up of a government, an opposition and crossbenchers, with a minority government situation. Indeed, that is how the committees are constructed, and I think that is a fair interpretation of that standing order established upon precedent.

There is an exception to that, Mr Speaker. The motion states that the Standing Committee on Planning and Environment should be composed of Mr Moore, one member from the Government, one member from the Opposition and one member from the ACT Greens. The reason for that, which was agreed in our round table discussions, was that it was quite clear that in this situation there were a number of stakeholders who had a specific interest in planning and environmental issues and who, we believed, could make a fair contribution to a positive outcome for Canberra. That is how this was put together, Mr Speaker.

Labor members have obviously decided that they are going to start the ball rolling by making a great impact. They are going to make a fuss about everything that is going to happen in the Assembly. They are going to give it names. They are going to call it rorts and so forth. Mr Speaker, nothing is further from the truth. The equity and fairness of the committee processes and of the committee membership as drawn up in the motion are important. In fact, paragraph (10) of the motion states:

The foregoing provisions, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

It is there simply because, at that meeting between 11.00 am and 1.30 pm today, Mr Berry raised the point that there may be a problem with that issue - that the Standing Committee on Planning and Environment being composed of all those with key interests in that committee may be inconsistent with the standing orders. I believe that it is not inconsistent; but, just in case it was, I thought it appropriate to add that tenth paragraph.

Mr Berry: It is not a rort; it just looks like one.

MR MOORE: You will get your turn, Mr Berry. Hang on to your seat.

Mr Speaker, I think that what we have here is a situation where we have the potential to continue working on committees in this Assembly for the good of Canberra. I have contributed six years of very hard work and - I think I am correct in saying this - I have served on more committees than has any other member of this Assembly at this point. In fact, I am quite sure that that is right. That is not because I get a great deal of fun out of working on committees; it is because I believe that it is an appropriate way for me to make a contribution to the Canberra community, and that is what I intend to do. I have not used the committee system as a political tool over the past six years. I have not used it in that way to date. I do not intend to use it in that way. I intend to use it to pursue what I think is best for Canberra.

MR HUMPHRIES (3.41): Mr Speaker, the Government will be supporting the motion which has been moved by Mr Moore. Clearly, the problem that Mr Berry identified in the conduct of the last Assembly was a considerable difficulty, which was having committees do their work when a number of its members were hard pressed to service a range of committees at the one time. Members will recall a number of occasions when members had to serve on a considerable number of committees. The most salient example that comes to my mind is Mr Wood in the very first Assembly, who served on at least seven committees simultaneously. Indeed, he was so busy that on some occasions he was unable to serve on a committee at all. The then Government was left unrepresented on some committees because there simply were not enough members to provide service on all committees.

It is very important, Mr Speaker, that we have committees in the Assembly and that members have the time and the energy to be able to give them due service and do justice to the tasks that have been put before them. Those members who have perused the excellent paper prepared by Mr Symington of the Committee Office will have noted

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his comments - I hope that they have taken them to heart - concerning the problem of there being too many committees, too many tasks in too many separate baskets, so to speak, before the last Assembly. I am sure that the same sentiment applies to the First Assembly. I believe that it is important that we avoid those problems by having manageable ways of dealing with our issues.

The Chief Minister has indicated very clearly that she sees a major role for the committees in this Assembly. They will certainly have more responsibilities and more access to information than has been the case in the past. In those circumstances, it is important for the committees to be able to function efficiently and not to have members worked off their feet because they are simply serving on too many committees. Mr Berry's proposal, as originally placed before members some days ago, for example, would have had some members on our side of the chamber serving on five, six or more committees. Indeed, one member could possibly have been serving on as many as seven committees. That would be inefficient. That would not be in the interests of the efficient use of the committee system. We therefore support this model, which does not exclude any inquiry from a committee's purview, does not remove any role which any committee presently conducts, but simply organises that work on a more consistent and rational basis. It deserves the support of the house.

MR BERRY (3.44): From Mr Moore's contribution to the debate, it seems that this is not a rort; it just looks like one. That is the real problem with it. The standing orders in relation to it make it very clear. Standing order 221 says that the membership of committees should be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly. I should draw members' attention to the proposed membership of the Standing Committee on Planning and Environment. In due course I will go back to the Planning and Environment Committee and the way that it has been compressed and the effect that that will have on the consideration of environmental matters here in the ACT. I think that is a disaster in itself.

In relation to the numbers on it, it has been conveniently reduced to take out a Labor Party person and reduce Labor's influence on the committee process. By his own admission, Mr Moore has provided for the striking out of the particular provision in the standing orders which would have allowed an extra Labor Party representative on that committee. In the course of debate over these issues this morning it became pretty apparent to me that there was a coalition at work in relation to the implementation of Mr Moore's policy. He had the Liberals on side; the deal had been done. We then had to go through the painful process of waiting until Mr Moore informed us that, as Ms Tucker has said, the numbers would prevail in any event. I have made it clear from the outset that I would oppose the compression of those two important committees - the planning committee and the environment committee - because I think it would be a disaster in environmental terms and it would take away a proper emphasis for the ACT.

I hope that the Greens will support Labor's opposition to this. I was disappointed to see that they preferred a Liberal government to a Labor government; but we did make some ground on the last motion, where we were 9 : 8 all of a sudden. So watch out, Mrs Carnell; they are coming back to us.

MR SPEAKER: Relevance, Mr Berry.

MR BERRY: It could be relevant even to you, Mr Speaker.

Mr Connolly: Optimism, Mr Speaker.

MR BERRY: I would agree that that is optimism.

So, we do have a situation where there is a rort at work in this Assembly on its first day. I think that again puts the whole place in a dreadful light. Mr Moore has admitted by his own motion that he wishes to strike out the effect of the standing orders to ensure equal representation on these committees. I think this Assembly is bound to ensure that these sorts of rorts - or apparent rorts, if you listen to Mr Moore - do not occur. I would urge members to support the Labor Opposition in relation to that. I will draw to members' attention an amendment which I have circulated.

Mr Moore: Are you going to move it?

MR BERRY: I will move it in due course.

MR WOOD (3.48): Mr Speaker, in the speeches that marked the closing of the Second Assembly, or towards the end of its time, every member in this Assembly acknowledged the work of the Planning, Development and Infrastructure Committee. I think its 200th meeting was acknowledged. It was said by all that that committee was by far the hardest working committee in the Assembly. Beyond any doubt, it had more work than any other committee, and perhaps more than all the other committees put together.

Mr Moore: No, that is not true. That is an incredible exaggeration.

MR WOOD: Come on, Mr Moore; you nodded your head at that time. After that, the busiest committee was probably the Conservation, Heritage and Environment Committee. It was also very active. What has happened now? The busiest committee and another very busy committee have been joined into one. That is the deal that Mr Moore made with the Liberals. That was the price of supporting Kate Carnell for Chief Minister. There is simply no question about that.

Mr Moore wants to talk about equity and fairness, to use his words. Let us look further at the range of work of that committee. Someone across there - Mr Humphries, I think - made a point about my involvement and interest in committees. I have been a most enthusiastic supporter of them and have worked very hard on them. The list of matters to be dealt with by the new Planning and Environment Committee is enormous. The committee simply could not cover all that work.

Mr Moore: You did, as Minister - one person.

MR WOOD: Let us look at the lists for some of the other committees.

Mr Moore: You covered all those issues, and education.

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MR WOOD: I know that you worry about it, Mr Moore. I am pleased that I will be appointed, I understand, to the tourism committee. It is not going to involve me in the enormous amount of work that the Planning and Environment Committee will require. The other fact of the matter, quite simply, is that Mr Moore did not just want to continue his chairmanship of the environment committee; he wanted to keep it out of the hands of the Greens. He did not want them to have any further avenue to promote environmental issues. That is the simple reason for the deal between Michael Moore and the Liberals.

MS TUCKER (3.51): The Greens are concerned because we feel that we have been pushed into a situation where we have been asked to make a decision and we have not had time to consider it adequately. We have been aware of the work that has come out of the environment committee and the PDI Committee over the last few years. We are nervous about some of the implications of joining these two committees together. Throughout our discussions today there were very strong views expressed by both sides, but there was not adequate time for us to investigate seriously what the pros and cons are. That is why we are opposed to rushing this matter through. One of our concerns is that the environment committee, if it were linked with planning, would not have the opportunity to be as proactive as it could be.

MR BERRY (3.52), by leave: I move:

Omit paragraph (10).

Paragraph (10) of Mr Moore's motion is the paragraph which I referred to in the course of this debate. I urge all members to support the amendment because it goes to the very standards of representation on committees in this place. If you allow the system to be rorted to that extent, you will regret it. It is all right to do over the Labor Party. You might think it is very smart. But it will return to visit you. We know what the numbers are; but, although we know that we are going to be defeated, on particular issues - issues of extreme concern, like proper representation on committees - where outrageous proposals like this are attempted, the Labor Party will resist them. I will be asking the Greens and I will be asking Mr Osborne to support this amendment because it brings some sanity back into the debate.

Of course, Mr Moore will chuckle, because he has been burnt. He has been caught out through this collaboration between him and the Liberals to reduce the impact of the Labor Party in the very important committee process. This proposal is strictly designed to reduce the membership of the Labor Party in particular on the Planning and Environment Committee. There is no question about that. Even the smallest youngster at primary school can add up the numbers. That is why the standing orders are being struck out by the motion of Mr Moore.

If Mr Moore is fair dinkum and he really believes that the standing order has had no effect, he should support my amendment, and then we will see what the Speaker says about it. The Speaker will have in front of him the job of making a balanced decision on the merits of what is written in the standing orders. If you add up the numbers, Mr Speaker, you will soon discover that what is proposed does not match the standing orders. In due course, you will be called upon to make a judgment in that respect.

You will rise or fall by your judgment, because an impartial judgment in relation to this matter must restore access to the committee process by all people on an equitable basis. What is proposed by Mr Moore and supported by the Liberals in this case does not provide for that.

MR HUMPHRIES (3.55): Mr Speaker, the arguments put forward by Mr Berry are almost so nonsensical as not to require any rebuttal, but I will give them the benefit of a short rebuttal. First of all, Mr Speaker, paragraph (10), if it is removed, will conflict with paragraph (1) of the motion, which actually establishes what the membership of that committee will be. Mr Berry is maintaining that in some way - - -

Mr Berry: But it is in conflict with standing order 221.

MR HUMPHRIES: Not at all. By having paragraph (10) there, if there is deemed to be any conflict with standing order 221, it is removed by virtue of paragraph (10). If paragraph (10) comes out, then is Mr Berry arguing that somehow the composition of that Planning and Environment Committee will be different from the one mentioned in paragraph (1)?

Mr Berry: It has to be.

MR HUMPHRIES: In that case, you should amend paragraph (1) too, because paragraph (1) says that it should consist of Mr Moore, a Government member, an Opposition member and a Green. So, if you think there is some problem, you should amend that paragraph as well, not do the job half-heartedly.

Mr Speaker, let me say also that this is a very strange accusation coming from the Labor Party. There is no question that they should not have membership of any committee of the Assembly. They will have membership of every committee of the Assembly. The claim that in some way their influence is reduced because they, like those on this side of the house, have one fewer member than was the case in the past is very strange indeed. It is proportional to what happened before. There is some slight improvement in the position of the crossbenchers on this committee; that is true. But, in case Mr Berry had not noticed, there is now one more member of the cross bench than there was before the election. It is appropriate, therefore, in some small measure, that that larger role for the cross bench in this place be acknowledged. That is why this motion seems to me to be appropriate, and to exclude paragraph (10) would make no sense at all.

MS FOLLETT (Leader of the Opposition) (3.57): Mr Speaker, there is a very important principle at stake here, and that principle is that the committees are the province of the Assembly, not of the Government. It is the Government today that is trying to manipulate not only the composition of committees but also the very number and nature of those committees. The Government is doing that because it has the active collusion of Mr Moore and Mr Osborne. I grant that Mr Osborne still has the L-plates on; but Mr Moore knows exactly what he is doing, and it is indeed a manipulation of the Assembly's processes and a manipulation of one of the most fundamental principles that this Assembly ought to respect. The Assembly has authority over the Government,

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not the other way round, and it is the business of the Assembly - not of the Government, no matter how enthusiastic - to make decisions on the number, the nature and the composition of the Assembly committees.

I have heard member after member saying how important the committee process in this parliament has been. We have all said it. But what we are hearing today, on the part of Mr Moore and the Liberals, is that the importance of the committees to this Assembly, and therefore to the people of Canberra, is about to be abandoned in favour of their own personal interests. Mr Speaker, I find that an indefensible stance on the first sitting day of a new Assembly - the very first day. It is totally indefensible. If those are the depths to which Mr Moore is prepared to plunge in order to get his way on committees, I think it is a despicable course of action. I repeat, Mr Speaker, that the Assembly's committee system is a matter for the Assembly. It is not the province of the Government. I think that to deny that principle is a very backward step and it augurs very poorly indeed for the coming three years.

MRS CARNELL (Chief Minister) (3.59): Mr Speaker, I am proud that on our first day in government we have handed back to the Assembly, away from the Government, control of the committees. What we have done is to give up a member and give that membership to the Independents. The Independents - or the non-Government, non-Labor people in this Assembly - have one extra person.

Ms Follett: Mr Speaker, on a point of order: I notice that Mrs Carnell excludes Labor from the non-Government members. That is the whole basis of this problem.

MRS CARNELL: That was an unusual point of order. I am proud that what we are doing here is ensuring that everyone in this Assembly has equal representation and that the Government is not attempting to control the committee process. For that reason we will support the motion. The fact is that there is one Liberal, one Labor, one Independent and one member of the Greens. How much fairer can we be? We will not attempt to control the committee process, and we have not done and will not do deals with Mr Moore or anyone else.

MR MOORE (4.01), in reply: Mr Speaker, is it not amazing how things change yet nothing changes? On the one hand, we have Labor members standing up in this Assembly every time my vote goes against them and saying that I must have done deals. But, if it goes with them, they say that I made a sensible decision. And so it continues. Mr Speaker, I voted for Mrs Carnell for Chief Minister on the ground that the community had overwhelmingly rejected Labor for its failures. It had nothing to do with whether or not there were committees. In fact, discussion of committees occurred only in the last two days, and my decision was made some time ago.

It is a pity that Mr Berry did not talk to his learned colleague Mr Connolly about the impact of his amendment, because a further impact of it would be for the time being to have no committees at all. Mr Speaker, what you have heard here and what other members of the Assembly and people in the gallery have heard is a load of arrant nonsense from Labor. This is a very fair proposal that I have put up. In my proposal Labor Party members are on every single committee. They are not cut out. If they do not trust each other in terms of their representation on that committee, I can understand that.

I understand that they are going through very difficult times. To face the reality of opposition and of not having the numbers is, indeed, difficult on any given issue. I have had to face that on many occasions. In fact, I have stood here and lost issues, on a single vote - my own vote. They would rarely have to face that.

The reality is that there is Labor representation, there is Liberal representation and there is either an Independent or a Green on all of the committees other than the Standing Committee on Planning and Environment, in which case there is an Independent and a Green as well as Labor and Liberal. So, nobody has been cut out. On the contrary, that nonsense, that deception, that we have been fed by Labor is simply not true. Mr Speaker, what we have here is a very fair proposal, with a ridiculous amendment by Mr Berry, which does not deserve the time of day, that would ensure that we do not have any committees at all. I do not think that is actually what Mr Berry intended, but that would be the result of it.

Mr Berry drew my attention to the fact that the Standing Committee on Planning and Environment having four members may not be consistent with standing orders, although I think it is. To my surprise, he also drew my attention to the fact that he did not want to put down the names of the individuals on the committee. So, we could not actually use the names. Although the Greens were ready, they said that that suited them because it gave them extra time. Therefore, at Mr Berry's wish, the motion was constructed in this way. The advice that I was given was that, to ensure that this motion would be able to be carried by the Assembly, it would need to have paragraph (10) added to it. Otherwise, if you look at paragraphs (8) and (9), it may well be that there are inconsistencies with the standing orders there and we may wind up with absolutely no committees whatsoever. Labor people have stood up, one at a time, and have said how important the committees are. Let us get representation on every committee from Labor and from the Liberals, and let us get to work.

Question put:

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

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

9 March 1995

Original question put:

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

The Assembly voted -

AYES, 9

NOES, 8

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

DATE AND HOUR OF NEXT MEETING

Motion (by **Mrs Carnell**) agreed to:

That the Assembly, at its rising, adjourn until a date and hour to be fixed by the Speaker either at the request of the Chief Minister or on receipt of a request in writing from an absolute majority of Members and that the date and time of meeting shall be notified by the Speaker to each Member in writing.

ADJOURNMENT

Motion (by **Mrs Carnell**) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 4.09 pm until a date and hour to be fixed