



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 February 1991

Tuesday, 19 February 1991

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

PETITION

The Clerk: The following petition has been lodged for presentation, and a copy will be referred to the appropriate Minister:

Tuggeranong Swimming Pool

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the residents of Tuggeranong are without adequate public swimming facilities.

Your petitioners therefore request the Assembly to: urgently establish a public, all weather, Olympic standard swimming pool at the Tuggeranong Town Centre.

By **Mr Jensen** (from 1,289 citizens).

Petition received.

QUESTIONS WITHOUT NOTICE

Planning Authorities

MS FOLLETT: My question is to Mr Kaine, in his capacity as Minister for planning. I ask Mr Kaine: What planning protection will exist for Canberra roads in the period between the cessation of the City Plan and the introduction of the Territory Plan?

MR KAINE: I understand, Mr Speaker, that Mr Langmore has made some statement on this matter today. I have not had time to examine the consequences of the assertions that he makes, whether it is even true that there will be a gap which is likely to cause problems. The Government has appointed a permanent planning authority because it was recognised that that needed to be done, in order to make sure that there was no gap in authority in terms of planning in the ACT. I will have to look at the matter.

It has not been suggested to me until now that there was any likelihood of any problem. I will have a look at that. If there is any likelihood of any problem, we will take what steps need to be taken to make sure that there is no such gap.

Macquarie Primary School - Sexual Assault

MR MOORE: My question is directed to the Minister for Education, Mr Humphries. Minister, I am sure you are aware - I hope you are aware - that a little girl from Macquarie Primary School was sexually assaulted recently. There have, in fact, been reports of two strangers in the vicinity of the school. The principal of that school was concerned enough to notify parents by letter of the dangers some few days before the assault. Minister, I have been approached by parents of students at the school who are concerned for those children whose classroom is - thanks to your arrangements - overcrowded, and because of overcrowding, resulting from the closure of Cook Primary School, is located some considerable distance from the body of the school and from the nearest toilets. Minister, those parents are worried for the welfare of their children. How do you feel about it? Are you prepared to give them any form of written assurances that their children will not be assaulted on their way to those toilets? What responsibility are you and your Government prepared to take for forcing the children into Macquarie Primary School before that school was ready, recognising, of course - I have been there to visit it - that the only reason the school is able to work is the dedication and professionalism of the staff, particularly the teachers? What responsibility are you prepared to take, Minister?

MR SPEAKER: Mr Moore, I believe that the first two sections of your question are out of order, but Mr Humphries may choose to comment on the last section.

MR HUMPHRIES: I take it that what you are ruling out of order is the questions about whether there was an assault or whether there - - -

MR SPEAKER: "What responsibility do you take?" and "Will you give a written guarantee to prevent it?". I do not believe that they are valid questions.

MR HUMPHRIES: I regret the fact that Mr Moore chooses to exploit situations like this in the way that his question obviously does. It will, unfortunately, not be the only occasion in the next few months where people will allege that particular tribulations that have occurred with respect to people or children involved with some school in the Territory are the direct result of something that the Government has done. That is an unfortunate consequence of any change. I have to reaffirm that the Government's intention is to strengthen and reinforce the effectiveness

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of our education system, and I hope that people do not generally see that as some derogation from the effectiveness of that system. In my view, it certainly is not.

I reject completely the assertion that there is overcrowding, unacceptable overcrowding in Macquarie school. The Attorney-General tells me that he was out there at the school this morning, and noted that the classroom in question did not even appear to be in use today. Whether that is the case or not, it is my intention to move as quickly as possible to ensure that the full space available at Macquarie, that is, including the space that the Independent Living Centre occupies, is made available to the school at the first opportunity.

Incidentally, Mr Speaker, my advice at this stage is that the girl that Mr Moore referred to was accosted by a stranger when on her way to school in the company of her brother. The preparations made by Macquarie school to deal with such eventualities have obviously been reinforced as a result of that incident, and I am satisfied, on the briefing that I have received, that, in fact, the school is taking adequate steps to ensure that the risk of such things is minimised.

MR MOORE: I have a supplementary question, Mr Speaker. Minister, how will you put at ease the minds of parents of children from Cook, who now have to walk long distances because you have closed their neighbourhood school?

MR SPEAKER: Order! I do not believe that that is a supplementary question. The original question was - - -

MR MOORE: It certainly is a supplementary question. I asked a question about the possibility of assault at Macquarie Primary School for children from the closed Cook Primary School who now attend Macquarie school and have to walk twice the distance, or more than they did before. It is a quite appropriate question.

MR SPEAKER: All right. Please proceed.

MR HUMPHRIES: The police, of course, have been involved with the situation there since the report of the girl having been accosted by a stranger. The police have advised that they have a program of surveillance in place as a result of this incident. The school has prepared a special newsletter to parents, outlining the situation and providing phone numbers to call if they feel that more information or assistance is required. Class discussions of the dangers of situations like that and appropriate protective behaviour strategies have been held throughout the school since this incident. Students have been asked to report any suspicious strangers or behaviours to the school, and the principal continues to monitor the

situation and remains in contact with the police. Mr Speaker, I will continue to make sure that everything possible happens along those lines, to ensure that the risk is minimised to students at that and any other school.

Literacy and Numeracy - Green Paper

MRS NOLAN: I have a question for Mr Humphries, in his capacity as Minister for Education. Mr Humphries, what progress has been made with the green paper on literacy and numeracy in ACT schools?

MR HUMPHRIES: I thank Mrs Nolan for that question. The green paper, which was launched last year, on literacy and numeracy in ACT schools has, of course, been widely circulated to interested groups, both interstate and locally. The closing date for the paper has been extended to 28 February as a result of representations from a number of groups, and as of 18 February this year 25 responses have been received. Obviously, that number will increase as the closing date draws nearer.

A variety of people and interested parties have replied, ranging from directors of education through to private individuals. The nature of the replies has shown support for the full range of options, with the majority of responses so far supporting processes of monitoring rather than standardised testing. It is proposed to have a draft summary of replies prepared by the end of March this year.

Fluoridation Inquiry

MR STEVENSON: My question is to Mr Humphries, as Minister for Health. Has Mr Humphries read the 309-page report of the ACT fluoridation inquiry, including the 177-page dissenting report?

MR HUMPHRIES: I can indicate that I have found the time to read the majority report, and I deeply regret the fact that I have not as yet found the time to read the full dissenting report. I am sure that I shall put aside some time in the coming weeks to do that. It is a somewhat heftier challenge than the smaller report. I am also grateful to Mr Stevenson for having provided me with a lot of information that he has used in that report on earlier occasions. I have been happy to look at it previously.

MR STEVENSON: I have a supplementary question. In light of the attributed words, that Mr Humphries was concerned that the reduction from one part per million to half might be politically motivated, and in view of the fact that the full report has not yet been read, would that not be a little premature as a statement?

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MR HUMPHRIES: I am not quite sure what Mr Stevenson is getting at, Mr Speaker. My comments were merely to indicate that I sincerely hoped that the report of the standing committee took full account of the evidence - the scientific and medical evidence - in this matter. I am sure that Mr Stevenson's comments in his dissenting report will assist me in assessing whether that is the case or not. I suspect that Mr Stevenson probably believes that it has not taken into account scientific and medical evidence, otherwise presumably he would not have written a dissenting report. However, I think it is important for us to ensure that we, as an Assembly, fully consider the evidence put forward in that report and decide for ourselves whether the report's review of the evidence in this area justifies the conclusions that have been reached.

Macquarie Primary School

MR WOOD: I direct a question to the Minister for Education, Mr Humphries. In the Assembly on Thursday last, Minister, you stated in relation to the class size of grade 5 at Macquarie Primary School:

... although there are 36 children in the class, it is treated as a composite class and has two teachers ... there is a ratio of 18 children to each teacher.

Given that there are not two teachers in the class all day, every day, as you claimed, will you admit that you have once again misled the Assembly?

MR HUMPHRIES: I have to reject that assertion. My advice to the Assembly, based on everything that I have had available to me at the moment or at any other stage, has been fully accurate. Now, Mr Wood asks a slightly double-edged question there. He says - - -

Mr Connolly: Are there two teachers all the time?

MR HUMPHRIES: I am instructed, Mr Speaker, that there are 36 children in that class; that there are two teachers available in that class to provide teaching for those children; therefore that constitutes a ratio of one teacher per 18 students. If a teacher goes out at some stage during the day to do something - I do not know; run an errand or something of that kind - perhaps there might not always be, at every moment in time, two teachers in that class. Whether that constitutes some change in the ratio is another matter. Sometimes teachers leave their classes altogether and there are no teachers in front of some classes. That is - - -

Ms Follett: You are the one who claimed the ratio, though.

MR HUMPHRIES: Mr Speaker, I stand by the ratio. My advice, as given to this Assembly, and the advice that I received from my department, was that there were two teachers for a composite class of 36 students, making a ratio of one teacher per 18 students. I stand by that advice.

MR WOOD: I have a supplementary question. Will the Minister, in order to protect his reputation, go back and check the information he got and, if needs be, come back with the precise points allocation - in the way that points are allocated to schools - applying to that class, and verify his statement? If he is wrong, he can make an apology; and, if I am wrong, I will make an apology.

MR HUMPHRIES: That is an offer too good to resist, Mr Speaker. I will, of course, check the facts that I have brought to this Assembly and, if they are wrong, I will, as I have always done, correct them and, if Mr Wood requires, I will apologise for having misled the Assembly. But I repeat: My advice is that there are two teachers for a class of 36, and that makes a ratio of one teacher per 18 students, and if that is - - -

Mr Wood: Yes, and the assumption is that they are there all the time.

MR HUMPHRIES: Mr Wood's assertion is that, because the teacher leaves the room from time to time, two teachers are not there on a full-time basis. If he argues that that disproves the point I made, I would reject that; but obviously, Mr Speaker, I am prepared to consider what Mr Wood has said and see whether he is right.

Jindalee Nursing Home

MR BERRY: My question is directed to the Chief Minister, Mr Kaine. I refer the Chief Minister to the Interim Territory Planning Authority's draft proposal to rezone the land on which the Jindalee Nursing Home is now situated from community facilities, to allow for medium density residential development. Chief Minister, why are town houses being proposed for the Jindalee site before the detailed plans for its relocation have been made available?

MR KAINE: Mr Speaker, I do not know, but I will take the question on notice.

X-Rated Videos

MR STEVENSON: My question is to the Attorney-General and, actually, Mr Duby. Is Mr Duby aware that John Lark and Graham Carr, two directors of a company involved in promoting X-rated videos, have recently been convicted of advertising X-rated videos in a South Australian newspaper in contravention of the local laws; and, would he be prepared to re-look at the suggestion that they are fit and proper persons to be licensed under our regulations in that area?

MR DUBY: I thank Mr Stevenson for the question. The question is based upon the premise that there have been some convictions. I cannot concede that point; I know nothing about those convictions. On the basis of those supposed convictions in South Australia, I shall take the matter on notice.

Department of Education - Annual Report

MRS GRASSBY: My question is to Mr Humphries. When will you table in the Assembly the long overdue annual report of the education department?

MR HUMPHRIES: Mr Speaker, I have, in fact, in the last few days had the opportunity of looking at some matters dealing with issues which are required to be included in that report. As I recall, and I should not be held absolutely to this, there has been a delay in some auditing requirements before the report can be tabled. I have agreed to a short extension of time for that report to come down. As I recall, the extension was until the end of this month. So I hope that I will be able to produce that report to the Assembly in its next sitting after this week.

Fluoridation Inquiry

DR KINLOCH: My question is to Mr Wood, in his role as chair of the Social Policy Committee, and especially vis-a-vis our report on fluoride. I am given to understand from Mr Stevenson's question that a view may have been expressed in the media, or may have been reflected in the media, that the committee's decision to recommend that the level of fluoride should be reduced to .05 parts per million might be related to some kind of political compromise. Could Mr Wood explain - perhaps I should say "re-explain" - the basic rationale behind that decision?

MR WOOD: Mr Speaker, I guess that, by saying "political", whoever used that term means that there was some wheeling and dealing, or bargaining, or something of that nature. I can assure the Assembly that that was not the case. Nobody sat down at any stage and said, "Look, if you do this, I

will do that", or proposed anything of that nature at all. The decision was not political; it was not a compromise. Each of the members had his or her own reasons for the decisions that they took.

For me, and I think certainly in large measure for other members, the reason was predominantly that, with the level of water that we are now consuming from a variety of sources, it simply may not be necessary to have fluoride at the level of one part per million as formerly. Members will know that indeed I had earlier voted for one part per million, and I was quite comfortable with that. I think 0.5 parts per million is also sustainable, given the reason that I indicated. There was no politicking, or bargaining, or anything of that nature as we came to our decision.

Mr Moore: On a point of order, Mr Speaker: I seek clarification of that. Dr Kinloch actually used .05. I wonder whether that was actually a mistake on Dr Kinloch's part.

Dr Kinloch: Yes. I am sorry; it was my mistake.

Auditor-General's Report

MR CONNOLLY: My question is to the Chief Minister. I refer the Chief Minister to the article in the *Canberra Times* of Saturday, 16 February, entitled "Kaine, PS reject auditor's view". Do you believe that it is appropriate for you to so quickly dismiss problems raised by the Auditor-General; and do your comments undermine his authority?

MR KAINE: First of all, Mr Speaker, I made no comment about the matters raised by the Auditor-General. The comment to which I was referring was not a comment made in his report; it was a statement made outside his report, and on a radio station, I believe. There is no relationship between what I said about that part of the Auditor-General's comment and anything that appears in his report.

I think I have made it quite clear that this Government appointed an Auditor-General to do exactly what he has done. I would not jump up as quickly as that if I were you, Mr Connolly, because the Government that you would have belonged to had you been here did nothing about appointing an Auditor-General. We appointed an Auditor-General because we thought that there was a need to review and to report to this Assembly on the activities of the administration that is responsible to this Assembly.

That the Auditor-General has done. He has raised legitimate matters of concern about management matters in some areas. The Government will address those. That was why we appointed him, to do just what he has done. I make no apology for the Government's approach. We will be examining every item that he has raised in his report to

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see what is the underlying reason for the management deficiency, and we will take whatever steps are necessary, including, if required, undertaking some training of some of our staff if we believe that that is the solution to the problem. To try to link my comment to a remark made by the Auditor-General outside his report on the one hand, and to the matters that he raises in his report on the other, I think is some sort of a funny, cute trick on Mr Connolly's part.

Public Accounts Committee

MR COLLAERY: Mr Speaker, my question is directed to Ms Follett, in her role as chairman of the Public Accounts Committee, to which the Auditor-General's report has been forwarded. I ask Ms Follett whether, in view of the fact that the Auditor-General's report covers practically six months of her administration, she will consider withdrawing from the chair for that part of the inquiry into the Auditor-General's report; and whether, in any case, she will disqualify herself, in view of her reported comments in the article referred to by Mr Connolly on 16 February 1991, when she said that the findings of the previous Estimates Committee backed up the report and, "There's no point in trying to wriggle out of it". Mr Speaker, I ask Ms Follett whether, in view of her determinative statement on her position in relation to the report, she is now disqualified from chairing the committee in respect of the Auditor-General's report.

MS FOLLETT: My answer is no.

Auditor-General's Report

MS FOLLETT: My question is to Mr Kaine. It relates again to the Auditor-General's report. I ask you, Mr Kaine: What action have you taken against those senior public servants, two of whom have been named in the *Canberra Times*, who have openly criticised the Auditor-General's report?

MR KAINE: I have not taken any action at all in connection with those officers. You see, there is a distinction here, Mr Speaker, that the Leader of the Opposition fails to make. Since she clearly does not see that she is in a position of conflict of interest, I can understand why she does not see the distinction. An Auditor-General's report has been presented to this Assembly, and that is a matter for this Assembly and this Government to deal with.

There are matters that have been dealt with by the Auditor-General publicly, which are another matter altogether. I believe that, if any official criticises an officer of the ACT Government Service outside of his area of responsibility, that is, in the public arena, then that

officer has a right to respond in the public arena. In the distinction that I made with Mr Connolly's question, the things that are within the context of the Auditor-General's report will be dealt with by the Government. Anything outside that is an entirely different matter. If you cannot see the difference, then I make the point, you do not see the difference in your own conflict of interest by chairing the Public Accounts Committee.

MS FOLLETT: I have a supplementary question, Mr Speaker. Mr Kaine's response intrigues me somewhat, and I have to ask him: Does he not feel that his lack of action in relation to those agency heads undermines the Auditor-General's authority?

MR KAINE: Mr Speaker, no.

Passive Smoking

MR MOORE: I asked this question the other day of Mr DUBY, thinking that he was the Minister for industrial relations, and I must say that at the time he referred me to Mr Kaine. I think it would be a far better approach if members of the Government could, when somebody makes a genuine mistake, as I did on that occasion, just refer the question across to the appropriate Minister. Considering the High Court decision on smoking, is the Government intending to make a statement on the occupational health and safety ramifications of that decision? What will the Government's stance be now on ensuring that workers are protected from the negative effects of passive smoking?

MR KAINE: Clearly, a decision of that kind requires that the Government take the matter and consider it carefully. I am not in the business of making off the top of my head decisions about matters like this. It is a matter that needs to be looked at in all of its ramifications. We have adopted the view that smoking in public offices is not permissible under today's circumstances. We will look at this new development and decide what the ramifications are, but I am not going to make an off the top of my head response to it.

MR MOORE: I have a supplementary question, Mr Speaker. I said "the High Court"; I should have said "the Federal Court". It was a Federal Court decision. Will the Chief Minister then report back to the Assembly on the ramifications of the decision, with reference to occupational health and safety?

MR KAINE: In due course, yes.

School Enrolments

MR WOOD: I direct a question to Mr Humphries, as Minister for Education. Mr Humphries, what trends in enrolments have emerged in the government school sector in 1991? In particular, are there more or less students enrolled than in 1990?

MR HUMPHRIES: In answer to that question: I think Mr Wood has seen a letter - I think it was in today's paper, or possibly yesterday's paper - from a deputy secretary of the department, Mr Max Sawatzki, on the question of enrolments in government vis-a-vis non-government schools. The indication, I think, from that letter - and I convey the advice again to Mr Wood - was that there have not been any dramatic changes in the numbers of students enrolling in government schools.

Mr Wood obviously holds to the conspiracy theory that there was some plot to drive children out of government schools into non-government schools. Certainly, his party has stated that in the past; I do not know whether Mr Wood shares the view. But, Mr Speaker, I can assure you that that is not the intention of the Government, and it has not been the result of the Government's actions in any significant fashion. I will be happy to table exact enrolment figures for the whole school system once the census information, which I think has been collected in the last few weeks, is available.

Hospital Services Budget

MR BERRY: My question is directed to Mr Humphries. Will the Minister assure the Assembly that the ACT hospital system is operating within budget? If it is not, what is the expenditure difference between the budget and actual costs, and what are the current full year projections?

MR HUMPHRIES: At this stage I have received no advice of any variation in the patterns of expenditure on the part of the hospital system, vis-a-vis the budget. I therefore operate on the assumption that the budget is on track. At the moment, if that is not the case I am quite confident that I will be advised, and in turn I will come back to the Assembly and similarly advise.

Tuggeranong Homestead

MRS GRASSBY: My question is to Mr Kaine, and it relates to his being Minister for heritage. What does the Government plan to do with the Tuggeranong Homestead, both building and site?

MR KAINE: I am sure Mrs Grassby is well aware that the Tuggeranong Station property is under consideration at the moment. Because of failure on the part of the lessee to comply with the covenants of his lease, I terminated that lease towards the end of last year. That decision was challenged, and the court has, in essence, put the thing on hold, subject to further clarification of the issue. I understand that the final hearing will now not be heard until perhaps May. So, we are in a situation of dispute over the lease. The Government - and it is not only this Government; it goes back for some years now - has had difficulty in ensuring that the lessee has complied with the covenants and, until that matter is resolved, there is not much that the Government can do.

I would hope that my decision would be the final outcome and that we will be able to arrange for another lessee who will take care of that property, particularly from the heritage viewpoint, in the way that we would all want it to be looked after. But, until the present matter is resolved, there is nothing much we can do.

House Building Approvals

MR CONNOLLY: My question is also to the Chief Minister. Chief Minister, in its process of consultation with residents in relation to developments in residential areas, does the ITPA contact a neighbour affected when a building is allowed to be sited closer to that neighbour's boundary than would normally be permitted? If it does not contact the neighbour, why is that the case?

MR KAINE: The question could cover a host of possibilities. It is my understanding that there is no consultation if an approval is in accordance with current regulations as applied. To what degree, when there is a variation from the current standards, there is some form or some degree of community consultation on a day-to-day basis, I do not know. But I would expect officials to make sure, if there was any variation from the standard, that they would ensure that at least the immediate neighbours took no exception. For example, I understand that in connection with the Calwell houses that are in dispute, the ITPA has, in fact, almost become a mediator between the parties down there. There has been a lot of discussion.

But, to get a more specific answer to your question generally, I will seek some advice and give you a more comprehensive response.

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MR CONNOLLY: By way of a supplementary question: Given that the Chief Minister said that he would expect that there would be consultation with the neighbours immediately affected, is he surprised to learn that, in the case of the Calwell development, the neighbour closest to the back boundary, where there was a discretion exercised to allow the building closer to the boundary line than normal, was not contacted before approval was given?

MR KAINE: That may or may not be the case. I had understood that the approval down there was given on the basis that all of the standards had been complied with; that there was no deviation from the standards. I would have to take that on notice, too, to see whether what you assert is, in fact, correct.

Fluoridation Inquiry

MR STEVENSON: My question is to Mr Wood. It concerns the comments made a few moments ago about the reason for the reduction recommended by the Social Policy Committee, of halving the fluoride level. Would Mr Wood be prepared to concede that, because of the build-up of total fluoride content, a majority of members of the committee also had concerns about the possible deleterious health effects on Canberrans?

MR WOOD: No, I would not be prepared to concede that. It was a matter for some discussion. I think we were well aware of what the NHMRC was saying. It claimed that there was strong support, but there was no substantive evidence to that effect. I think you would have to check with each member of the committee to get a view on that.

Acton Peninsula

MS FOLLETT: My question is to Mr Kaine, again in his role as Minister for planning. Mr Kaine, can you advise us whether the Government has proposed a replacement for the Jindalee Nursing Home on the Royal Canberra Hospital site - the Acton site - in the submission to the National Capital Planning Authority's inquiry into the future of Acton Peninsula? When will that report be made available?

MR KAINE: As to the replacement or alternative premises for Jindalee, I think the question should be addressed to the responsible Minister, the Minister for Health. Insofar as the latter part of the question is concerned, in terms of the joint study being performed into the Acton Peninsula, I do not know that I have an exact date for when a report was expected, but it was originally initiated back in October-November. It was delayed for a short time while we clarified the matter, to make sure that the two planning

authorities knew exactly what the Government's intentions were there. I will verify this, but I had it in my mind that it was thought that that study would take about three months. I will get a report date for you.

Acton Peninsula

MR BERRY: Following on from the Chief Minister's response, I ask a question of the Minister responsible for health, Mr Humphries. In the report to the NCPA inquiry into the future of Acton Peninsula, was there a submission from the Government for a replacement for Jindalee on the Acton site?

MR HUMPHRIES: Mr Speaker, I think the Chief Minister has indicated that he is prepared to make any reports that have been done available to the Opposition. I certainly cannot recall what the terms of any report have been. Of course, the inquiry, as I understand it, is still at an early stage, and, to be quite frank, I really am not sure whether the Government's submission has gone forward yet or not. I can indicate, however, that the options that the Government would consider at this stage, although they include the relocation of Jindalee Nursing Home to the Acton Peninsula site, are not the only possibilities. There is no decision or announcement that the Government has made which mandates the transfer of that nursing home to the Royal Canberra Hospital North site. Indeed, it is quite possible that, in the course of time, it might be that other locations, or its present location, are considered better alternatives. I can only indicate to the Assembly that the Government is, at all stages, considering the most appropriate option for that; it will ensure that the appropriate options are considered and fully canvassed before a decision is made; and, obviously, the role of the NCPA in all that will be borne in mind.

Hospital Services Budget

MR BERRY: I have a further question for the Minister on a question that I raised earlier in relation to hospital budgets. Because of the level of interest in health matters, will the Minister give a report on the next day of sitting on the budget situation within our hospital system?

MR HUMPHRIES: What has that to do with the previous question? Mr Speaker, this is a question about Jindalee Nursing Home, and now we have - - -

Ms Follett: No, it is a new question.

MR SPEAKER: Because no-one else jumped for the call, I allowed Mr Berry another question.

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MR HUMPHRIES: I see. I beg your pardon, Mr Speaker. Mr Speaker, I think I have indicated previously that I will provide any indication of changes in the budget outcomes to those that the Government has expected through its budget brought down last year. I am not going to put those who provide information on the budget to the Government to the trouble and inconvenience of having to run around for Mr Berry, quite probably merely to reconfirm that the budget is on track. That is a totally unnecessary request.

Mr Kaine: He is thinking about his experience 12 months ago, or 15 to 18 months ago.

MR HUMPHRIES: Indeed, Mr Speaker, the Chief Minister makes it very clear. He reminds me that Mr Berry is sensitive on this issue, and that he himself would very much like to be able to pin -
- -

Mr Doby: "Blow-out" Berry.

MR HUMPHRIES: Yes, Mr "blow-out" Berry would very much like to be able to pin on me something that was very clearly and unequivocally pinned on him while he was Minister.

Mr Speaker, I repeat that I will come back to the Assembly and report if there are any changes in the budget outcomes to those which the Government has predicted. At this stage, to my knowledge, there is no budget blow-out; therefore there is no reason to come back and re-table documents that have already appeared in the Assembly.

Mawson Cultural Centre

MR CONNOLLY: My question is to the Chief Minister. Chief Minister, what process of public consultation has taken place, or will take place, for the residents of Mawson who are concerned about a proposed cultural centre to be developed on the corner of Ainsworth Street and Mawson Drive?

MR KAINE: I am not certain about that, Mr Speaker. As I understand it, all that has happened so far is that a proposal has been put forward for such a development. There will certainly be a process of consultation on that matter; but I doubt that at this stage there has been any consultation up until now, because I am quite sure that the first I heard about this was about 10 days ago. It is a little early to expect that we have dashed out there and consulted with everybody in Mawson and the surrounding suburbs on what is, at this stage, only a proposal. But I am quite sure that Mr Connolly can rest content in the knowledge that there will be proper and appropriate community consultation on that matter.

Medical Records

MR MOORE: Mr Speaker, my question is directed to Mr Humphries, as Minister for Health. Mr Humphries, I refer to the private and confidential patients' records that were found at the tip. This was reported in the *Canberra Times* on Sunday, 10 February, with your reply on 12 February. In your reply you claimed that you understood that no confidential records had been sighted by any member of the public at the tip. Firstly, how can you make such a broad-ranging statement; secondly, what action have you taken to ensure that no private or confidential records of any type from your department are mishandled in this way; and, thirdly, have you found the person responsible for this, and what action have you taken with reference to that particular person?

MR HUMPHRIES: Mr Speaker, Mr Moore is more into witch-hunts than I had imagined he would be. But, if I might, Mr Speaker, I will answer the question by relating the circumstances of that incident. I understand that on 9 February, last Saturday week, a routine clear-out of records was undertaken by pharmacy storemen at Royal Canberra Hospital South. All records were correctly sealed in cartons and marked, "Mitchell: For incineration". They were dispatched to the hospital's loading dock for transport to the Health Services Supply Centre at Mitchell for incineration.

However, the cartons were inadvertently transported by the hospital's private cleaning contractors to the Mugga Lane tip instead of to the incinerator. In this instance, hospital pharmacy staff followed the standard procedure for the disposal of these confidential records. Mr Speaker, all staff concerned in this incident have been counselled on the appropriate methods for disposal of such confidential, classified material. In addition, management will widely circulate a notice on the approved methods for the disposal of confidential, classified materials.

Mr Speaker, I believe that I indicated last week, when answering a question from someone - Mr Moore, perhaps - that nobody had had the chance to peruse or study the records of other people. Certainly, obviously, someone must have looked at the records and examined them to see what they were. Obviously, therefore, somebody's records must have been looked at. However, Mr Speaker, I am satisfied that that was on the basis of establishing only what the documents were; and that, as quickly as possible after that incident, the documents concerned were made illegible by being buried.

Mr Speaker, I can indicate that in my view this incident will not recur. A satisfactory level of response has occurred within the hospital system to ensure that it will not be repeated. I can only assure Mr Moore that it is not my desire to engage in a witch-hunt of people who might

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have been responsible for what was obviously an inadvertent mistake, but rather to counsel people in the hospital system to provide for a more responsive system in the future.

Casuarina Sands Weir

MRS GRASSBY: Mr Speaker, my question is to Mr DUBY. Has a decision been made on Casuarina Sands; and what costs have been incurred in the process of your on again-off again decision on what will happen with Casuarina Sands?

MR DUBY: I thank Mrs Grassby for the question. In relation to the first part of the question, Mrs Grassby, the answer is no, a final decision regarding the future of the Casuarina Sands weir has not been made. People are aware that originally I announced some weeks ago that the weir, because of the perceived number of problems associated with that device, was scheduled to be demolished in an ecologically approved fashion.

Subsequent to that announcement, representations have been made to me, both by you, Mrs Grassby, and by a number of other constituents in the Territory - and, for that matter, the Chief Minister - asking that the basis for that decision be reviewed, to see whether there was any feasible way in which the weir could be saved. We are in the process of reviewing those recommendations that have come to us from the various branches of government, including the legal side, the engineering side and the parks and conservation management area side.

The question, I believe, that you then asked was: What costs have been involved in delaying this decision? The answer to that clearly is none, to my knowledge. The original tender process, I believe, was entered into last week. People have put in their submissions as to how they would propose to remove the weir. But, to date, I do not see how there could have been any further expenditure of public moneys in this regard.

MRS GRASSBY: I have a supplementary question, Mr Speaker. Is it true that the amount put aside for the demolition of Casuarina Sands was in the vicinity of \$66,000?

MR DUBY: As Mrs Grassby knows, that figure was given to her on a confidential basis some weeks ago, but I believe that it has been widely reported in the newspapers ever since.

TAFE Courses

MR WOOD: I direct a question to the Chief Minister, as Minister responsible for TAFE in the ACT. Chief Minister, will you guarantee that all students who are already halfway through a TAFE course, who were doing a TAFE course last year, and the year before perhaps, will be able to continue that course this year; and that no courses will be cancelled, leaving students stranded halfway through a course?

MR KAINE: Mr Wood and other members of the Opposition are dead keen on getting cast-iron guarantees about everything, Mr Speaker. The answer is no, of course, I will not, because, without discussing the matter with the management of TAFE and without knowing the disposition of the resources that it has, it would be impossible for me to give that sort of a cast-iron guarantee.

I presume that the underlying point behind Mr Wood's question is that he thinks that once a person has started a course they should be provided with the resources to finish it. I would agree with that. Yes, I would agree with that, as a matter of principle. But I would suggest that Mr Wood go and review what happens at other institutions of higher learning, where in any one semester desired courses are not always available. In my lifetime of study I have had in some cases to wait from one year to the next until courses were offered, because they were offered only in alternate years in the universities.

So, the suggestion behind Mr Wood's question, that this community should make unlimited resources available to ensure that no student is ever inconvenienced, is, of course, a nonsense; and Mr Wood knows that.

Mr Wood: No, I am not asking for unlimited resources.

MR KAINE: You were asking me to give you a cast-iron guarantee about that, and the answer is that you would not give such a guarantee if you were sitting here.

Mr Wood: I do not want unlimited courses. I want secure courses.

MR KAINE: I am not entering into a debate with him, Mr Speaker. He asked me a question which I am trying to answer. I am trying to answer his question. If he were here he would not give such a guarantee, and I do not intend to give such a guarantee; but I accept the general premise behind the question. To the extent that it is possible to ensure that no student is so disadvantaged, the Government will make sure that that is done; but I cannot give you a cast-iron guarantee of the kind that you are asking for.

Ambulance Service

MR BERRY: My question is directed to the Minister responsible for health, Mr Humphries. Now that the Labor Opposition has exposed the Government's failure to provide adequate ambulance services in the ACT, and we have provided the public with the evidence of the ambulance station closures in January, will the Minister assure the Assembly that so far for the month of February there have been sufficient staff members to man the agreed level of four ambulances?

MR HUMPHRIES: Mr Speaker, I do not carry details on the previous few days' manning figures in the Ambulance Service in with me each day to the Assembly, any more than I am sure that Mr Berry carried such figures in with him, even though the situation was in crisis when Mr Berry was Minister. The situation is that from time to time there are less than four crews available - actually sitting in an ambulance station to go out and attend to emergencies - but that is not to say that there are not four crews available in emergencies when the situation requires four full crews. People involved in training exercises, for example, are often available at some little notice to become involved in some emergency.

I can only repeat the information, which has been relayed ad nauseam to Mr Berry, that the Government intends to improve the quality of the Ambulance Service as best it can by the recruitment of additional people beyond the additional seven staff already recruited - whom Mr Berry was unable to attract to the Ambulance Service - and thereby ensure that the ACT Ambulance Service remains as responsive as possible.

Mr Berry can measure that service by the number of ambulance stations that are open from time to time. That is a stupid way of doing it.

Mr Connolly: Not if you live in an area without an ambulance station.

MR HUMPHRIES: Mr Speaker, if a person has an accident or requires transport to a hospital and, say, the ambulance at Calwell transports a patient from a suburb nearby to, say, Royal Canberra Hospital South, and then another person somewhere in the vicinity of Calwell requires an ambulance, clearly we cannot have a second ambulance crew standing by at Calwell in case there should be some previous commitment for the first crew available at Calwell.

It follows, Mr Speaker, that the issue is not which stations happen to have an ambulance crew sitting in there and ready to go to an emergency at any particular time; the issue is: How many crews are there in the Territory which are available to meet situations as they arise? Mr Speaker, as I have said before, in my view the ACT Ambulance Service's capacity to respond to situations as

they arise is adequate. It will be improved as the Government recruits further staff; and I am satisfied with the progress being made.

Works Budget Savings

MR MOORE: My question is directed to Mr Kaine, as Treasurer. Mr Kaine, during the period when you were away over Christmas, I drew attention to an anomaly at the Aranda Primary School, where an estimate of \$650,000 was made to repair the roof of that school. In fact, the actual cost on the tender was some \$148,000, a rough saving to the Government of some \$500,000 on that one project. Can you explain to the Assembly how residual money in contracts such as these is then spent, and whether it is going to be considered a genuine saving to our community, as was indicated by Mr DUBY?

MR KAINE: Mr Speaker, I am not sure of the facts of the case as Mr Moore presents them; but it is quite clear that the works estimates are just that, they are estimates. In some cases, according to Mr Moore, there is an underexpenditure on that project as opposed to what was originally estimated, but I am quite certain that if I went through it I could find three or four others where the estimate was below the required figure. What we are looking at is spending a total works budget in the course of the year. In some cases it will cost a little more than was expected; in other cases it will cost less. At the end of the year, if there is any money in the budget that is unexpended, it will show up in the net surplus remaining in the budget at the end of the year.

The only way, during the course of the year, that money can be spent for some other purpose is for a submission to be made and for approval to be given to use the money in some different way. None of it can be done without scrutiny; none of it can be done without approval. So there is no suggestion of the money being squirreled away in some fashion, or used illegally.

Electoral Education Centre

MR CONNOLLY: My question is to the Minister for Education, Mr Humphries. Minister, have you renegotiated the continued occupancy of the Electoral Education Centre at Lyons Primary School or determined a commercial rate for that tenant?

MR HUMPHRIES: The Australian Electoral Education Centre - presently at Lyons Primary School - is, of course, the responsibility of the Commonwealth Government, and that particular facility is currently looking at options for location elsewhere in the school system in the ACT. I have

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no doubt that, if and when that space is required, suitable alternative accommodation will be found. At this stage there is no immediate requirement for that space, and as a result there is no urgency or pressing need to establish some alternative location or to negotiate some alternative amount. However, I can assure Mr Connolly and the Assembly that there will be plenty of notice of the need for that space, and the centre will have every opportunity to find a suitable alternative location in Canberra.

Tourism Commission

MS FOLLETT: My question is to Mr Doby, as the Minister for tourism. It is a question on which we failed to get an answer from Mr Kaine earlier. Mr Doby, is there any truth in the rumour that the Tourism Commission will be closing down its operation at the Jolimont Centre?

MR DUBY: I thank Ms Follett for the question. The question, of course, is: Is the Jolimont tourist information centre due to close? Mr Speaker, I am pleased to say that the ACT Tourism Commission, which has responsibility for the Jolimont tourist information centre, is currently undergoing a review of its structure and functions. The decision has been made to close the Jolimont information centre - and we are talking about the information centre within the Jolimont building - and that decision was based on a recommendation provided by the consultants engaged to undertake a review of the operations of the Tourism Commission, Price Waterhouse Urwick.

The commission decided that the resources required to operate the two information and travel services at the Jolimont and Dickson centres could not be justified in the light of current budgetary restraints, and would be better applied to the prime role of marketing and promoting the ACT and surrounding region. The information and travel services are to be consolidated at the commission's Northbourne Avenue, Dickson centre.

Whilst it is regrettable that both centres cannot continue to function, the commission will continue to provide a very high standard of service to visitors from the Dickson centre. I think it is also worthwhile to say that there will probably still be some access officers there at the Jolimont Centre from whom tourists can obtain information.

Assembly Business

MR BERRY: My question is directed to the Chief Minister. I wonder whether the Chief Minister can tell the Assembly why the business paper today is so light on for business; and why it is that he has allowed question time to go on for an extra 25 minutes without notice to us. I have to say, Mr Speaker, that, if he wants it to go on for another half an hour, he will be provided with plenty of questions; but just let us know.

MR KAINÉ: I very much appreciate the question.

Mr Berry: Why is the business paper so small?

MR KAINÉ: There is no shortage of business, none whatsoever, and we will, if necessary, keep the Assembly open until 11 or 12 o'clock tonight, if we have to, to finish it. But it will be interesting to see how you dry up, like you have dried up now with your Mickey Mouse questions. It just goes to show how deeply you do think about issues and what sorts of questions you can come up with when the wood is on you. I would suggest that, while Mr Moore and Mr Stevenson have come up with some very penetrating questions, the rest of you have not put a hard question yet.

Rabies

MR MOORE: This is an opportunity for another penetrating question. It is to the Minister for Health. I wonder, Mr Humphries, whether you can tell us what the incubation period for rabies is.

MR HUMPHRIES: Mr Speaker, I think this question has been misdirected. I think he must have meant you, Mr Speaker. Mr Speaker, no, I do not know the incubation period for rabies. If Mr Moore would like to call for my resignation I would be happy to consider it; but, if he will grant me the indulgence of letting me take the question on notice, I would be happy to get back to him and give him advice on that matter.

Public Works Contracts

MR CONNOLLY: My question is to Mr Duby. Mr Duby, last week Mrs Grassby asked you what checks were carried on in the process of making monthly payments to public works contractors in the ACT. You advised the Assembly that you were not sure - and I am quoting from page 61 of the proof *Hansard* - of what checks were made, and you said:

But I am satisfied that all the necessary checks that are required are being made by the appropriate project manager.

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Mr Duby, can you advise the Assembly, or undertake to do the research to advise the Assembly, what checks are required before monthly progress payments are made? In particular, are checks undertaken to ensure that subcontractors and suppliers have been paid for the previous month, before the monthly cheque is passed over?

MR DUBY: I thank Mr Connolly for the question. It is exactly the same question that he asked last week. I told him then that, whilst I did not personally know of the various checks that are undertaken within the public works contract management area, I would agree to report to you, if I remember correctly, and that commitment still stands.

Mr Kaine: Mr Speaker, given that the Opposition is reduced to searching last year's and last week's *Hansard* to ask the same questions again, I ask that any further questions be placed on the notice paper.

TRADE WASTE SERVICE Ministerial Statement

MR DUBY (Minister for Finance and Urban Services), by leave: In the 1990-91 budget statement, the Chief Minister announced the Government's decision to offer the Trade Waste Service for sale as a going concern prior to 31 March 1991, or to cease its operation by that date. This decision was based on the Government's view that it should not compete with, or provide, services which are readily available to the community through private sector providers at a competitive cost. The *Priorities for Improved Public Sector Management* report released in May of last year also recommended this course of action.

Public tenders were called in early December for the sale of the Trade Waste Service as a going concern, or for the individual goodwill, trucks and hoppers components of the business. Eight offers were received in response to the tender. The subsequent assessment and negotiation process has led to the position where I am able to announce that the successful tenderer is Pacific Waste Management Pty Ltd. The formal sale agreement was signed and exchanged yesterday, 18 February 1991. Under the sale arrangements, Pacific Waste Management will purchase the goodwill of the business and the hoppers. The ACT Government has retained ownership of the trucks for separate sale. However, under transitional arrangements, the trucks will be hired to Pacific Waste Management. These arrangements provide the best return to the Government, and I am more than satisfied with the overall result achieved through the sale of the business.

Letters from both the Department of Urban Services and Pacific Waste Management are being forwarded to all Trade Waste Service customers, advising them of the sale and

assuring them of a smooth transition and a continuation of the current level of service, especially in relation to price, service location, methods and times.

A major consideration during the sale process has been consultation with the current trade waste employees and their union, the Transport Workers Union. Regular meetings have been held to keep them all informed of progress. Advice and counselling has been provided in regard to redeployment and redundancy opportunities, procedures and entitlements.

Importantly, as part of the sale agreement, Pacific Waste Management will invite applications from the current trade waste employees for two permanent positions and four casual positions. All placement opportunities will be explored in a consultative manner, and I would stress that all employees will be placed, through employment with Pacific Waste Management, redeployment within the Government Service, or voluntary redundancy offers.

I feel it is appropriate, Mr Speaker, to commend those involved in the sale process for the manner in which it has been executed. I would also commend the Trade Waste Service employees who have continued to operate the business without disruption during the sale period - a very responsible approach indeed. Finally, I would congratulate Pacific Waste Management on its acquisition and wish it well in its future operations of a very viable business resource. I table the following paper:

Trade Waste Service - Sale - Ministerial statement, 19 February 1991.

I move:

That the Assembly takes note of the paper.

MRS GRASSBY (3.32): Mr Speaker, I rise to express my disgust at what we are witnessing here. Let us not beat around the bush in this matter. What we are seeing is the closure of government operations. In other words, we are witnessing the Liberal dominated Alliance Government trying out the Greiner Government's tactics. Mr Speaker, over the past few months it has become very clear to me and others that the Government is maintaining an obvious policy of deliberately running down the trade waste operations. And this was happening with the clear intention of selling off the assets of this operation some time in 1991.

The great problem with this, Mr Speaker, is that the Government's decision will not result in an improved service, but rather one that is more expensive to the consumer. Invariably, the result will be an increase in costs associated with waste management in the Territory, and this will be passed on to the consumer. And why, you may ask? The answer is simple: The sale of the trade waste operations will see the removal of a market stabiliser.

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All members present should have enough knowledge of the Canberra marketplace to realise that its size makes it prone to a lack of real competition. This leads to a situation where a small handful of operators can arrange among themselves to set the so-called market price, and we have seen this happen with crane operators in Canberra. There is no invisible hand at work in the Canberra marketplace which will honestly set the price for the consumer. If you believe that there is, then you are living in a dream world. This is because we do not have the capacity for real competition between real competitors; we are simply too small for this to occur.

Mr Speaker, with the Government's announcement today, I have to ask what will happen to the trade waste system in Canberra, but I think we all know the answer to that one, do we not? The market share which the government trade waste operators now hold will be divided among the smaller handful of private operators now involved. But I can already anticipate the Government's response to this point - the only reason we are closing it down is that it does not have a big enough share of the market.

Mr Speaker, I am not going to accept that argument for one moment. To make my point, let us just look at the facts of the matter and the way the trade waste operation has been run recently. Firstly, let us look at the reasons given for the closure. There are too many bad debtors, and the service is not making enough money, or it is only running at cost. The fact is, Mr Speaker, that the problems associated with trade waste operation systems stem from the Government's own policy of deliberately running down the operation. That the operation is not running as efficiently as it could is not the result of some unfortunate and mysterious event. It is not working as efficiently as it could because the Government does not want it to.

Mr Speaker, in the past few months we have seen the unbelievable situation in which the workers themselves have been requested to drum up their own business. However, when they did this, it seemed that management did not follow through properly to lock in the contracts. Moreover, with the word being spread around that the trade waste operation had only a limited life, business just did not want to enter into short-term contracts, and you cannot really blame them.

Mr Speaker, I went out to speak to the men and they told me that many of them were able to get contracts and had gone round and done so. When a man was sent out to sign up the contracts - and this was told to me by the workers themselves, because they had lined up the contracts - the people told them later that the fellow had arrived and said, "You know, it is not much use you taking a contract with us. We are closing down anyway, and you can do it much cheaper through the others".

It did not give any hope

to the people who were trying to keep it alive. The workers were very upset about this. They said, "We can get the work, but the Government does not want it. It is sending people out to say, 'Do not worry about it. It is going to be closed down anyway, and you can get it cheaper from somebody else'". If that is what you call business, this Government does not know a damn thing about business.

Mr Speaker, when we look at the way in which government contracts were being handled by the management in trade waste operations, we find that many bills were simply not being chased up. For example, it is my understanding that at one stage the City Parks Section owed approximately \$40,000. I do not know how those officers can talk about the natural inefficiency of trade waste operations, when the government bodies themselves are not even paying their bills.

I will take a drink here. Here is to the health of your enemies' enemies.

I would have liked to see some of the financial details concerning government contracts with trade waste management. However, as indicated in the Auditor-General's report, which has just been released, we are still awaiting statements on the city of Canberra's municipal accounts of 1983-84 and 1984-85. But the point is obvious: Do not be fooled about the inefficiency of trade waste operations or the lack of its market share. The only problem is those opposite and their shocking conservative agenda. As I have said before, Mr Speaker, the real agenda not outlined by this Liberal dominated Government is that it wants to out-Greiner Greiner. It wants to stick to a philosophy of flogging off the kitchen sink and the rest of the house to its mates. The sooner the ACT population washes its hands of this Government, the sooner we can all return to a saner and proper Labor administration.

All this is about is union bashing. They could not get their way with it. They did not run it the way it should have been run, so the best thing is to get rid of it - sell it off; sell off the jobs of the people. Let me make this point here: I spoke to the men out there and they told me that they could not say very much because they were virtually threatened with the words, "These are the jobs you will get. If you shut up and do not say anything, you will get these jobs". Some of them were very happy with their jobs. They wanted to remain there. They wanted to work and get business, but they were not given the opportunity. They were just told, "It is going to be sold off; do not worry about it. If you keep your mouth shut, you will be all right. You will get jobs and you will be looked after".

I understand that some of them are going to take jobs that were downgraded from the jobs that they already had, and they felt that this was wrong. But, as they said, they had families to feed and a household to look after; therefore

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they had to, as has been said, "Shut your mouth, otherwise you will not have a job". If that is the sort of way in which people are threatened, then I think the sooner we get rid of this Government the better. And that will be done in February 1992.

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

ELECTORAL SYSTEM
Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Mr Moore proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The people of the ACT are entitled to a fair and equitable electoral system and the Federal Government should respond positively to the recommendations of two Parliamentary Committees and provide an ACT referendum to allow the people of the ACT to determine the question of the most suitable electoral system for the ACT.

MR MOORE (3.41): This clearly is a matter of great importance for the ACT, not only for the next election but also for future elections. Electoral matters are of such great concern that on the surface it often appears that only a few people are interested in the goings-on. That was certainly an indication by the Minister, Mr Simmons, in a radio interview this morning.

However, it seems to me that, in fact, there is great interest right across Canberra as to what the electoral system ought to be and that there is a divergence of opinion about that. What is a fair and equitable system, of course, is a most pertinent question. It seems to me that, whatever system we have, that system ought to ensure that the views of as many people as possible are represented in the representative form of government.

If we go back to the very earliest democracy that is recorded, we need to go back to Athens. At that stage in Athens they had an equitable system presenting all views because everybody could be present in the marketplace in order to express those views. When I say everybody - - -

Mr Wood: Just as long as you were not a slave.

Mr Duby: Yes, apart from the slaves.

Mr Connolly: Or a woman.

MR MOORE: There is a comment there. As far as Mr Duby's interjection goes, not only slaves were excluded but women also were excluded. Their recognition of all citizens was a very narrow one. Of course, nowadays we recognise the

rights of all our citizens, except children, whom we define as being people under 18. Who knows in what future time people will look back on us and say, "They thought that they had a great democracy". We have now recognised women for nearly 100 years as having the right to vote. One wonders whether, in 2000 years' time, somebody will look back at us and say, "I wonder why they did not recognise the right of children to vote", when they may define adults as 10-year-olds and above. Who knows? Certainly there is a grey area there, as I think you would recognise.

Mr DUBY: Or dolphins.

MR MOORE: Mr DUBY interjects, "What about dolphins?". It may well be that future generations will find a way to communicate with dolphins. No doubt, Mr DUBY will start a Dolphins to Vote Party in order to get their support and get himself elected.

The question of the electoral matters, of course, comes with the major push by the Labor Party for single member electorates. Many people ask me the question, "Why not have single member electorates?". Of course, the answer to that question is really quite simple. If we had two houses in this parliament, then, in fact, there may be some very good argument for one of those houses being a house of representatives - people to represent the local area. But, in fact, that is not the case. A single house that is constituted of single member electorates would not proportionally represent the views of minorities within our community; whereas a system of proportional representation certainly does find a way to represent the views of minorities in our community. It is quite right that those views be represented, as much as we may individually agree or disagree with them.

The other question that I am often asked is, "Why not the d'Hondt system?". No doubt Mr Collaery will speak on this at some stage later in the day. We heard Mr Collaery on radio yesterday morning at one stage talking about how the d'Hondt system seemed to work quite well in France. No doubt he will speak to that later.

First of all, I think the d'Hondt system has been largely discredited in the public mind. It is also important to say that there is no such thing as a pure d'Hondt system that we all seem to hear people referring to. In nearly all its applications, the d'Hondt system has been modified in some way or another, no matter where you go in the world. Indeed, it has been modified here. Quite clearly, the modifications have not suited the Electoral Commission and, as Mr Collaery mentioned, they have not suited a number of groups in the community.

The suggestion that was made by Mr Simmons, that the d'Hondt system should be introduced without a preferential system - in other words, introducing a first past the post system - is certainly absolutely shameful. In one way or

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another, a Labor Party proposal to present a non-preferential system is simply a way to ensure that no view of a minority could possibly be represented in this house. That is a great shame. It is a great credit to the Liberal Party that they have always advocated a system of proportional representation for an electoral system in this house. I will allow them to talk about it, but I believe that the most equitable system of proportional representation that they have advocated has been the Hare-Clark system that is used in Tasmania.

The Buchanan application of the Hare-Clark system with the Robson rotation and the countback is, of course, the fairest possible system that we could provide for the ACT. Thanks to Ian Buchanan, there is a way to provide, in some measure, for the sort of wish that the Labor Party argues is the advantage of single member electorates, and that is that you are aware that somebody near you is representing your point of view and your local interests.

At the same time the Hare-Clark system also allows for somebody in another part of Canberra to recognise that they have a minority viewpoint. For example, if they advocate no casino, they can be sure that that view is represented even though they may not be able to get their own local representative to present the view because they are more concerned about local issues. With the Buchanan amendment, what Ian Buchanan has suggested is that the Territory be divided into either three or four parts and that each one of those areas becomes your local area and that the ballot paper favours the names of the local people, so that you vote for the name of your local person up the top, if you wish.

It is quite clear where your local area is, and where you can vote. However, it does not force you to do that. If you wish to vote for somebody representing the anti-casino stance and nobody above the line does that adequately as far as you are concerned, then you have the option of voting below the line. That application of the Hare-Clark system, of course, manages to resolve the issues that the Labor Party has argued are the most advantageous part of the single member electorates.

Single member electorates, with the notion of a representative in the local area, are fine in a house of representatives when the decisions can be reviewed by an upper house. In this particular instance we do not have that, and I do not advocate it. In fact, we can achieve the same thing with an appropriate, fair electoral system of proportional representation. Most significant, though, is the notion of the Federal interference in the electoral system.

On many occasions, I imagine, most of us have heard Malcolm Mackerras say that the d'Hondt electoral system had one great benefit over any other electoral system, and that was that it could get through both houses of Parliament; and so

we have a local government. Mr DUBY, previously of the No Self Government Party, and his colleagues, and Mr STEVENSON of the Abolish Self Government party may not necessarily agree with Malcolm MACKERRAS that that was of great benefit to the Canberra community. However, that has been the case. If that was what it took to establish ACT self-government, then so be it.

The point now is that the people of the ACT have a right to choose the electoral system that they want. Mr SIMMONS indicated this morning that he would be prepared to introduce legislation into Federal Parliament. He just indicated that he may be prepared to introduce into the Federal Parliament the notion of allowing this Assembly to decide on electoral matters itself and for the people of the ACT and their representatives to have that power. That is a great step forward.

Prior to that occurring there ought to be a referendum. That is quite clear from a recommendation not only of a committee of this parliament on self-government but also of the Federal Parliament's own committee, which quite clearly recommended that the most appropriate way was to provide for a referendum. If the Federal Government is to take the interests of the people of the ACT into account - if they are going to attempt to provide us with a fair and equitable system - then it is quite appropriate for them also, as part of providing self-government for the ACT, to fund a referendum for the people of the ACT on this particular matter.

One has to ask what the parties are frightened of in their unwillingness to make a compromise on this issue. We hear the Labor Party paying lip-service to single member electorates. One wonders whether, all the way along, they just might want to retain d'Hondt and are happy with it. One hears the Liberal Party saying, again and again, that they are quite content to go with Hare-Clark. Clearly they are not going to accept single member electorates, and nor should they unless a referendum dictates that that is the case.

My own opinion is, and I have expressed it clearly here and in other places on a number of occasions, that the fairest system for the ACT is the Hare-Clark system with the Robson rotation, the countback, and Ian Buchanan's application. Nevertheless, I think the choice should be up to the people of the ACT. There is a divergence of view and the best way to resolve it is to allow a referendum.

It is for that reason that I have distributed a motion. At the end of this debate on a matter of public importance I will seek leave to present the motion. I just draw to the attention of members that in the third last line, at Mr HUMPHRIES' suggestion, I will now include the words "Commonwealth funded" before the word "referendum". I certainly had that intention, but at Mr HUMPHRIES' suggestion I have added those words to make it quite clear.

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I am also well aware that Mr Humphries intends to move some motions at the same time. I hope that they will be debated cognately. I do not see them at odds with one another; rather, they run parallel. I certainly welcome the approach by Mr Humphries. I think that what we need here, with reference to the motion that I will put, is a unanimous view from this Assembly which would strengthen the case no end and bring great pressure on each and every individual member of the House of Representatives and each and every individual member of the Senate.

I think that is a most important factor and is something that we need to do urgently in order to ensure that this matter of great public importance is carried through to the conclusion that allows the people of the ACT to have a choice about their future, to have a real choice about their government, how their government operates and how their government will be elected.

MR KAINÉ (Chief Minister) (3.54): It is quite obvious that the questions associated with the electoral system and other powers retained by the Commonwealth are not dead but are merely dormant. It is interesting that there was a single remark by the responsible Minister at the Federal level this morning, and here we are, shortly afterwards, debating the matter in this Assembly once again. There are those of us in this house - and, I would submit, most people out in the community - who are very conscious of this problem and we and they would like to see it resolved. We will take the chance at every opportunity to express our view to the Commonwealth.

So far as the Alliance Government is concerned, we believe that the resolution of the ACT electoral system should be based on a few clear and simple principles. I advised members of those principles in providing the Government's response to the report of the Assembly Select Committee on Self-Government. I think they bear repeating.

The first and most fundamental of those principles is that the Commonwealth Government should face up to its responsibilities, as spelt out in its legislation, and fix the seriously flawed electoral system that it imposed on the ACT. It is their Act. They determined that the electoral system would be prescribed in that Act. Only they can fix that Act. Having done so, they should then hand over future responsibility for these matters to this Government in the ACT.

However, if the Commonwealth is incapable, for one reason or another, of giving proper expression to this responsibility by making a decision - and they seem not to be able to do so - then it should decide now to let the ACT, through its elected representatives in this Assembly, make its own decision. While the Alliance Government is happy to negotiate with the Commonwealth on this matter - and I have to say that I have spoken to the responsible

Minister on a number of occasions over the last few months on this issue - the fact remains that it is the Commonwealth Government which should correct its patent error in this matter.

If the Commonwealth were to place the decision making responsibility on the Assembly - and I note that the Minister now indicates that they intend to do that - then this Alliance Government believes that the most democratic and fair way to address the question of the electoral system would be to put it to the people of the ACT by way of a referendum. We have stated that from the outset. We still believe that to be true.

Notwithstanding that, whether we run a referendum or whether the Commonwealth itself runs one, there is no doubt in my mind that the Commonwealth should fund it. The problem was created by the Commonwealth; it should be resolved by the Commonwealth. We should not now be asked to spend ACT taxpayers' money to resolve a problem which the Commonwealth itself passed to us.

I must say that I am a little puzzled at the Minister's statement this morning because he seemed to be saying that the Commonwealth was prepared to hand this matter over to us and yet he does not want to do it till next year. I do not understand the logic. If it ought properly be the responsibility of this Assembly to make this decision, then I do not see the merit in postponing it from today until some time next year. There seems to be no logic in that whatsoever.

I can only assume that there is some thought in the minds of the Government across the lake that perhaps there will be a better government next year than this one, or that there might be a different government and it would come up with a different conclusion from this one. I believe that that is merely a perpetuation of the paternalism which was demonstrated when they retained the power in the first place. I do not think it is for that Parliament to determine when it will hand over the responsibility. There is simply no justification for it. If that is their intention, then they should do it now.

That brings me to the broader question that, in my view, the time is now ripe for the Commonwealth to transfer to us responsibility for this matter, together with all the other State-type functions which they are currently withholding from us. The Prime Minister has indicated that he is prepared to let us make up our own minds about the number of Ministers we have in our Cabinet. That is right and proper. I believe that his decision is right. Mr Simmons has now indicated that he is going to transfer to us the responsibility for our own electoral system. They are only two of the outstanding matters. If those can be transferred, then all the other matters ought to be transferred as well.

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We are told that this is an era of new federalism, of special Premiers conferences in which the whole question of Commonwealth, State and Territory relations is under review. Then let us get the review done and have the powers transferred. An undertaking was given in the communique issued at the conclusion of the Special Premiers Conference in Brisbane last year that those State-type functions which the Commonwealth still retains in relation to the ACT should be reviewed. The review should now be under way, at least.

The electoral system is the issue under discussion today, but there are a number of other areas where the Commonwealth needs to transfer responsibility. These include planning, where there are difficulties and tensions inherent in the dual planning arrangements. We see them every day. Other areas include those functions performed by the Governor-General, for example, the power to disallow or amend ACT laws and the power to dissolve the Assembly. There is also the provision of police services in their totality; the classification of materials for censorship purposes; and matters relating to company law. Of course, the courts are in the process of transfer, but that is taking time too. In this context the recent decision about an additional ministry for the ACT, as I said before, indicates that the Commonwealth is at last acknowledging that the ACT has a right to determine its own destiny in these matters, and that it is not proper for the Commonwealth to retain them any longer.

I see the issue of electoral matters as part of a broader issue: the need for the Commonwealth to recognise the ACT's State-like status and, accordingly, to allow it to take up its full responsibilities. As I said before, the decision apparently having been made that these matters will transfer, there is no justification for that decision and that transfer being delayed until some time in the future and, as indicated by the Minister, after the next election, whatever the relevance of that is. I think it should be done now.

MR STEVENSON (4.02): The electoral system is certainly a matter of great public importance, but it goes a lot wider than that. In a democracy people would be allowed to have a valid say in what happens to them. We have had a Commonwealth committee of inquiry recommend that the people of the ACT be given a say on what sort of electoral system they will use to elect people for this Assembly. That was also the situation with the ACT committee of inquiry into self-government. The Federal Labor Government has chosen to ignore that. Most people in Canberra would believe that that is an appalling decision.

The proposal to do away with preferences in any election is staggering. Australia has a proud tradition of allowing certain democratic methods. Women's voting was one. Preferences, indeed, was another. Proportional representation for upper houses was another, and so on.

With this tradition that goes back to the turn of the century in State and Federal elections, over much of that time there has been an allowance for voters not only to give a first preference, but to give other preferences as well. The vast majority of people would agree that the reason that the Minister responsible for Territories has proposed that Canberrans not be allowed to use their preferences is to do whatever he can, or the Federal Government can, to ensure that people have as little possibility as they can of voting for independent candidates.

Ms Follett: What about Abolish Self Government candidates?

MR STEVENSON: It is interesting that Ms Follett brings up the matter of the Abolish Self Government Coalition. Indeed, the proposal that Mr Simmons makes would benefit us as against the proposal that I would now recommend, namely, that the people be given a say. Obviously enough, if you check the records, you will find that a party such as the Residents Rally got a great number of second preferences and so on. The Abolish Self Government Coalition did not. The system that he recommends would benefit me. But, as usual, that should not be the criterion that one determines something on. It should be done on what is best for the people of Canberra. The best situation for the people of Canberra is, firstly, to give them a say on what sort of electoral system they will use.

The majority of people in Canberra, 60 per cent - and we have surveyed it - actually prefer a proportional representative system. They believe that people should not be disenfranchised. Under the system proposed by the Federal Labor Government, if that system had been used in the last election, it would have disenfranchised some 37 per cent of the electorate. Their votes would have meant nothing. If we look at the exact statements that the Minister made in an earlier media release of 18 September last year, in section 4 of that statement he said:

Voters cannot express valid preferences for candidates of more than one party, or one independent candidate.

That is an incredible situation. He went on with point 6 and said:

When an independent candidate is allocated a seat, any further quotients received by him or her are disregarded.

Those quotients, of course, are votes. So the votes received by the independent candidate would be disregarded.

This situation, if accepted by the Federal Government, would create a far worse gerrymander in the ACT than ever existed under Joh Bjelke-Petersen in Queensland. The Democrats are obviously very strongly against any such

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orting of an electoral system. In the past, the Liberal Party have also been against such a system. One can only believe that they will stand by their principles in the Federal area and this proposal will be defeated. It does bring into discussion the broader question: Should Canberrans have a say in what happens to them?

Mr Moore's matter of public importance suggests that they could, because two government committees have said that they should. I would go a great deal further than that. I would say that it should not be up to one or two government committees or any members of parliament to determine what the members of the electorate should have a say on. It obviously should be up to the members of the electorate themselves.

Members in this house well know the principles that are used to allow that to happen in Italy, Switzerland, America, Canada, Denmark and so on, where citizens can initiate a referendum and where it is out of political hands. If the citizens believe - as in this case - that they should have an electoral system vote, they can have one. Every time members of parliament decide that people can have a vote, it is usually done not for the benefit of the people but for the benefit of the political parties. We saw that when Canberrans were given two votes on whether or not they wanted self-government. On both occasions they said no.

The second time, in 1978, approximately 70 per cent voted against self-government. As that did not accord with what the - - -

Ms Follett: You were not here, Dennis.

Mr Connolly: Somebody told him that.

Ms Follett: They voted for no change; not no self-government.

Mrs Grassby: They said, "No change". They did not vote for no self-government. You had better check it out.

MR STEVENSON: What happened in that 1978 referendum was that some 63 per cent said that they did not want a change. Another 7 per cent said that they would be prepared to accept a local self-government, some sort of municipal council. Actually, the percentage of people in Canberra now that would accept a local council with a mayor - it well could be Mr Kaine as "Mr Mayor" - is probably around the 50 per cent mark. Many people say, "If we had local government, a local council, we would be able to have a say on most of the things we want a say on. It would not cost us all that money as there would not need to be all the trappings that there are with self-government".

The major point here is one to do with democracy. Do the people of the ACT have a right to have a say in what electoral system they have? Indeed, they do. We should do all in our power to ensure, in this case for a start, that they have a say on what sort of electoral system it is, provided we explain it to them clearly and do not call it "Hare-Clark" when very few people understand exactly what that is. We should explain it to them clearly and we should allow them a vote.

In the future, we should allow the people the right to determine on what subject they want to vote via petition presented to this Assembly. What the people can have their referendum on should not be determined by members of parliament . It should be determined by a percentage of the population.

MR COLLAERY (Attorney-General) (4.11): I very much welcome Michael Moore's comments. I was very pleased to hear the parliamentary leader of the Liberal Party in the ACT - our Chief Minister, Trevor Kaine - make his comments. I will not re-traverse both of those excellent statements to the Assembly, other than to endorse them.

From where I stand, I think it is important at this critical juncture, firstly, that we have had this discussion of vital public importance - and we are indebted to Mr Moore for putting it on - and, secondly, that we signal very clearly to people who, perhaps through pressure of business on the hill or elsewhere, are not too clear on our views. This is a week where freedom of the press is vitally important to the people of Australia. There are not too many situations in Australia at the moment where you have the issue of self-determination still alive - probably nowhere else; only in the ACT and perhaps on Norfolk Island. I am not sure. This is an issue of self-determination. It is a vital debate.

I want to deal with a few of the issues that are being thrown into this debate and to expose them. The first and foremost thing I want to expose is the very great need for the Canberra community to remain a homogeneous population. Everyone is familiar with the texts on our city. There are objective studies. I often see my legal colleague Mr Connolly with that excellent book on patterns of Australian cities by an eminent Australian urban geographer. Of course, that text shows - and we all know - that the ACT is one of the most homogeneous populations in Australia.

If we have single member electorates, it is very likely to produce parochial differences of opinion. I live in Narrabundah. I live on one side of Captain Cook Crescent. There is already a division in that suburb. When I first came to Canberra 20 years ago and as a solicitor signed some deeds and documents that said that my address was Narrabundah, people said, "Why did you move into the boondocks?". I cannot forget that. We all remember the Causeway, as it then was. One of my children went to the

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preschool in the Causeway, because in those days, believe it or not, with four children under five, we had to take our children to different preschools, because they were all so chock-a-block.

There are differences now. There are socioeconomic differences in our capital. It is vital that we not feed those parochial differences by creating single member electorates. That would be the most profound social vandalism that we could commit.

Ms Follett: Terrifying.

MR COLLAERY: I see that the Leader of the Opposition, who purports to come from a social justice oriented party, is laughing. Let the record show that she is amused by my comments. We must retain a homogeneous population. We must put aside our own personal fears or apprehensions about whether we, as people on the passing stage, are re-elected. The real issue is the continuum of our great national capital and the fabric behind it. That will be seriously damaged if we go towards single member electorates. Some people opposite, in the Labor ranks, must feel a bit ashamed of themselves.

We are all used to the way people cloak the holding of power and the non-empowerment of people. One of the shibboleths of holding power and retaining power, and stopping the empowerment of people, is to talk about the stability of government. When I go through the evidence given to the inquiry into the ACT election and electoral system by the Joint Standing Committee on Electoral Matters, I go straightaway to what Senator McMullan said, once again, about the need for single member electorates and how it produces stability of government. Permeating all of the Labor Party evidence is the need for stability of government. They even brought someone down from the Northern Territory, a Labor MLA up there, to talk about the stability of government.

That is a smokescreen. It is an absolute smokescreen. We have a very stable town. It is an extremely stable, homogeneous, articulate, aware population. They will not be put on by the Labor Party any more. The Labor Party is unable to see that the bells started tolling a few years ago. It is most unlikely that they will get a majority at the next election. They know that. They know that they need single member electorates as their last chance of holding onto a town that is changing in its political outlook.

The other issue I want to address, in the time available, is the proposal that we just have local government. There are profound constitutional problems in saying that we should just have a council here. One of the problems is that under the Federal Constitution we do not provide for a local government role in running the federation. As Ministers in this ACT Government we constantly supply the

eighth vote at fora around this nation on issues such as the division of child-care places, initiatives taken on health, in local urban affairs, urban geography, in planning, and the division of Federal funds coming back to the States and the Territories, and the rest.

If we are going to run this by the Sovietised proposals that the Leader of the Opposition put to the University of Canberra last year that we have a committee system - and there is much to commend a committee system - we need profound constitutional change in the federal structure before we can have it. Washington has a mayor and a council and it has had that since 1973. I draw the attention of members to the excellent summation of this argument from page 23 onwards in the report of the select committee of this Assembly on self-government.

I cannot see, rationally, how we could weld local government into a situation here where we are responsible for mainstream issues that are funded out of the loan council, such as education, health and social welfare. We could really cast ourselves out of the political mainstream of this country if we go that way. There are already too many tiers of government in this country and to add an extra tier here, of local government, and then realise later that we do need to join the federal round would create further unwelcome parliamentary processes in the Territory.

Finally, a Mr Wedgwood of the Labor Party said on radio the other morning that the Residents Rally had supported pure d'Hondt. I read from page 94 of that joint parliamentary committee report where it says, at paragraph 7.6:

The Residents Rally considered that preferences within parties should be retained but thought that *simpler proposals for final preference distributions* would need to be identified, so as to ensure that *each voter had a better than even chance to understand where their vote ends up.*

The other thing about a referendum is that, although my party supports it, we have to see the atmosphere in which it could be carried out. We see the dirty tricks campaign at work already. We see a thing called *Insider*. That is really an insider. It is an insidious insider. The Labor Party has funds. It operates clubs and - - -

Mr Connolly: It has members too, which is - - -

MR COLLAERY: It has members; indeed it does. And it has the capacity - - -

Ms Follett: On a point of order, Mr Speaker: I raise the question of relevance, Mr Speaker.

MR SPEAKER: That is overruled. Please proceed, Mr Collaery.

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MR COLLAERY: I make the point that, although I and the Residents Rally endorse a referendum, one has to take very great care in its management. It should be done off-shore, organised by the Commonwealth Government and funded by the Commonwealth Government. I support those arguments. But the history to date of the performance of the local ALP, with its scurrilous *Insider* magazine, with its outrageous statements which call upon fear, apathy and ignorance, indicates the level of debate that a referendum is likely to attract in the Territory at this stage. Of course, we should all support a referendum.

MS FOLLETT (Leader of the Opposition) (4.21): Unlike members opposite, I am rather surprised at Mr Moore having put this up as a matter of public importance because it seems to me that it is a matter on which there really cannot be a great deal of debate. I would be amazed - and, in fact, I have not seen - that anybody in this Assembly would argue against the proposition that the ACT people are entitled to a fair and equitable electoral system. Nobody has argued against that so far. I do not see why there is the necessity for debate on that.

Also, in relation to the question of a referendum, I believe that that has also been the subject of an Assembly report. Again, that did not lead to any great division amongst the membership here. As an issue that needs airing and needs debate, I think the Government has seized upon it only because of their total lack of business.

I will speak again in support of the Labor Party's position as to what is a fair and equitable electoral system for the ACT. That is, of course, a system of single member electorates. Single member electorates have the enormous advantage that people understand what it means. It seems to me that the entire debate about an electoral system for the ACT revolves around two issues: First of all, that the system that we currently have took two months to count, and secondly, that the system that we currently have threw up the people we currently see in this Assembly. They are the issues. I believe that people wrongly attribute the result to the system. I do not.

Nevertheless, the most commonly understood and the most commonly used system in Australia is a system of single member electorates. It is used in the lower house of the Federal Parliament and in the lower house in all other mainland State and Territory parliaments, including those parliaments where there is only one house, in effect, Queensland and the Northern Territory.

It has a number of advantages because the electoral process itself and the outcome are readily understood. The voters do have a local member whom they can approach and whom they know. Electorates can be established to reflect discrete

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communities of interest - something we have heard about before. Each voter, of course, has the right to choose a person who they believe will best represent them - something again which I think this community holds dear.

Of course, voters can exercise a clear choice between government and opposition candidates, whether they are from opposition parties or are independents, or whatever. They are able to exercise a clear choice in that regard. Finally, of course, voters are quite able, if they wish, to dismiss a member whom they do not regard as adequately representing their interests. I put that case again. I believe that it is by far the best process available to the ACT. It is to my very great regret that it does not seem possible to implement it at the moment.

One of the few interesting points in going through this entire debate again is to expose the backflips from the people opposite. Yesterday morning we heard from the Leader of the Residents Rally one of the most incredible loops of argument in relation to the d'Hondt system that I think I have ever heard. Mr Collaery, first of all, was complaining that he had not been consulted on what the proposal before the Federal Parliament is. Indeed, I do not believe that any of us have seen the legislation; so, perhaps, his complaint is justified, except that it is well known that what is before the Federal Parliament is a version of the d'Hondt system without the modifications that we had at the last election.

In his initial comments to Mr Matt Abraham on 2CN yesterday, Mr Collaery said, "I think the local Liberals understand all too clearly that, with any d'Hondt gerrymander that is being proposed by the Federal Labor Government, out will go the Liberal chances of being back in government". Mr Collaery refers to the current proposal as a gerrymander. This is very much at variance with the Residents Rally view which was put previously and very strongly to the Federal Parliament's joint standing committee of inquiry into the ACT election and election system.

At that time, Mr Collaery, Mr Jensen and Mr Donohue argued vehemently for the retention of the d'Hondt system. Mr Jensen said at that time, in an answer to a question from the chairman:

The preference at the moment, as indicated in the document, is that we would prefer to give the d'Hondt system another go, with some of the wrinkles removed from it to make it a little fairer and just to give it another chance. I do not think it is fair at this stage completely to throw it out of the window just because of some of the problems with it.

That is what Mr Jensen said.

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At a further stage in his interview with Mr Abraham, Mr Collaery maintained that d'Hondt was a gerrymander and he said, in part:

I believe, ironically, if they do do that -

that is, go back to the pure d'Hondt -

we will go back to the original basis that the Rally ran on from 1987 on and that is that the duopoly, the two parties wanting to gerrymander and run the system for themselves and treat Canberra as some type of subservient captive group of people.

Mr Collaery's grammar is not the best, but I think his intention is quite plain. Of course, this argument by Mr Collaery is totally at odds with his previous stand on this matter - as put to the joint committee. I think that it is quite justified that people are absolutely confused as to what it is exactly that the Rally wants. I suspect that, of all of the parties involved in this debate, the Rally has won hands down. They are so addicted to conspiracy theories that they are unable to realise when they are ahead, and keep quiet about it.

I know that the Labor Party has not succeeded in getting single member electorates. I know that the Liberal Party has not succeeded in getting a Hare-Clark system. But one thing we can be sure of is that the Rally is succeeding in getting an unmodified d'Hondt system, as the proposal currently is. In fact, at the end of his program with Mr Abraham, Mr Collaery seems to have realised that he had not quite been consistent early on. He said:

But the fact is that the d'Hondt system brings to this country, Australia, one of the fairest systems.

He goes on:

I imagine that we will have a pretty heated general meeting in the next couple of weeks on this issue if the Federal people on the hill go ahead with this absurd denial of democracy.

So, on the one hand, he calls it one of the fairest systems. On the other hand, he calls it an absurd denial of democracy. That whole confusion is right through all of the evidence that Mr Collaery, Mr Donohue and Mr Jensen have repeatedly given to two inquiries on this matter.

In fact, I think it was summed up when Mr Lee, on the joint parliamentary inquiry, asked of Mr Collaery, "What do you mean when you say that an election is successful if there is maximum democratic representation?", and Mr Collaery replied, "It is successful if you get elected - it is as simple as that - and if you feel you have been processed on

fair grounds in that election". "It is successful if you get elected." Mr Collaery, that is your view - on the record.

Equally peculiar is Mr Collaery's view on the referendum. I am delighted that he now supports it, because earlier on he did not. In fact, when discussing that particular issue in the joint parliamentary inquiry the chairman said to Mr Collaery, "Would you favour a local referendum to determine the issue?", and Mr Collaery said, "Not at this stage. We think self-government is too new in the ACT. There have been a number of hiccups". Indeed, I would think that many people would consider Mr Collaery to have been a fairly major hiccup, if not a downright spasm in the whole system.

I believe that the Rally's total bankruptcy of principle or, indeed, of any sustained policy on this issue is thoroughly exposed by Mr Moore's MPI today. I believe, in fact, that a great deal of what Mr Kaine has said is absolutely true and has our support as a party. It has been stated before. I fail to see how it could be considered that the issue, arising as it does on the heels of our debate on our very own select committee, could be considered one of pressing urgency today.

MR DUBY (Minister for Finance and Urban Services) (4.31): Unlike Ms Follett, I tend to agree with every other speaker in this matter of public importance that the type of electoral system that the ACT should have in future really is a matter of public importance. I noticed that in Ms Follett's diatribe - I was going to say "speech" - against Mr Collaery, my esteemed colleague on my left - not once did she address the issue; the issue that has been brought forward as a matter of public importance by Mr Moore today.

That issue, of course, is that the Federal Government provide an ACT referendum to allow the people of the ACT to determine the question of the most suitable electoral system for the ACT. We are not here today to debate whether single member electorates, Hare-Clark, modified d'Hondt, or pure d'Hondt is the appropriate system. What Mr Moore has put up, and what every other member who has spoken today has supported, is that the Federal Government should allow the people of the ACT to put their wishes to the test at a referendum.

That, of course, as Mr Moore said in his original statement, is in line with the recommendations of the joint standing committee which inquired into the ACT electoral system. Of course, in its downputting way, when the committee put out its report it thought it was very funny to put on its cover a Pryor cartoon about the ACT polity, the ACT elections. To my way of thinking, it was downputting to the ACT Assembly and its members. Apart from that, there are also the recommendations that have been made by members of the ACT Select Committee on Self-Government which reported last year.

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It is very reassuring to hear, as Chief Minister Kaine said, that the Prime Minister of Australia has agreed to the specified request of the Assembly that this house should have the right to determine the number of Ministers that may be appointed by the Chief Minister of this Territory. I notice that that is simply one of the recommendations that have been made in this Assembly's committee report on self-government which came out last year. There are a number of other recommendations there about which I notice I have not heard any chorus of support from the Federal Government. The other recommendations that are there include such things as, for example, not only the number of Ministers that may be appropriate in this Assembly, but also the number of members that this Assembly may have vis-a-vis the size of the ACT population.

Of course, the major issue is that the whole issue of the electoral system be returned and put back into the hands of the people who are best capable of administering it. That is us, the people of the ACT. It is ludicrous to suggest that - - -

Mr Wood: Would you abolish it this time round?

MR DUBY: I never wanted to abolish it. Of course, Mr Berry, who has a very charming way of interjecting during speeches, will undoubtedly agree with all the recommendations that the select committee brought down in 1990. Many of the recommendations in this report are very apt as to the very reason that the No Self Government Party was formed. It points out what the delinquencies are in terms of that relationship - not only in the electoral side of things, but also in the financial management side and in financial agreements between the Commonwealth and the Territory.

I notice that I have not heard anybody from the Labor Party supporting the very recommendations that were made to the effect that negotiations for financial agreement between the Territory and the Commonwealth, and other areas along that line, should be entered into and continued with the Commonwealth. I hear that nobody is supporting that at all from that side of the Assembly.

Mr Berry: Because we are talking about a referendum; that is why.

MR DUBY: That is right. I have not heard anyone from that side mention a referendum as yet. Ms Follett, in her usual way of distorting the truth, said today that for example - - -

Mr Berry: A bit close, I think.

MR SPEAKER: Order! Mr Duby, I would ask you to withdraw that comment.

MR DUBY: There is nothing unparliamentary about it at all, Mr Speaker; about saying that someone distorts the truth.

MR SPEAKER: You inferred that she always does it by saying "in her usual manner".

MR DUBY: I withdraw that connotation. What I will say is that in her speeches today Ms Follett did, for example, make a straight-out mistake in what she claimed to be the facts.

Mr Berry: Explain that to us.

MR DUBY: She was commenting, for example, that the single member electorate system is the most commonly used method of electoral arrangements within the Commonwealth of Australia.

Mr Connolly: It certainly is.

MR DUBY: "It certainly is", says Mr Connolly. Such is not the case. Proportional representation is the system which is used in most polities within Australia. Add up the States, my boy, and you will find that not all of them use single member electorates. For example, Tasmania and the ACT do not, whereas the proportional representation system as used in all Senate elections in every State and Territory of this country - as well as, for example, the PR system that is based in Tasmania - far outweighs the single member electorate system which Ms Follett maintains is "the most commonly used method of electing people in this country". As I say, there is a prime example. She also maintains - - -

Mr Berry: Give us the figures. How many?

MR DUBY: I will give you the figures.

Mr Collaery: She does not know the difference between d'Hondt and pure d'Hondt either.

MR DUBY: And PR, and d'Hondt, and Senate systems.

Mr Berry: Come on, where are they? You were going to give us the figures.

Mr Collaery: Just read something. Listen to this.

MR SPEAKER: Order!

MR DUBY: The seven States - - -

Mr Berry: No, I want the figures.

MR SPEAKER: Order, Mr Berry!

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MR DUBY: What we have, of course, is that when he was introducing the ACT Electoral Bill in 1988, the guru of the Right, Senator Richardson, said:

The d'Hondt system is a people's House system. It is very familiar to and respected by the democracies of Europe. It has been used for many years in countries such as Austria, Belgium, Finland, West Germany and the Netherlands, all of which enjoy the reputation of being democratic, stable and prosperous states.

Under this system, all contestants are elected as accurately as possible in accordance with the proportion of votes received.

Of course, that is something that we all know the Labor Party would not like to see introduced. He further said:

The system is completely neutral between contestants and satisfies the stability side of the equation by ensuring that the party or parties with a majority of votes will command a majority of the seats.

That is something that the Labor Party under Ms Follett, and the loony Left, would hate to see come into place. That is the simple fact of the matter.

The points made by Mr Collaery about the homogeneity of the ACT are very pertinent. For someone to suggest that a single member system would not be divisive to this community is clearly not accurate. However, like my colleague, I am a democrat. I am quite prepared to - - -

Mr Berry: You like the d'Hondt system.

MR DUBY: I like the d'Hondt, and I also like PR systems. I think that a single member system in the ACT would be a disaster, but we are prepared to abide by a referendum - something which you folk are not prepared to do, something which you are dead scared of.

Mrs Grassby: We want referendums.

MR DUBY: Where was the referendum endorsed in Ms Follett's speech? The simple answer is that it was not. The whole point of her speech was to make an attack against my colleague. The fact is that we will support a referendum. With Mr Moore, we call upon the Federal Government to provide an ACT referendum to allow the people of this Territory to determine the question of the most suitable electoral system for the ACT, and not - as we know the bully boys of the Labor Party want to do - to force something on the people because they think it is to their own peculiar advantage.

DR KINLOCH (4.40): Mr Moore, thank you very much for your proposal. It was much appreciated. We much endorse your support for a fully proportional representation system. I regret that Ms Follett did not speak to the proposal. Indeed, we all need to air this subject. I have written about 12 pages on it. As I cannot get it in in the next 30 seconds, I hope to have another go tonight.

MR SPEAKER: Order! The time for the discussion has expired.

Sitting suspended from 4.41 to 8.00 pm

ELECTORAL SYSTEM - PROPOSED REFERENDUM

MR MOORE (8.00), by leave: I move:

That this Assembly urge all Members of the Federal Parliament in the House of Representatives and in the Senate to adopt the recommendation of its own Committee and conduct a Commonwealth funded referendum which will allow the people of the ACT to choose their own electoral system.

I draw members' attention once again to the fact that I have added the words "Commonwealth funded" at the instigation of Mr Humphries. I appreciate that suggestion, which clarifies quite clearly what ought to be the case.

Having spoken for nearly 15 minutes previously on the matter of public importance, Mr Speaker, I have just a few things to say on this particular matter. I think, Mr Speaker, that a unanimous motion adopted by this Assembly must carry some weight with each of the members of the Senate and of the House of Representatives. That is why, although it is somewhat redundant, I have added for effect the words "in the House of Representatives and in the Senate". I recognise that it is redundant, but I have added them specifically for that purpose.

If this motion is carried, as I expect it will be, I think it is appropriate that you, as Speaker, then take the responsibility to write to each member of the House of Representatives and to each member of the Senate and make them aware that there is a unanimous decision - if that is the case - by this Assembly that follows these lines. It seems to me that, the more pressure that we can bring onto the Federal Parliament to follow up the actions that are appropriate for it to carry out, the better chance we have of doing the right thing by the people of the ACT.

It is even more important because you must remember that our own four representatives in the Federal Parliament would also then be under a great deal more pressure to ensure that the views of the people of the ACT, as expressed unanimously through their elected

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representatives, should carry through to the House of Representatives and the Senate. I am aware, Mr Speaker, that debate on Mr Humphries' motion will follow this and I indicate at this stage that I also intend to support that motion.

MR HUMPHRIES (Minister for Health, Education and the Arts) (8.03): Mr Speaker, the Assembly tonight is considering a matter of some considerable importance. I want to indicate that we on this side of the house share Mr Moore's view of the importance of this matter and support his view that it was worth putting forward as a matter of public importance today. I have to say that I completely disagree with those opposite who seem to think that this matter was somehow instigated by the Government to buy some time.

I have to indicate that in my view there are few things that we could be discussing which would be as important as this particular matter. The future of the ACT's entire democratic system depends very largely on the credibility of the electoral system. It is no surprise to anybody in this house that the many slurs and attacks that were made on the Australian Capital Territory's electoral system after the last election reflected on the operation of this Assembly. It is no surprise or lesson to anybody here that the shape of our electoral system very largely shapes the way people see us and the Assembly's work. We ought to be guaranteeing, through this debate and by other methods, that the ACT has a good, respectable and fair electoral system. I think Mr Moore's motion will contribute to that.

I am very pleased to see him add those words "Commonwealth funded". It is important for the ACT to establish as quickly as it can a decent basis on which to proceed into the future; but it is also important for the Commonwealth to accept its responsibility, even at this stage, some two years after the granting of self-government, to give the ACT a solid basis on which to proceed. It was the Commonwealth's responsibility in 1989 to provide the ACT with a fair basis on which to proceed to self-government, and it is still the Commonwealth's responsibility to ensure that we have the means to settle the important determining question of our electoral system.

I therefore make no apology for supporting the idea that the Commonwealth should fund that referendum. It is its responsibility to ensure that the people of the ACT inherit - and this very much is a matter of inheritance - a decent basis on which to proceed. That basis should be underpinned by a referendum, and it follows that the Commonwealth has some responsibility in this area.

Whether future referenda are funded by the Commonwealth is another matter, and I do not express an opinion about that; but certainly the initial settling and setting of our electoral system is very much a matter for the Commonwealth's involvement.

Mr Moore's motion also makes reference to the recommendations of the Joint Standing Committee on Electoral Matters and in particular the subcommittee of that joint committee, chaired by Dr Wooldridge, a member from Victoria, which looked at the ACT electoral system. I have to say that there were some features of that report which I disagreed with and which I would not think are in the best interests of the ACT; but it was certainly a fair report, overall, and I think we need to support the recommendation that the people of the ACT have the right to decide their own electoral system at the earliest opportunity.

I want to emphasise again that we cannot proceed, as a Territory, to gain the respect of people in this Territory and outside it unless we have established for ourselves a decent basis of government, and the most important basis of that government must be an electoral system which reflects the aspirations and the votes of people in Canberra. If we have a system which is unfair - there are many examples in this country, regrettably, and in the not too distant past, of unfair electoral systems - we fatally sabotage future governments and I, for one, believe that the work which faces us now and in future years is too important to allow that kind of baggage to prevent us from achieving it.

Mr Speaker, as I have said, we on this side of the house support this motion of Mr Moore's and believe that it ought to be followed up with the motion which I foreshadow at this stage I will be moving when we have dealt with Mr Moore's motion.

MR CONNOLLY (8.09): Mr Speaker, this is a rare moment of unanimity, it seems so far, on this matter. Mr Moore's motion is supported by the Opposition as well as by the Government parties. The reasons stated by both Mr Moore and Mr Humphries are ones that we can broadly endorse. It is clearly appropriate that a referendum be held and that it be funded by the Federal Government. It was the Federal Government that inflicted this electoral system upon the ACT, and the opportunity to give the citizens of the ACT the chance to decide what should be the future electoral system ought be one that is paid for by the Federal Government.

It is ironic that this is the second time in about a week that I have been following Mr Humphries in a debate involving electoral matters. I note again that Mr Humphries made some very fine statements - statements that we on this side of the house can only endorse - about the absolute importance of a fair electoral system in any polity. He noted that there had been a history of unfair electoral systems instituted or encouraged by, it must be said, both parties in the past in Australia; but I would again remind him that in Western Australia the conservative parties have continued to block reform of the upper house. I would hope that his enlightened views on fair electoral systems will be carried over to conservative colleagues in

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other parts of the country; that this antediluvian approach to preserving the votes of sheep and cows as against the votes of people will no longer prevail in that upper house; and that we will have a situation where all Australian legislatures with a bicameral system will be based on fair electoral systems.

Mr Speaker, there was some discussion earlier in the debate on the matter of public importance. The Chief Minister was asserting the need for this Assembly to have power to determine the electoral system, and straightaway. The Chief Minister said, "There is no reason why that power ought to be delayed until perhaps after the next election". He suggested some sinister political compromise on that matter between the Federal Labor Government and the Labor Party in this Territory. In effect, he challenged anyone to give a reason why the power to determine the electoral system ought not to be delayed until after the next election.

Well, Mr Speaker, there is a very simple reason for that. It goes back to some remarks I made the other week on the questions of mandate. No party in this Assembly went to the people at the last election with a clear position saying what they would do about the electoral system. I looked in vain in the pink book put out by the Residents Rally for any reference to electoral systems. I could not find any.

If this parliament is to have control over its electoral system it ought to be handed over after the next election so that the Liberal Party, the Residents Rally and the Australian Labor Party can go to the people at the next election and say, "This is the electoral system that we would favour". Then, whichever party won government could claim to have a mandate to effect its reforms of the electoral system. That, Mr Speaker, is a simple answer to the Chief Minister's question.

This Government, which, as we have regularly said, lacks a mandate for anything, clearly lacks a mandate to itself determine an electoral system for Canberra. It made me think what sort of electoral system this lot would inflict upon us if they had the chance, if they had the power. The track record of Alliance Government decision-making is to mix up the entire range of options and come out with a total hash. I looked in the Federal parliamentary inquiry report and wondered just how you could create an electoral system that was less satisfactory, more complex and more convoluted than the d'Hondt system with the Hill amendments. Looking at the range of possible electoral systems from the glossary in the Federal report, I thought I could see the electoral system that would emerge from the process of the Alliance Cabinet.

I know that the goal, of course, would be an electoral system that they think would return them. Ms Follett remarked in her comments earlier today that Mr Collaery's definition of a good electoral system is one that gets him back. Probably the only electoral system that would operate for Mr DUBY would be a hereditary peerage, but I suspect that that is a system that would not find favour with his other Alliance colleagues. So one wonders, "What would be the complex, convoluted hash of a system that would emerge from the Alliance Cabinet process?", and there it is. It would be the Hagenbach-Bischoff system with a Droop quota and Robson rotation. That, no doubt, would be the bizarre outcome of this Government having power over an electoral system.

Mr Speaker, this is obviously a very serious matter. The decision as to what electoral system should apply is of central importance. We debated this, I think, last week; we will probably debate it again next week, or the week after. This chronic process of spreading out the business paper is becoming a regular feature of the Government's operations, but no doubt that will proceed.

Mr Speaker, in discussing electoral systems, I must make some remarks reiterating what was said by the Leader of the Opposition this afternoon on the fairly bizarre statements we have heard from those opposite on the proposal to amend the existing d'Hondt system, to simplify it and remove the Hill amendments, because that, from what we understand, is the likely result that will be inflicted upon us by the Federal Government. I think it is relevant to discuss this because the Chief Minister said that he thinks this Assembly, which is controlled by this Government, ought to have the power to itself amend the electoral system. So one is entitled, in this debate, to speculate on what this Government would do.

We look again at this complete contradiction in Residents Rally policy. As I said, we cannot find anything in the pink book, but on 2CN yesterday Mr Collaery said, "With any d'Hondt gerrymander that is being proposed by the Federal Government, out will go the Liberal chances of being back in government". So he says that this is a d'Hondt gerrymander. Pure d'Hondt, he says, is a d'Hondt gerrymander; it is a terrible thing; getting rid of the Hill amendment, pure d'Hondt, is a terrible thing. Yet the transcript of this inquiry, at page 192, shows that Mr Jensen was asked this question by Senator Schacht:

The wrinkles you want to get out of the system, I presume from reading this, are basically the Hill amendments.

And Mr Jensen said:

That is right.

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So, removing the Hill amendments to the d'Hondt system is a good thing from Mr Jensen's point of view and a bad thing from Mr Collaery's point of view. I found this transcript to contain some of the most peculiar statements that I have ever read in a political document. In discussing how parties would operate under whichever modified form of the d'Hondt system, we come to where Senator Schacht raises with the Rally the question whether they are a political party and how they are different from political machines. This is relevant because earlier on today we heard some cat-calling about party machines selecting candidates. Senator Schacht asked how the Residents Rally selects its candidates? Senator Schacht said:

You had some machinery then, did you not? You acted like a political party.

Mr Collaery said:

No, we did not. The Rally was a non-political grouping of community groups. The community groups put people forward, essentially. That is how it was. Community leaders came together.

Senator Schacht asked the obvious question:

Who selected the community leaders?

Mr Collaery said:

That question you have asked is the most fundamental to democracy. Who selected the community leaders? They are self-selecting. That is the basis of democracy.

As Senator Schacht remarked:

Hitler and Stalin used the same idea to justify their systems.

This self-selecting process of assuming their position on a political ticket - - -

Mr Kaine: Oh!

MR CONNOLLY: The Chief Minister may well be amused; but I am sure that in the Liberal Party, which operates also as a representative party and whose members take part in the process of determining who is to be a candidate, the concept of self-selection of political candidates and self-selection for a position on a ticket would be - - -

Mr Kaine: No, I hope that happens in January.

MR CONNOLLY: Indeed, Mr Kaine. Well you might. (*Extension of time granted*) I thank the house; that is most gracious.

I am concerned as to whether this is entirely accurate, because I do understand that there was in fact some form of ballot of executive members of the Residents Rally for positions on the ticket. It would be a most serious matter indeed if this statement about self-selection was inaccurate and amounted in some way to misleading of the parliamentary committee. I hope that that is not the case, but I have certainly heard that there was indeed a form of balloting and that executive members of the Residents Rally cast a ballot. Therefore, they were not self-selecting.

Mr Berry: Who told us that?

MR CONNOLLY: I hear things from pillars. I will await with great interest any remarks from members of the Residents Rally present at the time. So, Mr Speaker, any electoral system that is formulated by this Residents Rally is a system that we certainly could not view with confidence. For that reason, we think it would be quite bizarre for this Assembly to be given now the power to determine the electoral system for the Territory because, as we say, it has no mandate. The proper and democratic process is to hold a referendum of the voters of this Territory to determine the electoral system. We are very confident that the outcome will be the system that people know and understand, that is, single member electorates, and that d'Hondts, modified d'Hondts, and Hagenbach-Bischoff Droop quota with Robson rotation systems will be uniformly rejected by the electorate.

MR KAINE (Chief Minister) (8.21): Mr Speaker, when Mr Connolly got to his feet and made his opening remarks I thought this was going to be a serious debate that was going to address itself to the issues. He used words indicating that this was a motion that would receive unanimous support and I had hoped that that would be so. Unfortunately, Mr Connolly succumbed to the temptation to strike out and attack people and I think that that detracted from his argument. I think that people reading the *Hansard* of this debate in the future will wonder why Mr Connolly diverted the substance of this debate into this personal attack, this really irrelevant trivia in terms of the subject matter that is under debate. I think it is a great pity that Mr Connolly allowed himself to fall for that trap.

Mr Speaker, I think this is an issue that the Assembly ought to have a unanimous view about. After all of the verbiage is stripped away when this debate is over I doubt whether there will be anybody around this Assembly tonight who will have argued against the proposition put forward in Mr Moore's motion.

I just have to take issue with Mr Connolly. This question of a mandate is an interesting debate; but I would submit, Mr Speaker, that if you added up the percentage of the voting electorate represented by the people sitting on this side of the house you would find that it outstrips the

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support of the Labor Party by about three times. Yet the Labor Party thought it had a mandate for eight or nine months, and they have kicked and screamed and shouted ever since we removed them from office. If there is a mandate, let us get down to what this mandate is really about. There are four originally elected members of the Liberal Party on this side of the house and, if we are going to talk about a mandate and what we went to the electorate with, I think it is very easy to demonstrate that the Liberal Party went to the election with a very firm commitment to an electoral system. It is in our policy papers. If you have not read them, I suggest, you do. To argue that we do not have any kind of a mandate is absolute rubbish.

For the Labor Party to claim, on the other hand, that it does have some kind of mandate is equally rubbish because, when you get down to it, the Labor Party has only five members out of 17, and that says something about the so-called mandate that you people claim. It is a spurious debate.

Mr Connolly: I think 32,000 votes to 21,000 votes is the - - -

MR Kaine: It is a spurious debate, Mr Connolly, no matter how you couch it and in what terms you couch it. To address the specific question that is before us, and that is the question of a referendum - - -

Mr Berry: Yes, about time.

MR Kaine: You, no doubt, will spend most of your time ripping into the Residents Rally as though that is some sort of a contribution to the debate.

Mr Berry: I will save some for you too.

MR Kaine: That is fine, but you will have difficulty finding anything to criticise me about when it comes to electoral systems and referenda. I have always made quite clear what my view and the view of the Liberal Party is. I have always made it quite clear that we are in favour of a referendum. So I do not quite know how you are going to criticise us. That view has been put strongly from the very first day. It was and is my position. So I will be interested to see how you think you can attack me on the basis of this motion that is before us. If you want to range into the esoteric, like Mr Connolly did, and material that has nothing to do with the motion before us, then you might find something to be critical about; but I very much doubt it.

This is an important motion that is before the Assembly and I would just like to recommend some caution. I know that it is not the popular thing for members of one party to pay tribute to the work of members of another party, but I think that in this debate we should not denigrate the work

that David Simmons has done in the move towards transferring powers to this parliament. I think that, for some inexplicable reason, over the last 24 hours there has been a change in the strategy; but I am absolutely convinced - I have spoken to Mr Simmons on this and other subjects many times over the last year - that he is committed to transferring to this Assembly powers which he believes we should rightfully have, and he has made that quite clear. Now he has changed his strategy and I have not had a chance to talk to him so I do not know why that is so.

But I think that it would be a major mistake for us here to be critical of that Minister who is doing the best that he can in very difficult circumstances to accede to the requests that we have made. I am not going to engage in inter-party politics, because I think that would be a mistake. I believe that Mr Simmons' heart is in the right place when he is explaining why he is doing what he is doing and the steps that he is taking, which can only in the long term be to our benefit. So let us concentrate on the issue that is before us; let us concentrate on the motives and the objectives of the man who is attempting to get this thing straightened out.

I imagine that for David Simmons to arrive at some sort of consensus within the national Parliament on what should be done must be very difficult. We know that the debate has raged in the past. We know that two or three years ago we got a compromise outcome that is unsatisfactory. He is now trying to reach a new consensus, a new compromise. It may not go as far as we would like it to go, but I accept that he is moving in the right direction and that he is doing the best that he can. I support this referendum, but he obviously has a strategy that he has devised in order to further the interests of this body and I think we should support that.

I have some questions in my mind about the proposition put forward by Mr Connolly. If it is in his mind to transfer responsibility to this Assembly, the same sort of responsibility that any other State parliament has, then I do not know what the justification is for deferring that. I do not agree with Mr Connolly's proposition. The argument that this Government, on this side of the house, somehow does not have a mandate simply does not wash. To argue that we should postpone this decision until some future time when some other parliament sits here is a spurious claim.

Mr Berry: Tell us what it is. Just tell us what it is.

Mr Collaery: Did you have a mandate when you were in government?

Mr Berry: My word. It was very clear.

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MR KAINE: I have just made the point that, with five out of 17, they clearly had no mandate. They had no mandate to do anything because they were a minority. On this side of the house there is a majority, a clear majority with a clear mandate to get on with the business of governing this Territory. Mr Connolly was not there; so he is not really a party to this argument. He has been appointed since to fill a vacancy. When he has been to the electorate on the basis of some sort of policy, if I can ever determine what the Labor Party's policies are - they duck for cover every time you talk about them - - -

Mr Connolly: It is very clear.

Mr Berry: You only have to put your glasses on.

Mr Connolly: We will sell you a copy of the platform.

MR KAINE: Let us have a look at your policy about school closures; let the people really see what your policy is, as apart from what you say about it. When Mr Connolly goes to an election and gets himself elected on the basis of some policies that he puts out to the electorate, then I will be prepared to listen to him talk about a mandate, but not before. He has no mandate; he is here by appointment and not by election. He did not go to any electorate with any policies and therefore cannot claim that he has any mandate except to fill a vacant slot for a few months until the next election.

I intend to support this motion from Mr Moore. It expresses my own view. I believe that it expresses the view of this Assembly that it is our responsibility to deal with this matter. I am not talking about rights; I am talking about responsibilities. I support Mr Moore, but I think that we should do away with a lot of this spurious argument and we should do away with a lot of this argument that suggests that the only way to win the debate is to attack somebody. I think that is unproductive. We would do better to agree on the merit of this motion and vote on it accordingly, and that is exactly what I intend to do, Mr Speaker.

MR STEVENSON (8.30): Mr Speaker, that is exactly what I intend to do as well. I intend to vote on the merit of the motion. I am greatly heartened by the many members in this Assembly who have supported a referendum. What a marvellous day in the history of self-government. The Chief Minister mentioned a mandate.

Mr Kaine: You have one, Dennis. You were elected.

Mr Duby: Seven per cent, wasn't it?

MR STEVENSON: Thank you. Has there been a situation when we have had the unanimous support of 17 members on anything before? What a marvellous situation. When it gets a little bit closer to the time of holding the referendum, of course, there will be suggestions that as we are holding the referendum what a wonderful opportunity it is to include a couple of other questions, and those couple of questions will solve a lot of problems for the Alliance.

Mr Humphries: What could they be, Dennis? Tell us.

MR STEVENSON: Well, I think we would have to make one fluoride; and another, the casino. This is not necessarily the order I would naturally pick; but I thought that, under the circumstances, perhaps X-rated videos would also go in.

Mr Kaine: You might get an awful surprise on all three counts, Dennis.

MR STEVENSON: I would never get a surprise. Apart from the fact that I have surveyed them and I know what the majority of people in Canberra want - - -

Mr Kaine: I bet you do not.

MR STEVENSON: Once again, I am prepared to put money on it if you are prepared to bet, as you say you are. The other thing that I would certainly - - -

Mr Moore: That is gambling.

MR STEVENSON: I do not believe that it is gambling; I try not to gamble.

Mr Jensen: You are betting on a sure thing, Dennis.

MR STEVENSON: I think it is a sure thing. The other item that I would include at any referendum that is held - let us hope that it is held before the next election; otherwise it would certainly need to go in then - is this: Do the people of Canberra want the right to call a referendum? That is the voters' veto. In light of what happened tonight, the feeling of affinity amongst members and the very little aggro that was put out, I think that we could do that. Joking aside, what a marvellous situation that would be in Australia. If we hurry we will be the first. If we wait around too long the Tasmanian Liberal Party and Neil Robson will have it in there - his electors' veto. The Democrats have been pushing it for a long time; they might sneak it in somewhere around Australia before us. With other elections coming up around the place we might not have the opportunity to carry the flag for all of Australia by introducing something that is absolutely inevitable - that the people have the right of voters' veto. I do not include the initiative and I do not include the recall, but the right to say no when we, unknowingly, perfectly justifiably, get it wrong.

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MR JENSEN (8.34): That was short and sweet from Mr Stevenson. Mr Speaker, I think it is appropriate to put a couple of the comments and statements from those opposite to rest very quickly. Mr Kaine made some comments about the mandate question. I would like to add a little bit further to the mandate question. I have searched through this document here.

Mr Berry: I take a point of order. I think we are discussing a referendum, not a mandate.

MR SPEAKER: Thank you for that observation, Mr Berry. I think the die is cast.

MR JENSEN: Mr Speaker, the point that I was trying to make related to a mandate for the transfer of the electoral system to the ACT. There was some concern expressed by Mr Connolly that there is no mandate for this Assembly or this Government over here to have any role in the process of developing the electoral system. But I will come to that a little bit later on in my comments.

Mr Speaker, I searched through this document and nowhere did I find in the index a reference to the electoral system for the ACT. The only place that we can find any reference to that is in the submissions to the two select committees or standing committees which looked at this issue, just as, in the same way, the Residents Rally provided its submission to those committees. That submission, Mr Speaker, was approved by the members of the executive of the Residents Rally at the time. So let us not talk about mandates in relation to electoral systems, Mr Speaker, because the issue really was not whether there was to be an election. That was something that occurred. It was forced upon us by the Federal Parliament. The whole process of the election system was forced upon us by the Federal Parliament, once again without consultation with the people. Therefore it is a red herring, Mr Speaker, from the other side once again.

Let us look at another red herring. Once again we see selective quotes and comments from those opposite on matters that relate to the Residents Rally. Mr Connolly, unfortunately, should have read a little bit deeper into this particular document. He might have come up with a comment where Mr Lee asked me about our position in relation to the electoral system. I quote what I said at page 186:

Mr Lee, I think at this particular stage, as indicated in the paper, we are happy to give the d'Hondt system another try which is, quite frankly, designed for a parliament of our type and which provides for a fair representation of the people from the various groups. It also provides an opportunity for independent groups and independents to fully participate in the governing of their region. So from that point of view our

first preference is to remove some of the wrinkles out of the current system and give it another go. Failing that we would then look to the possibility of three multimember electorates based on the Hare-Clark system with the Robson amendment if the d'Hondt system does not prove successful in its second time.

Mr Speaker, there is a very interesting matter in relation to this proposal for the Hare-Clark system and the Robson rotation. We know full well that the people opposite, unlike the Liberal Party, are scared, are terrified of the application of an electoral system with a Robson rotation to any parliament in Australia, and for a very simple reason. In Tasmania, where the Hare-Clark system operates, 40 per cent of the people who are removed at each election are replaced by members from their own group, from their own party. So what does that do, Mr Speaker? It removes the opportunity for the party machines within the Labor Party, for the Left and Right, if you like, to rotate the numbers down the ticket.

Mr Wood: You mob will not be rotated, will you? You are going to re-endorse yourselves, aren't you?

MR JENSEN: It removes that and the people decide. The people do the preselection, Mr Wood; not the Labor Party, not the machines, not the branches. It is done by the people of Tasmania. They decide the order of those members within the Labor Party. We have seen how, in the past in Tasmania, one particular Labor member - a senior Labor member - got a bit slack and idle, and found himself out on his ear at the next election. He had forgotten about the people who preselected him - that is, the people who voted for him. That is why the people opposite are concerned and scared about any suggestion that we should have a Robson rotation proposal within the ACT.

Mr Berry: I might raise a point of order. I do not think the debate is about the Robson rotation either.

MR JENSEN: They are worried about it, Mr Speaker.

MR SPEAKER: Order! I do believe that it is around the point. Please proceed, Mr Jensen.

MR JENSEN: Let me now move onto some comments in relation to the control of the electoral system by the ACT Legislative Assembly. I quote from page 1 of a submission that was produced by the Rally to both committees that looked at this issue. This answers Mr Connolly's point. It says:

However, while the Legislative Assembly should have control over its electoral system, any changes should not be by a simple majority on the floor of the Assembly. Any change should only follow after a referendum in which at least two

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thirds of voters agree to the change. It may also be appropriate for a majority of 12 members to be required to send the matter to a referendum. Such requirements should be included in the current legislation or the ACT Constitution well before the next election is due.

The point in relation to this, to follow on from my colleague Mr Kaine's comment about why that should be referred across to us, is that if it were referred across to us with those sorts of powers there would be no problems and no concern, because there would be a clear requirement for those groups within the Assembly to follow certain criteria to look at it via a referendum.

Let me now comment on the proposals that we have seen argued tonight in relation to single member electorates. Let me just comment on what the Rally said about that in its submission. It said:

The Rally does not accept the argument that single member electorates is the answer. Canberra is divided into a series of easily identified areas which can elect candidates on a proportional representational basis to represent their area. The Rally considers that the poll

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this is the poll that was referred to by the Labor Party -

that showed that people want single member electorates over any other system was flawed. The voters were not really offered any explanations of alternative proposals.

That is a bit like the suggestions that we saw from Bob McMullan about how a single member electorate system, based on the last voting trends, would have elected the same sort of Assembly that we have at the moment. Once again that was an attempt by the Labor Party machine to convince the other people in Canberra that they could support a single member electorate on that basis; but, clearly, that was a specious argument.

The Rally in fact believed, as it said, that there should be some form of multi-member electorates because some form of proportional representation system based on multi-member electorates would provide the best alternative if d'Hondt is to be removed or left. Therefore, as I have already indicated, it was important for the ACT to be transferred that power. In fact it was one of the key conclusions of our paper and proposals. It was also, I might add, one of the key recommendations of the select committee of our Assembly. It was quite clear, also, I would suggest, that it was proposed by the joint standing committee that that power should come across to the ACT eventually.

This is what we said in our conclusions:

The most important conclusion on this matter is the requirement for the people of the ACT to take control of their own electoral system. However, this power should not be given lightly.

We went on to comment, as I did before, about the requirement for a referendum and a majority greater than a simple majority to change. We supported a major overhaul of the system to remove the anomalies of the much modified system. Basically we were really saying that it was important for the people of the ACT once again to take control of their destiny and really do something with self-government; so that we do not have, as people often say, a Clayton's self-government without any powers whatsoever.

MR DUBY (Minister for Finance and Urban Services) (8.44): My comments are going to be short. What I have noticed in the debate this evening is a quite natural tendency from various sides of the Assembly to support their own particular hobbyhorse as to which style of electoral system should be in place in the ACT. I think we need to go back to the actual terms of this motion put up by Mr Moore this evening. It simply says that this Assembly is calling upon members of the House of Representatives and the Senate to adopt the recommendation of the Australian Parliament's Joint Standing Committee on Electoral Matters, namely, the report of the inquiry into the ACT election and electoral system.

I notice that there were no minority reports. It would appear that the august members of this Joint Standing Committee on Electoral Matters - who, by the way, were Mr Michael Lee, Senator Jim Short, Mr Michael Cobb, Mr Michael Lavarch, Mr Warren Snowdon, Dr Michael Wooldridge, Senator Michael Beahan, Senator Brian Harradine, Senator Jean Jenkins and Senator Chris Schacht - following their deliberations, have come up with one firm, clear recommendation, and that is that the Federal Government conduct a referendum in the ACT which will allow the people of the ACT to chose their own electoral system.

Some of the good-hearted bantering that has occurred in this debate tonight has side-tracked the general point of Mr Moore's motion, namely, that the members of the Federal Parliament, in both the lower and the upper house, should endorse that unanimous recommendation of that committee and initiate steps to ensure that that recommendation is implemented; namely, that a Commonwealth funded referendum which allows the people of the ACT to choose their own electoral system be introduced, and introduced posthaste. It is a shame that people are talking about putting time frames on it; that such a thing should not happen before such and such a date, or after such and such a date. The fact is that that recommendation is already, I believe, over a year old, and to date no action has been taken on this issue.

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The people of the ACT are now sophisticated. We are sophisticated enough to be able to identify the type of electoral system that we would prefer to have in place here in our own polity. For that reason I endorse the motion of Mr Moore. I would certainly endorse any calls upon the Federal Parliament to do the right and honourable thing and allow a referendum to go ahead to enable the whole issue that we have been debating tonight to be settled.

MR BERRY (8.47): I was not going to speak on this debate; I was saving my energy for a later one. But after some of the hogwash that has flowed in relation to this matter I felt that something had to be said about the issue of principle and where people ought to stand. I think the most interesting contribution to the debate was made by the Chief Minister. He made it clear that he supported the moves by the Federal Minister to resolve some of the problems, and I think the Federal Minister has to be given support for the work he is doing to further satisfy the perceived wishes of the ACT electorate. I think it has to be said that Minister Simmons has done a lot of work and he has to be congratulated for working towards a solution within the Federal Parliament whereby the needs of the people in the ACT might be better served.

It is all right to go on about honour and mandates and all those sorts of things on the question of how the Commonwealth will deal with this matter. The Labor Party of course supports this motion in principle, but it is more or less pretty much a political stunt which is rather futile. After all, Mr Moore and everybody else in this place knows that negotiations are well down the track in the Federal Parliament and the likelihood of a referendum flowing from this motion is at best slim.

I do not agree with stunts being pulled and argued which might affect or slow down the good efforts of those who are trying to reach a solution to a longstanding impasse in the Federal houses of Parliament. Bang our jaws together as much as we like, the fact of the matter is that those negotiations are going to proceed and there will be an outcome. I know that that outcome will be something that we will live with until other changes are implemented, again by the Federal houses of Parliament.

I do not want to go on too much further about it, Mr Speaker, other than to say, in conclusion, that the Australian Labor Party has supported a referendum and will continue to do so, but I think we have to bear in mind what is being done at the Federal level. We have to bear in mind also that this motion will make little difference to the outcome. In the context of the negotiations which are going on at the Federal level, it will be somewhat meaningless.

We can all get some sort of a warm inner glow about supporting this resolution and say that we have done the right thing; but what we really have to do is to put our collective weight, as I think Mr Kaine has indicated, behind the Federal Minister in order that the negotiations at the Federal level can proceed to an outcome in a reasonable time.

DR KINLOCH (8.52): Mr Speaker, I would not want to go on for too long on this matter. Many of the points have already been made; but I would like to address some of the comments made by Mr Connolly and, almost immediately, by Mr Berry who sounds to me like one of the American conservatives in the colonies in 1775 who was urging his compatriots to let George III do it. We hear, "Let them do it on the hill, let it be done on the hill". We are the people who should be crying, "No taxation without representation". We are the radicals, Mr Berry, and I hope that you will join us.

Like many of us in this Assembly, I had no intention of becoming involved personally in representative politics. As recently as 1987 it would have been inconceivable to me. Why give up teaching about other people's politics, mainly the politics of the USA, in order to be in politics? In 1988 I was teaching a course on the US elections of that year - it was tremendous fun; I enjoyed it enormously - and of course had many criticisms of single member electorate systems, of systems which did not have compulsory voting, of gerrymandered systems. Part of a long academic life has been spent looking at an inadequate system. We surely do not want to defend the elements of that system or the inadequate elements of the British system which produces the House of Commons.

Involvement in practical politics came about very gradually for me, but eventually in a rush, in a process which might be called in the first instance "self-selecting". I have heard an attack on that concept of self-selection. I take it as a very important democratic matter that any individual who stands as an independent in politics is necessarily self-selecting. That is how some politicians begin. That is what Ted Mack is. That is what some of our independents are; they are self-selecting. But that does not mean that they are authoritarian. That does not mean that they force themselves onto a parliamentary assembly. It means that they select themselves out of their very great concerns to put themselves before the public who then will or will not vote for them. So do not let us despise a process which produces politicians of a certain kind.

What got me into this business was a worry about the authoritarianism of the Labor Party, the authoritarianism of the Federal Government in many matters over many years. Specifically, in the late 1980s many of us were shocked when the two largest and most dominant parties, the Liberal and National coalition and the Labor Party, decided on the hill, on George III's territory from my point of view

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emotionally, to pass judgment on whether or not the national capital of Australia should become a casino city, without any adequate consultation with the people of Canberra. That is what got me into politics. What got me into politics was somebody else telling me how I should think, how my life should proceed and what my city should be like. I was not going to listen to that from those people on the hill.

May I here pay tribute to John Langmore, the only one of our Federal representatives who actually stood up to oppose that move at that time, although he eventually had to bow to party discipline. Margaret Reid had once opposed the casino, but was also pushed eventually into joining her party's majority. We stood up to oppose that kind of tyranny. Let me remind you, in relation to that slogan, "No taxation without representation", that its original was by James Otis in the 1760s - "Taxation without representation is tyranny". It is tyranny for the people on the hill to tell us how we should go about our business.

That thing on the casino was bad enough. We then had a Federal Government forcing on us a form of self-government and a form of election system over which we had no control whatsoever. Some parties properly fought those authoritarian and essentially un-Australian methods. The citizens of Canberra should be grateful to those parties which made that authoritarianism the focus of their attention. I pay tribute to the Abolish Self Government Coalition, the No Self Government Party and the Canberra First Party. They did well by us.

Now I come to the comments from Mr Connolly. Our own party, the Residents Rally, recognised that there should have been a referendum before self-government. We decided to run to combat that Federal authoritarianism from within the system forced upon us. One could argue about how we selected our candidates. We did it on the run and under great difficulties. We had people telling us that we could not get more than two people up; we had to get enough money; we were out in the community, going from group to group; some people deselected themselves rather than selecting themselves. Once we had a whole group of people who were willing to run, against very great odds, we worked out our ticket in a very democratic process and, might I say personally, in a very traumatic process. There are those here who know what I am talking about.

Behind our thinking, in cooperation with many groups who joined our coalition, we had in our mind not the simplicity of "No taxation without representation"; we were really translating that into the view that, firstly, representation should be with publicly obtained consent and, secondly, representation should be by a system which provides an appropriate and defensible voting system. That is certainly what we stood for. And here we are again this week under, at the worst, an authoritarian and, at the least, a potentially authoritarian Federal Labor Government

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which is in danger of saying again that the Federal Government will decide on our election system. We do not accept it. We do not accept either the sop, the excuse, that we are to be allowed to decide our own futures next time, dear little children, but not this time. I do not accept that. I throw it back in their faces. I throw it back in the face of the Federal Labor Party, which is disgusting.

May I urgently send this message to the Federal Liberal Party and the Federal National Party: Please do not be taken in by a proposal which basically implies that we are not yet ready in 1991 to decide the system of government which should apply in this city-state. At the age of 63, after 40 years of talking about politics, I am ready to work out our own system. I do not want to be told by the Federal Government that I am a child. We should not listen to David Simmons and all his crew as they try to demean us by telling us that we cannot decide our own system.

I very much honour Mr Moore for having raised this matter today and the motion he has put forward. So I especially call on Ros Kelly: Does she think we are children not able to look after our own affairs? I call on her and on John Langmore, Senator Margaret Reid and Senator Bob McMullan to speak to their colleagues, to plead with their colleagues, to inform their colleagues, to reach out to effect the consciences of their colleagues about the nature of fully-fledged democracy. We do not want some third-rate system pushed on us from the hill.

I will not here enter into the case for single member electorates or for a more fully democratic proportional representation system. There is no doubt whatever in my mind about that. The simple-minded single member electorate is something from the past. Why does not the Labor Party drop it? In their hearts they do not believe in it. You do not believe in it, Wayne. You do not believe in it, Bill. The five of you do not believe in it. You put it forward because you think it suits you. You do not in your hearts believe in it.

All I ask is that we, the citizens of Canberra, have the right to make that decision. We should have had a referendum. That was denied us. We are now entitled to such a referendum and we should insist on it. As Junius said in 1770:

The right of election is the very essence of the constitution.

There is a Lincolnian comment we all know about - "Government of the people, by the people", et cetera. Let me look at the origin of that one as I conclude. Where it comes from, who knows. It may have come from Athens, or wherever; but certainly it came from Daniel Webster in 1830 in a speech in the Senate. What he called for was "the people's government, made for the people, made by the people, and answerable to the people".

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MR COLLAERY (Attorney-General) (9.01): I want to respond to a brief point. I endorse the comments that the reasonable people in the chamber have made this evening, Mr Speaker.

Mr Berry: Thanks, Bernard.

MR COLLAERY: It is a rhetorical comment that I did not include Mr Berry. Mr Speaker, the Australian Labor Party entered the debate led by the Leader of the Opposition earlier today, and it was rounded off by Mr Connolly. Their objective in this debate was not to present a statesmanlike *Hansard* for history. This day's debate will probably be the most read debate for some considerable time in political science areas in and around the Territory, because the structure of government in the Territory, for better or worse, has proven to be very interesting to people around the country. This *Hansard* will record a very snide but very typical attack on the Residents Rally and on me in particular by the Leader of the Opposition. Hell hath no fury.

Ms Follett: I take a point of order, Mr Speaker. Mr Collaery is reflecting on a previous vote and debate. In fact I have not spoken on this motion.

MR COLLAERY: Oh, you cannot take it.

MR SPEAKER: Yes, I think that is a valid point. That was a previous debate, Mr Collaery.

MR COLLAERY: I will not go any further, Mr Speaker. The record stands. Mr Speaker, Ms Follett got to her feet straightaway to defend herself - the first point of order of this nature taken today. It demonstrates their extreme sensitivity. They have decided that they are not interested in the debate today. What they want to do is to score some of their tactical points today. They have read very selectively. I am sorry to see a legal colleague do that, because he would be put down smartly in another forum when he tried that.

Mr Speaker, I want to read into the record the next sentence after I said words to the effect that it is a good system if you are elected. There is a great danger when people come to this chamber and read selectively from transcripts and do not table the photocopied page. I believe that people are entitled to see that, and I challenge the members to table the full pages of those particular transcripts.

Mr Speaker, the comments made by the Leader of the Opposition and Mr Connolly were that, so far as I was concerned, the best type of electoral system was that which returned someone who is elected. Well, that is a truism. But at page 188 of the relevant transcript I went on to say:

Clearly Tony Fleming, for instance, got a huge vote but was not elected, and it is our view that that is a misfortune that should not have occurred.

That puts an entirely different complexion on my comments. If you read my comments in context you will see that, earlier in that exchange, at page 187, in response to the chairman's question, I said:

It is an acceptable process when it provides the maximum democratic representation.

That was in response to a question about how we would decide whether the next election is successful or not. The chairman asked:

Does it depend on your membership in the next Assembly?

Clearly, Mr Speaker, I denied that that would be the rationale. I said:

... when it provides the maximum democratic representation.

I just want to exemplify, for the purposes of this *Hansard*, the shallowness, the tactics, the discreditable manner in which this party opposite operates in this chamber. It is a sad day when Mr Connolly joins that. We all anticipated that Mr Connolly would bring something better to the chamber when he was appointed here. I think Mr Connolly should go away and think again about that type of tactic, particularly as Mr Berry is foreshadowing again a proposal that we have a motion on single member electorates. If anything is there to ensure that you are re-elected, it is that system.

I believe that that should be on the record to demonstrate the lack of credibility, the dirty tricks campaign that has already started in this town and what is going to happen for the rest of the year. We can foreshadow the performance in this chamber. I believe that the message will get out as to what we are going to see from this Labor group opposite. I exclude Mr Wood from the comments. He is probably feeling a bit uneasy.

Mr Kaine: He is probably squirming.

MR COLLAERY: Yes, because he is not part of this factional battle. Mr Speaker, the other very disparaging point Mr Connolly made was that we had self-selected ourselves. Well, that was an honest answer.

Ms Follett: You said it yourself.

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MR COLLAERY: That was an honest answer we gave the chairman. If one goes to the *Australian Encyclopaedia* - - -

Mr Berry: That is right. We never said that you were lying.

MR COLLAERY: Now, come on; take your medicine now, Mr Berry.

Mr Berry: We never said that you were lying.

MR COLLAERY: Come on, open up; big spoon, big spoon, here it comes.

MR SPEAKER: Order!

MR COLLAERY: Here it is. I refer to the *Australian Encyclopaedia*, Mr Speaker, page 222. The heading is "Australian Labor Party". It comes after the Australian Institute of Sport. I do not know whether that is appropriate. Mr Speaker, it talks about the early history of the Australian Labor Party. It starts in the 1850s. It says:

The early Labor type parties varied from one colony to another, but shared some broad characteristics.

It goes on to say:

Labor also sought the support of smaller farmers or would-be farmers and metal miners, proposing closer-settlement legislation and the right to mine on private property. In addition, of course, they had many policies not directed to any specific occupational interest, proposing changes of a generally democratic or egalitarian kind, such as electoral reforms, old-age pensions, and extensions in State education.

It also states:

... they made provision for trade unions to become part of their organisation, though they also set up local branches made up of individual members.

Mr Speaker, that is the genesis of any political action. That is the genesis of the Labor Party, according to this history. That is the genesis of the third force in this Territory, which is lending itself to credible politics in the chamber right now - a chamber that has an overwhelming majority that clearly has a mandate to govern. Mr Speaker, I believe that we have demonstrated that not one decent argument has come across the house from the Labor Party in this debate today. They have been knocked down on every point.

MR WOOD (9.08): I sat here for some time and held my seeking of the call until after Mr Collaery had spoken because he had indicated earlier that he was going to drop the bucket on us - they are not quite his words - after Mr Connolly made his comments about self-selection, quoting what Mr Collaery had said on radio. He was going to throw all sorts of things back to us and put us in our place. Now, what has he done? He has read a very fine statement on the origins and, dare I say, the present position of the ALP. Things have not changed. We are still, as then, seeking support from all sectors. As we had then, we have a wide range of policies, appealing not just to the unions or the small farmer groups and other groups that Mr Collaery hinted at. We are still egalitarian. We are still interested in reform and we still have a very strong base with the unions.

That is a summary of what Mr Collaery read from that statement. It is nothing at all in the nature of the threat that he made after Mr Connolly's speech. He was going to show somehow, I thought, that we are also self-selecting. It is certainly far from the case. I know, as the ALP gears towards its own preselection for this Assembly, that it is far from being self-selective.

Mr Speaker, this debate has taken quite a time, bearing in mind that I do not think there will be any dissent from Mr Moore's motion. I want to indicate my support as part of that of the Australian Labor Party for the referendum proposal, and I have two reasons for that. One probably has been reasonably well covered tonight, and that is that we need a referendum to settle a most difficult question. I believe it is the case that the type of electoral system for the ACT may be settled in no other way than a referendum. Because of the varying views of the political groups, both here and on the hill, there is no clear way that we can establish a system because there is no clear majority anywhere to do so.

I note that there is some derision from across the chamber about the ALP's consistent proposal for single member electorates. I find it very hard to see how any argument against a single member electorate system can be sustained when it is so commonly used in Australia and throughout the world. I will say again, as I have said before in this chamber, that the concern for single member electorates expressed by the Liberal Party says very little about their confidence of winning seats in this town. Hence they want to go to some other system where they will feel more secure. I might say that while the ALP favours the single member system, there is no doubt in my mind, as we have talked around this, that the Labor Party is as confident of winning the same number of seats under any system, whether it is Hare-Clark or the d'Hondt system.

But there is another reason why we need a referendum that I believe is even more important, and that is that we have to establish a system that will be accepted and will hold in

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this city - a system that will be accepted by the community and by the political parties. We need a system that will have the confidence of people. In short, we need a system that has real authority. The danger that we face is that we could have the d'Hondt system this time around, a Hare-Clark system later, a single member system later still. We could change from system to system, and that would be disastrous for the image of this Assembly and for the status and prestige of the ACT. We need a system that will be firmly established and established with authority. It is the case, I believe, that a referendum is very much the best way to go in order to achieve that, so that it does have wide approval and as large a consensus as can be gained in this town.

The Labor Party is most prepared to accept this. We have confidence that the community wants a single member system, but that is beside the point because we will accept what is thrown up should a referendum proceed. Mr Speaker, they are, in particular, the two reasons why I think we ought to support the referendum proposal. I think it is important that we go down that path.

MR MOORE (9.14), in reply: Mr Speaker, I wish to say thank you to members for their support. I believe that this is a very important day in the history of this Legislative Assembly. I think many people will look back and see that a unanimous resolution along these lines was, indeed, very significant. I believe, Mr Speaker, that this resolution will assist in bringing more pressure on members of the Federal Parliament - that is the intention of the motion - to provide the people of the ACT with an appropriate say in matters that affect them so considerably.

Question resolved in the affirmative.

ELECTORAL SYSTEM

MR HUMPHRIES (Minister for Health, Education and the Arts) (9.15), by leave: I move:

That this Assembly -

- (1) welcomes the Federal Government's stated intention to repatriate to the people of the ACT - through its elected representatives - the power to determine their own electoral arrangements;
- (2) calls on the Federal Government to initiate action forthwith in order to repatriate this power;
- (3) expresses concern at the Federal Government's apparent intention to abolish preferential voting in the ACT and calls on that Government to preserve this democratic principle in the existing legislation.

Mr Speaker, I think we are getting down to tintacks with this motion. The Federal Parliament in the next few weeks will be engaging in an important debate on the ACT's electoral system. While that debate is going on presently behind closed doors in the Federal Parliament, it will, after the next few weeks, become a public debate, a debate on the floor of the House of Representatives and the Senate, and I would be surprised if at that time there was no regard for the views of people who live in the ACT. Clearly there are divisions in the Federal Parliament. There are, clearly, different views not only between parties but also within parties about what the best system for the ACT is. In those circumstances it is hard to imagine a decision on an electoral system for the ACT being taken without the wishes of the people who live in the ACT being taken into account.

We speak in this place for all Canberrans. We have a mandate to do that. We have all been elected to this place, with one possible exception, and we all have a right to express views on behalf of the citizens of Canberra. On occasions such as this I think an onus falls on us as representatives of Canberra to express a view and to give guidance to the Federal Parliament about what we see as priorities in the debate on an electoral system for the ACT. It does not mean that we can guide the Federal Parliament on what electoral system the ACT should have because, clearly, there are many views around this room and that would be a process which was unproductive. For that reason I will be voting against the proposed amendment of paragraph (3) of this motion which is to be put forward by Mr Berry. It runs counter to the spirit of this motion.

More importantly, we need to express clearly, concisely and firmly at this time what we see as priorities for Canberra, and to express them in such a way that the Federal Parliament will take notice of that when the debate is held on what system the ACT should have for future elections. It is, after all, a matter over which we, the people of the ACT, should have control. To have that debate in the Federal Parliament is itself something of a travesty. It is a matter which ought ultimately to go on in this place in future years.

Mr Berry said in his comments in the earlier debate that negotiations on this matter are well down the track and suggested that there was not much point in our adding our two bits worth. I have to say that with respect to the matters mentioned in this motion there is very clearly still an opportunity for the ACT Assembly to influence events and that is why this motion is being moved, in particular paragraph (3). This motion makes it very clear that, of all the options being examined for Canberra at the present time, we in this Assembly will have no truck with an arrangement which denies Canberrans the right to cast a preferential vote.

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I have not heard anything in this debate tonight which is inconsistent with the view of all the parties and groups in this place that there should be preferential voting. Indeed, Mr Berry's forecast amendment to this motion talks about single member electorates incorporating preferential voting. I assume from those comments and what has been said earlier tonight that the Australian Labor Party supports preferential voting and it considers it an important part of any fair electoral system. All I can say to that is, "Hear, hear".

All the Australian electoral systems incorporate preferential voting. Therefore we are placed in the position of deciding whether we can accept in the ACT a system which is completely at variance, completely at odds, with every other Australian electoral system. For the last two years we have been the butt of people's jokes because of the peculiarities of our electoral system. I have no desire to go into another election being ridiculed or denigrated because of the way in which we do things in the ACT, and particularly because I do not think anybody in this chamber seriously supports the idea that we should have a system which does not provide for people to cast preferential votes. In those circumstances it really seems odd that we should be encumbered with a system which none of us support and which none of us should be expected to support.

Mr Speaker, if the ALP really does support a fair electoral system - and its members have made much of it this evening and elsewhere - it has to support this motion, and it has to support every part of this motion, including paragraph (3). The Federal Government is proposing for the ACT a system which opposes, presumably, the policy of the local Australian Labor Party. Where is their guts? If they are genuine about their position on fair electoral systems, if they really are prepared to go to the people of the ACT and say, "We will stand up for and we will fight for fair electoral systems", then they have no option but to support this motion.

If I might indicate my view on what the Federal Government is doing, I have to say that there are some hopeful signs. Mr Simmons, the Federal Minister, this morning apparently indicated in a radio interview that he supported the idea of moving the electoral system into the hands of the people of the ACT. He has also indicated, I believe, at an earlier date, that he would be demodifying the d'Hondt system and introducing a pure d'Hondt system which, as I have said, includes no provision for preferential voting. We have, I think, Mr Speaker, no choice but to oppose the latter and support the former.

I believe that preferential voting is fundamental to any democratic electoral system, and I really find it hard to see why the Federal Government is supporting a move to remove it; certainly, the touted reasons give me no enlightenment. The only reason, after all, why self-

government was provided to the ACT was that a preferential system of voting was agreed to. The then Federal Minister supported a non-preferential system. The Senate made it absolutely clear that it would not support such a contention. It would not impose on the ACT a system which had no capacity for preferences, and it forced amendments; it forced preferential voting. Now we find the Federal Labor Government trying to abolish these amendments. This is not the first time that it has done this. It is not the first time that it has seriously suggested that there should be no preferential voting, and we have to ask ourselves why it would support such a patently unfair system.

I also understand that the Federal Government wants to remove the threshold and lift an impediment to the election so-called of small parties and independents. But, of course, that supposed benefit to small parties and independents is more than cancelled by the loss of preferential voting. In any case, without preferences candidates will have to get something like one-seventeenth of the vote outright in order to qualify for a seat and that makes it a much more difficult burden than was the case with some threshold.

There cannot be any question that the abolition of preferential voting will erode the quality of our democracy and, as I said, we would be the only Australian parliament to be elected by a system which was not preferential. Some voters in elections would find themselves faced with the choice of voting for their preferred party or independent with only a slim chance of success, or voting for a party which is likely to succeed but which is not their preferred choice. People would be placed in the cruel position of having to decide whether they should make their vote more likely to be useful or whether they should take the risk of making it a complete waste of time.

The proposals being put forward by the Federal Government are supposed to make the existing system better; but we all know, every one of us here knows, that they would, in fact, make it much worse and less democratic. Small parties and independents, Mr Speaker, have a right to exist and a right to be elected when they have a significant share of the vote, and this is where the Liberal Party and the Labor Party part company. The Labor Party, apparently, is prepared to be cynical enough to support systems which would provide for no real chance for small parties or independents.

Incidentally, Mr Speaker, I think a speaker in an earlier debate made the comment that, having settled, through a referendum, on the electoral system, it would be the end of the matter. I have a different view, Mr Speaker. I think that, if the electorate were to support a single member electorate system of voting, it would not be very long before there would be pressures from those people themselves to change the system because we would see at the

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first election in the ACT the Labor Party winning 51 per cent of the vote and winning, almost certainly, a clean sweep of the seats in the Assembly. It would win a clean sweep of seats in the Assembly under a single member electorate regime, and people in the ACT, however committed they might be, even to the Australian Labor Party, would not like to see a parliament in which there was no Opposition; but that would be the case with single member electorates.

Ms Follett: No Opposition?

MR HUMPHRIES: Ms Follett would like that, apparently. She would love to have a parliament with no Opposition. She could then contend with the real opposition, the right wing of the ALP.

Mr DUBY: She would like to have a party room with no opposition.

MR HUMPHRIES: She would like a party room with no opposition, adds my colleague Mr DUBY. But whether the people of the ACT would support an Assembly which had no Opposition is really quite another matter. I think the Labor Party would find pressure to change a system like that absolutely irresistible when the time came round.

My motion, Mr Speaker, expresses a justifiable concern at the Federal Government's intention to do away with preferential voting. It also welcomes the Federal Government's stated intention to repatriate to the people of the ACT the power to determine their own electoral arrangements through the elected representatives of the people, and it calls on the Government to initiate action to do this as soon as possible.

I cannot see any possible reason for delaying this beyond the next election. The only possible reason would be that the Australian Labor Party would like to be in the box seat when the time comes to - - -

Ms Follett: We already are.

MR HUMPHRIES: "We already are", I am told by Ms Follett as she passes by. Apparently the Labor Party would like to be in the box seat when it comes time to decide on the electoral system. Well, Mr Speaker, that is a right which I think the people of Canberra are going to deny the ALP and certainly one to which the Federal Parliament should not be a conspirator.

Some prominent members of the Federal Government have ridiculed some of the activities of this Assembly. Perhaps on occasions they have had some point to that, but on this occasion, Mr Speaker, the boot is on the other foot. It is the Federal Government which has chopped and changed its position on the ACT electoral system. It is the Federal Government which is putting forward a system which is a

travesty of an electoral system. Today we find that the Federal Government wants to fiddle the system first and hand it back to the Assembly later on to fix up. I cannot understand that logic. It seems to me that this is our business, not the Federal Government's business ultimately, and I think we all ought to support the expressions in this motion.

I would hope, Mr Speaker, that ultimately we can provide for a stable electoral system in the ACT which is beyond controversy, which is above day-to-day politics, which is respected by people on different sides of this chamber and which, of course, is respected by the people of the ACT; but unless we have some role in determining that system I really cannot guarantee that that will be the case. I certainly could not guarantee the case where the Federal Government, not once but twice, seeks to impose on the people of the ACT electoral systems which are unique in this country, which are demonstrably unfair and which nobody in this chamber, for example, would seriously support. Mr Speaker, I commend the motion to the house.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being almost 9.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

ELECTORAL SYSTEM

Debate resumed.

MR BERRY (9.29): In rising to speak on this matter, I draw members' attention to the amendment circulated in my name and formally move:

That all words after "power" in paragraph (2) be omitted and the following substituted:

- ", after the 1992 ACT election, and furthermore
- (3) Expresses its regret that the Commonwealth Government has been unable to provide for a system of single Member electorates incorporating preferential voting."

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Mr Speaker, of course the Labor Opposition welcomes the Federal Government's - and I quote from the motion - "stated intention to repatriate to the people of the ACT - through its elected representatives - the power to determine their own electoral arrangements". Indeed, we also support the granting of the power to determine how many Ministers should be appointed in this Assembly. But we have to recognise, irrespective of what Dr Kinloch has said - I hasten to add that I am prepared to risk a thump from Dr Kinloch in questioning what he has said - that this is after all a decision that is going to be made by the Federal Government. It has the mandate given to it by the people of Australia to create self-government in the ACT, and it is doing it.

The fact of the matter before us is that most of the people in Australia, based on the publicity that this place has got, would be very reluctant to give the members opposite the right to do anything much if they were able to choose again. Let us face it; who would give the people opposite the power right now to determine their own electoral arrangements? What would be the results? Well, we know from the radio station interview which has been talked about earlier. Mr Collaery, in the first place, was opposed to any d'Hondt gerrymander, as he described it, but later on said that it was one of the fairest systems.

That should make Dr Kinloch worry a little bit because, if it had been the pure d'Hondt system which Mr Collaery seems to have supported before the Joint Standing Committee on Electoral Matters, then Dr Kinloch would not have been elected. So I suppose Dr Kinloch would be worried about that. We are not quite sure where the Residents Rally is coming from; but one thing we can be certain of is that it will change, and it might change more than once.

We know where the Liberal Party is coming from. They are coming from the same old sleight of hand, pretending to be something like the Labor Party until they get elected. Then all the sellouts and all sorts of things go on.

Mr Kaine: That will be the day. Why would anybody want to claim that?

Mr Stefaniak: I certainly hope not.

Mr Jensen: Are you talking about the right wing, Wayne? The right wing or the left wing?

Mr Kaine: Yes, which part of the Labor Party do you like? Tell us.

MR BERRY: The chooks on the fence are getting a little bit edgy again, Mr Speaker. They cannot stand it when a few of these things are thrown up at them. I also was reading from the Joint Standing Committee on Electoral Matters - - -

Dr Kinloch: We are also free-range.

MR BERRY: Dr Kinloch says that he is free-range. He would not have to convince anybody of that. He has no commitment to any of the things that he was elected upon and he is ranging free, rampaging over the schools and the hospitals, and he has no conscience about that. Free-range; I should say so.

I was reading from the transcript of the joint standing committee, Mr Speaker, a statement from Mr Collaery. I think he was talking about a member who had not been elected. He said, "There should be real parties, not arrangements for convenience ...". He said that a person at the tail end of a non-party "could have been elected on the flow-down and that could have produced some oddities". I just wonder whether he was referring to Dr Kinloch again because he was elected on the flow-down, as I recall, and he is certainly very odd, as has been recognised by the schools and health communities around the Territory. I think there are some - - -

Mr Jensen: Can I get a point of order there, Mr Speaker?

MR BERRY: Do not try it. Do not try it, because there is a bit of history now on this deviating from the point, Norm. You have had a bit of experience with the endorsement from the - - -

Mr Kaine: Are you saying that Mr Jensen is a deviant?

Mr Collaery: I take a point of order, Mr Speaker. He is rambling.

MR SPEAKER: Order! Yes, come on. Mr Berry, please proceed.

MR BERRY: I would have to say that if the cap fits he should wear it, but I am sorry that he has to accuse the Chief Minister of rambling. One of the important things in all of this debate seems to be the move to support what seems to be a fashionable point of electing independents. We know, for example, that the Liberals would like to see independents elected, providing they behave like the Residents Rally and the No Self Government people and all that and toe the Liberal line; but I am sure that if there was a tendency towards more progressive independents they would lose interest in that argument. If you look at the batch opposite, what are they arguing for? A bunch of independents who are independent of morals, independent of memory? Take Mr Duby; he has lost his memory. No, you would not want him, would you? Independent of policies; independent of conscience; independent of their former parties, as one who shall go unnamed for the moment. I should say, too, that I understand that Mr Stevenson is no longer referring to himself as part of the Abolish Self Government Coalition. He is now the new independent Mr Stevenson.

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Mr Duby: It is the growing trend.

MR BERRY: Mr Duby says that it is the growing trend. I do not think he should look forward to it growing any more beyond February next year. Independent of promises? Of course, when it comes down to it, they are independent of any organisation now. Because they have been sacked we cannot have them interfering in the processes, and - - -

Mr Kaine: Are you going to move your amendment before you sit down?

MR BERRY: I have already done that. They are independent of any constituency. So, they are all of the issues that need to be thought about in the course of this debate.

Mr Speaker, there is no doubt that the Labor Party will support some of the principles enunciated in the motion moved by Mr Humphries; but the amendment that I have moved seeks to place in the second paragraph the words, "after the 1992 ACT election", because then we would have a government which is more representative of the will of the people, not a bunch of people who have deserted their former policies, their former parties, their former morals, and so on and so forth. What we need is a party which has the endorsement of the people of the ACT, not a group of people who do not really represent anything in the Territory. They certainly do not have any mandate, as has been argued in past debates. The Labor Party, on the other hand, has acted in accordance with its mandate.

I have also moved that we replace the third paragraph in the motion moved by Mr Humphries with more appropriate words as follows:

Expresses its regret that the Commonwealth Government has been unable to provide for a system of single Member electorates incorporating preferential voting.

What that means, of course, is that we would end up with a system of government in the ACT which would give proper representative government; but, importantly, it is an indication that the Labor Party is supportive of preferential voting. What Mr Humphries argues in his paragraph (3) is that there is some apparent intention of the Government to abolish preferential voting. Well, they are not abolishing preferential voting. It has been suggested that the pure d'Hondt system might be an outcome. That is a preferential voting system of a type.

What is most interesting about this - I wonder whether he would do this in the referendum which he so warmly supported earlier - is that Mr Humphries is arguing, it seems, for the retention of the Hill amendment and a voting system which incorporates those sorts of amendments which led to all of the criticism about the last election in the

ACT. I wonder whether Mr Humphries would argue that case in a referendum. I am sure that he would not. So, this final paragraph in Mr Humphries' motion deserves to be defeated. It would not have the support of the people of the ACT because it essentially argues for a retention of the current system.

Mr Humphries: Rubbish!

MR BERRY: Read it yourself.

Mr Humphries: It says nothing of the kind. It says that we oppose preferential voting being taken away.

MR BERRY: He is arguing for the retention of the current system. That is why an amendment has been moved to ensure that a more representative government is provided for the Australian Capital Territory, a system of government which would be won, we think, at a referendum.

I think we need to raise a couple of other issues that were mentioned before the Joint Standing Committee on Electoral Matters. The self-selected people opposite, the Residents Rally people, were roundly criticised throughout the inquiry; but Senator Schacht really capped it off when he said that Hitler and Stalin used the same idea to justify their systems. Mr Collaery denied that, but Senator Schacht described it aptly. He said:

Community leaders selected themselves - they just happened to be selected by Joe or Adolf. This is extraordinary stuff you are saying to us, that community leaders - - -

Mr Collaery: Who said that? What page?

MR BERRY: Haven't you read it yet? He said:

This is extraordinary stuff you are saying to us, that community leaders select themselves without some process of give and take in your organisation.

Mr Collaery complained about what he described as selective reading from the transcript; so I intend to seek leave to incorporate in *Hansard* pages 181 to 197 inclusive of the transcript of evidence given to the Joint Standing Committee on Electoral Matters.

Mr Humphries: That is not very fair to the *Hansard* people.

Mr Connolly: Mr Collaery was demanding that we do it.

MR BERRY: Then everybody can read it and I am sure - - -

Mr Kaine: It does not need to be incorporated in our *Hansard* for us to read it. We are quite capable of - - -

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MR BERRY: Well, everybody complains. On the one hand we have somebody complaining that there was selective reading. I seek leave to incorporate that in *Hansard*.

Leave not granted.

Mr Moore: Seek leave to table it, Wayne.

MR BERRY: I seek leave to table it.

Leave granted.

MR BERRY: There we have it, Mr Speaker. A responsible amendment has been put forward which will ensure that there is some stability in government in the Australian Capital Territory before the decision making process on the issue of electoral systems can be exercised. It will ensure that the people opposite, if it is agreed to, will not have a say in that process because of the concerns that the community have about their ability to do so with the interests of the people of the ACT in mind. It will also ensure, if adopted, and I think it ought to be, that a proper electoral system will be adopted in the Australian Capital Territory; that is, a system of single member electorates incorporating preferential voting.

MR KAINE (Chief Minister) (9.44): Mr Speaker, had Mr Berry not put forward his amendment I would not have spoken on this matter. I would have thought that every member of the Assembly, just as they supported Mr Moore's motion, would have supported the good sense of the motion that Mr Humphries put forward because, as has already been pointed out, it expresses to the Minister and to anybody else at the Federal parliamentary level who cares to read it the essence of the thinking of this Assembly.

That, essentially, is this: If the Government across the lake has decided to repatriate this power - which we believe to be a good thing - there is no justification for delaying it; it should be done now. Of course, the motion then expresses our concern at this intention to abolish the preferential voting system. That seems to be inherent in what the Minister across the lake has said; the changes that he proposes would include the removal of the allocation of preferences. I think that is a fair statement of the intent of this parliament and what we believe should be guiding the people across the lake in what they do.

But, of course, Mr Berry's amendment introduces an entirely new dimension and I think it demonstrates quite clearly, Mr Speaker, the aberrant thinking of the Labor Party on this issue. Only a matter of half an hour or more ago we voted to support a referendum. Now, Mr Berry cannot wait to cut across that and say, "To hell with that; we only paid lip-service to that referendum stuff; now we want to ask the Federal Parliament to impose upon us the requirement for a single member electorate system".

Why did those on that side of the house support a referendum which would allow the community of this Territory to determine what sort electoral system it wants if really and in reality - and this is what this demonstrates - they do not want that at all? They want to impose, and they want their friends across the lake to impose, their particular version of the electoral system that they want. They are not the slightest bit interested.

Mr Berry's crowning glory was when he said that the d'Hondt system is a preferential system. The d'Hondt system is not a preferential system. But Mr Berry has quite clearly revealed his colours. He wants a single member electorate system and he does not want preferences; he wants single member electorates without preferences because he knows that that would give the Labor Party 17 seats out of 17 in this Assembly.

Neither he nor anybody else can convince me or anybody else on this side of the house or in the electorate that a 17-member Labor Assembly would be a good thing for the Territory. It would be the antithesis of a stable government. You would have Mr Connolly sitting over this side and you would have whoever was leading the Left of the Labor Party at the time - and it will not be Ms Follett - sitting over there. Bill Wood would not be here at all. The Labor Party would make sure that he gets his marching orders because he has the effrontery to dissent sometimes from what the Labor Party wants done. So you would have the ultimate in instability.

The Berry amendment shows quite clearly, for all to see, the Labor Party's predilection for ignoring public opinion, for circumventing debate. Let us not have any debate about this; let us have the Federal Labor Party impose upon us the system that the Labor Party wants! Of course, it shows their predilection for imposing Labor Party philosophy no matter what the rest of the world wants. The Labor Party, as we have debated before, got only five members out of 17 in this Assembly. They will not do any better next time round, and I do not want to hear from over there any more of that garbage about mandates. They have no mandate and they will have no better mandate in the future.

So, let there be no doubt, Mr Speaker, that, if the power of determination on this issue is transferred to the next ACT parliament and if that parliament is Labor dominated, there will be no negotiations entered into about the electoral system. Forget it and forget all this hypocrisy about referenda and the like; that is not what the Labor Party is on about. They are on about imposing their will irrespective. It is quite clear that Mr Berry, if not the rest of his members of the Labor Party, is looking for a single member, first past the post system. That would be their preference. Forget the preferences; forget this

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nonsense about other people's philosophies being represented in here. Total Labor, single member electorates, first past the post, no preferences - that is what Mr Berry's proposal suggests.

I believe that nobody in this Assembly in their right mind will support this. I would suggest that even the other members of the Labor Party ought to listen very seriously to what Mr Berry said. I do not believe that they can support this because it is total hypocrisy, given the vote that we took a little while ago on a referendum.

MR MOORE (9.50): It is my pleasure to support the motion put forward by Mr Humphries. I think that Mr Berry has quite missed the point of the third issue that Mr Humphries raised - the concern at the Federal Government's apparent intention to abolish preferential voting in the ACT. It was quite clear from Mr Simmons' comments that the intention was to take the preferential part out of the d'Hondt system.

Mr Berry attempts to get around that - obviously feeling very uncomfortable with Mr Simmons' recommendations - by his amendment expressing support for a system of single member electorates which incorporates preferential voting. So, as far as Labor is concerned it is okay to have preferential voting with reference to a single member electorate system. However, with reference to the d'Hondt system it is quite clear, from the approach taken by the Federal Minister, that they wish to eliminate the preferential sector. That is the point that Mr Humphries is correctly making. We should be chastising the Federal Labor Party for even considering it.

All I can say is, "Thank goodness the Labor Party and the Federal Government do not have the numbers in the upper house and that they have not had the opportunity to push through this idea". Quite clearly, the amendment moved by Mr Berry is an absolute nonsense. Of course, it is part of what one would expect from the Labor Party. It has not dealt with the particular issue over which Mr Humphries is taking issue with the Minister, and that is the notion that he can suggest any form of voting for the Australian public without a preferential system. It is absolutely appalling. It is the sort of thing that, no doubt, Mr Stevenson will refer to as taking us back to the Stone Age; and it is, as far as electoral systems go. I welcome the motion by Mr Humphries. I am absolutely delighted to support it in its original form.

MR HUMPHRIES (Minister for Health, Education and the Arts) (9.52): Let me speak very briefly on Mr Berry's amendment. I have to say that it is most mischievous of Mr Berry to suggest that it is the intention of this motion to support the present set-up. That is not the case. I indicated clearly that what we are trying to do is to send a signal, on behalf of the people of Canberra, to the Federal Government about what we do not consider to be democratic

or fair for Canberra. Although we have many differences of view around this chamber, we all agree that a non-preferential voting system is unfair; or at least I assume that we all agree on that.

This is a chance for the Australian Labor Party to put its money where its mouth is. In other contexts quite divorced from single member electorates, do they support it in every case or do they not? If they do, then when this amendment of Mr Berry's is defeated - and it will be defeated - they should support the remainder of the motion. If they do not, then clearly they are conspiring with the Federal Government to impose this system on the ACT. That can be the only conclusion you can reach.

Mr Berry said that we were trying to support the existing arrangement. To make it perfectly clear that we are not, I seek leave of the Assembly to amend my motion by deleting the last four words of that motion.

Mr Berry: What does it say there?

MR HUMPHRIES: There will then be no reference to existing legislation.

Mr Berry: I think you should move that by way of an amendment.

MR HUMPHRIES: I am just about to.

MR SPEAKER: Order! Mr Humphries, you have gained leave, but you have not, in fact, moved the amendment.

MR HUMPHRIES: I move:

Paragraph (3), omit all words after "principle".

MR BERRY (9.54): This proves the point about what Mr Humphries was on about from the word go. He supports the existing modified d'Hondt system with the Hill amendment. That is what Mr Humphries supports. He supports the existing legislation and he supports this democratic principle in the existing legislation. As I said before, he has been found out and now the big cover-up is coming. What Mr Humphries is saying is that he opposes the Government's apparent intention to abolish preferential voting in the ACT and calls on the Government to preserve this democratic principle. Of course, the only abolition that could be conducted by the Federal Government is that which is in the existing legislation, and that is what Mr Humphries opposes. He opposes the withdrawal of the Hill amendment. He is in love with the d'Hondt system with all of those modifications which were so much discredited by the ACT community and the community at large throughout Australia.

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There is no getting out of it. Removing the last four words will not change a thing, except to expose him. I thank Mr Humphries for moving that way, whilst previously denying that that was, in fact, his intention. Mr Humphries is the great supporter of the modified d'Hondt system. I hope that, given the opportunity for a referendum, we see Mr Gary Humphries out there in the vanguard of the fight to retain the modified d'Hondt system. This is what we want to see, Mr Humphries. We want to see you out in front because you will run for cover when it comes to the crunch. You have been found out and your amendment clearly points out how nervous you are about the issue.

The only way that the Federal Government can, as I have said, abolish what you describe as preferential voting is for the Federal Government to move against the Hill amendment in the legislation. Of course, you are opposed to that.

Mr Humphries: I am not opposed to that.

MR BERRY: You are opposed to it.

Mr Humphries: I am not opposed to it.

MR BERRY: He expresses concern at the Federal Government's apparent intention to abolish preferential voting in the ACT. The only way that they can effect that in the current scheme of things is to change the Hill amendment in the Federal legislation. Anyway, you exposed your original intentions by moving to remove those words which you have sought to do in this amendment to which I speak.

There is another matter that I will now raise at the risk of being pulled into gear. If somebody wishes to raise it as a point of order, then I am perfectly happy with that. I will do it later. Mr Kaine deliberately misquoted - or, I think, probably misunderstood. It is a bit late - - -

Mr Kaine: On a point of order, Mr Speaker: Mr Berry sounds like the chemical corps in the Army - "When in trouble, scream and shout, run in circles and run about, and make smoke". That is what he is on about.

MR BERRY: Perhaps Mr Kaine was saying that he had been misunderstood too. We did not misunderstand. What I said was, "It is late and he has misunderstood what I really said". It is very clear in my amendment. I said that what we wanted to do was to ensure that this power was given to the ACT Assembly after the 1992 election. I hope that there is no confusion in your mind about that. The reason I said that was to ensure that you lot do not get control of that because we know what sort of a mess you would make of it.

The second point that I made was that we were after a system of single member electorates. You seem to deny, or are trying to deny, or you misunderstood, perhaps - as I said, it is getting a bit late - that what we are seeking to do is to incorporate a system of preferential voting. So, we support preferential voting.

Mr Kaine: You said that the d'Hondt system was a preferential system.

MR BERRY: Of a sort. Thank you, Mr Speaker. I will not go on in relation to that standing order 47 matter.

Mr Jensen: I thought you were debating.

MR BERRY: You could have made it a point of order, Norm. You are the one who is supposed to know what is going on around here. I just have to express concern - and delight, somewhat - at discovering what Gary Humphries is on about. What I said was true and, by his own admission, we now know that the patron saint of modified d'Hondt is Gary Humphries.

MR STEVENSON (10.01): Mr Berry suggests that Mr Simmons was not going to do away with the right of Canberrans to use their votes in a preferential manner. Yet, in a media release, Mr Simmons stated at item 4:

Voters cannot express valid preferences for candidates of more than one party, or for more than one independent candidate.

In other words, they will not have the right to use their vote to give preferences. That would seem to be fairly simple, as has been pointed out by a number of members of the Alliance. Mr Berry's statement has as much validity as his suggestion that I no longer hold the values or the name of the Abolish Self Government Coalition. Indeed, one would think that, when Mr Berry walks past my office, as he is looking at the rat poison in the window he would also look at the name, Abolish Self Government Coalition. I will have to give him a card.

As to what Canberrans should have as an electoral system, the Labor Party would suggest that the *Canberra Times* was correct. Let us have a look at the *Canberra Times* Datacol poll on what the preferences of Canberrans are.

Ms Follett: What date was that?

MR STEVENSON: I put the media release out on 28 August 1990. I said that there were lies, damn lies and Datacol polls. I always send them a copy. Immediately I saw the results suggesting that Canberrans wanted single member electorates, I knew that that was not true - - -

Mr Connolly: "Because they want me".

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MR STEVENSON: They do not want you, Terry.

Mr Connolly: I was attributing that to you.

MR STEVENSON: The reason I knew that it was not correct - and anybody who has done any polling themselves will know that it is not correct - was that the majority of Canberrans - 60 per cent - want proportional representation.

The question that was asked in the Datacol poll was changed to the Hare-Clark system as in Tasmania. When I looked at that I thought, "I bet that is it". So, for fun, I went out and asked 10 people, "What is Hare-Clark?". One lady said, "Is it a hairdressing salon?". Another was a German lady who said, "Mr Clark?". Only one person knew that Hare-Clark had something to do with an electoral system. She did not know the details. The results of our polls are: Left as it is, d'Hondt - 4 per cent; single member electorates - 17 different electorates - 24 per cent; and proportional representation, so the 17 candidates with the most direct and preference votes get elected, 60 per cent. That was the earlier survey of over 200 people. I am trying not to raise my voice, Mr Speaker. The last time I did that Mr Berry made a comment.

Rather than people who either do not survey or perhaps, more likely, do not want to make the results of their surveys known - - -

Mr Berry: We would probably use a more reliable sample.

MR STEVENSON: By all means go out and do it. Show me the results and give me a different figure. Let me look at the questions, as one would need to do when any of the polls are conducted. Also, the Datacol poll was flawed because they said, "Which party would you vote for?". It may be a revelation and a terrible shock to the major parties in Canberra to know that not only are there parties within the electoral system, or within Canberra, but there are independent candidates, and many of them in Canberra. The question "Which party would you vote for?" is flawed. I found this out by asking the question and I realised that what does let people know the correct situation is, "How would you - - -

Mrs Nolan: How big was your sample?

MR STEVENSON: Over 200 on that one. The question we asked was, "How would you vote?" or "Who for?". That gets a reasonable answer. Also, the Datacol poll suggested - - -

Ms Follett: What was the answer?

MR STEVENSON: To that one, "How would you vote?" or "Who for?"?

Mr Duby: Yes, please.

MR STEVENSON: Let us have a look. The result of a ratio of 2:1, Labor to Liberal, is right. The 56 per cent vote for Labor and Liberal combined was too high. Ours was 40. Ours was more consistent with the 1989 election of 37.69 per cent. That was fudged.

Ms Follett: Who is "ours"?

MR STEVENSON: Our own polling. The Abolish polling.

Mr Duby: Dennis, do you say that you got 40 per cent of the vote?

MR STEVENSON: You did not listen. In our polling on the question, "Who would you vote for?", the combined result for Labor and Liberal from over 200 Canberrans was 40 per cent. The Datacol poll was 56 per cent. Their poll does not agree with the actual result in the ACT election. Ours was far more in line with that. Once again, anybody can make interesting comments; but get out there on the streets, ask the people, make the results public and be prepared to show someone the survey questions, to show someone what the exact - - -

Mr Duby: Dennis, what per cent did you get?

MR STEVENSON: I have not got the percentage, but it was higher than the Datacol poll. But, we did get a consistent result for the Residents Rally, the No Self Government Party, undecided, informal, independent and green democrats. All those were correct.

Let me make the point, otherwise I will need an extension of time. The point I am making is about independent candidates. I have long been independent. I will remain independent.

Mr Berry: He has only just started to call himself one, though.

MR STEVENSON: Not at all. I have been calling myself independent for a great deal of time, and independent of party machine control. I have always been independent - be it my own party or any other party. Perhaps it was my independence that allowed the Labor Party in the ACT Assembly to cling precariously to their eight-member minority Government - as it is called - for the time that they did. Believe you me, it would have been changed any time I had chosen to change that. You can imagine how long I would last in an alliance when you have to do as you are told. You can imagine how long that would last; I would get my knuckles broken real quick. I believe that the people should be represented in constitutional law. I stand for that, and I will always stand for that. I think that in a period of - - -

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Mr Berry: You can have an extension if you tell us the figures.

MR STEVENSON: I seek a short extension - - -

Ms Follett: If you give us the figures.

MR STEVENSON: (*Extension of time granted*) I do not have the exact figures with me. I believe
- - -

Mr Berry: You should have told us that before you got the extension.

MR STEVENSON: I have the extension. The figures were low.

Mr Duby: What were they? Give us an example.

MR STEVENSON: I am not sure.

Mr Wood: You knew everybody else's.

MR STEVENSON: Let me make this point: Bring a group of people together and let me talk to them for a while. Let them get the information from me - not the information that is put out by Mr Berry and other people and that is also seriously flawed, like the Datacol poll, when it comes to validity. Let me present the questions to people and then let us take a survey. I challenge you to do that. Any time you like, get together a group of people. I do not care whether it is in the Albert Hall and it is at a Labor meeting pretending to be in support of stable government, such as when Mr Paul Whalan physically tried to stop me getting on the stage because they did not want me to talk to the people.

Ms Follett: I let you on, didn't I?

MR STEVENSON: I do not know who sent Paul across to try to stop me getting up the steps at the Albert Hall on that night. Nevertheless, perhaps that was why I did not get turfed out of the Fabian meeting the following week when I went along after they refused to let me attend, even though it said "all welcome" on the invitation. I said, "I am an all", when he said, "We had a special meeting last night and decided that you could not come". I said, "Well, that is funny. Why is that?". He said, "It might be embarrassing". I said, "I will not be embarrassed".

Nothing I said on the telephone would get the Fabian representative to invite me along; so I went down anyway to the National Convention Centre and walked past the guard. I thought, "Yes, this must be the way". I walked past the sign that said, "Private function - guests only". I thought, "Yes, this has to be the way". I went up to the door of the Swan Room - I thought that that was interesting - and there was Ellnor, who is not here at the moment, unfortunately, because she could validate what happened. Rosemary was there. She knows that I walked in

and that Ellnor said, "What are you doing here?". I said, "I wanted to come and find out what this Fabian Society was all about and they said that I could not come". She looked me straight in the eye and said, "Well, it is probably a full house". The fact that it was two-thirds empty, of course, was a pure coincidence. I did the best I could. I tried to make up the numbers. I did what I could. I thought it was fine.

Mr Wood: Where were you tonight? They had another dinner.

MR STEVENSON: I know full well that they had another dinner tonight. I was seriously thinking of going along and I thought, "I have been to one, why bother?".

Mr Wood: Did you pay last time?

MR STEVENSON: Of course I paid last time. The cost was \$30. I must admit that I also enjoyed reading the literature. Once again, I think it is important that Canberrans do have an opportunity to have a say. I must admit that certain people - when Datacol does not give them the right information on which to have a valid say - can make wrong decisions, like all of us. Governments should be about: One, giving people the information that they have access to; and, two, allowing people to have a say.

MR STEFANIAK (10.16): That is a very hard act to follow. I am not exactly certain, after that incredible, amazing and most entertaining speech by Mr Stevenson - - -

Mr Duby: What was the relevance of it?

MR STEFANIAK: I do not know whether the fact that he is or is not in favour of Mr Humphries' motion is relevant. I will assume that he is at least in favour of paragraph (1) of the motion, because that is the point I want to deal with first. It seems that paragraph (1) of Mr Humphries' motion is, in fact, supported by everyone here for various reasons.

The Labor Party's motives become quite clear when we come to Mr Berry's amendment. That paragraph reads that this Assembly welcomes the Federal Government's intention to repatriate to the people of the ACT through us, its elected representatives, the power to determine their own electoral arrangements. Everyone, I think, including Mr Stevenson - although I am not too sure after that speech - certainly supports that.

Let us face it, the Federal Government did not do a terribly good job when we had the elections in 1989. It took two months to count that incredible ballot paper. It was something which did, in fact, make the whole idea of ACT self-government a bit of a joke throughout the Commonwealth. It was a quite weird system which was not used elsewhere in Australia - indeed, anywhere else in the world. It was, in fact, a modified d'Hondt system -

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modified seven times around. I think everyone does not want to see that again. Mr Humphries' motion certainly has the support of everyone. However, I think the motives of the Labor Party become quite clear - - -

Mr Berry: Are you voting with us?

MR STEFANIAK: No. The motives of the Labor Party, Wayne, become quite clear when we look at your amendments to paragraphs (2) and (3). You do not want the Federal Government to initiate any action to repatriate this power until after the 1992 ACT elections. That is for the very obvious reason which you clearly express in your new paragraph (3), which is expressing regret that that Government has been unable to provide single member electorates in that system for the ACT.

Quite clearly, you seem to believe that you are going to win the 1992 ACT election. You are quite happy with paragraph (1) of the motion because that would then give a Labor government here in 1992 the power to impose upon the ACT single member electorates, which simply would not be on. It would probably be one of the most unfair systems you could foist on the people of the ACT. You obviously hope to perpetuate yourselves in power into the twenty-first century. I am sure that that is the motive behind this motion. Talk about self-seeking!

Mr Humphries, unlike Mr Berry, is not pushing the current system. That is why he moved his amendment; that is why he deleted the last four words, "in the existing legislation", to make it quite clear that he is not supporting the current system. His motion says nothing about modified d'Hondt. It is perfectly possible, under Mr Humphries' motion, for the Federal Government to accept a Hare-Clark system; to accept, in fact, even the system that Mr Stevenson mentioned, which was a very simple preferential system probably based more or less on the Senate system, with 17 members in one electorate. Therefore, it could be 17 members in one electorate. It could be Hare-Clark. It could be 17 straight members in one electorate. Either way, they are quite fair systems, and equally consistent with Mr Humphries' motion.

We have seen in other States and, perhaps, other countries what happens when you do have single member electorates in a fairly small place. I want to deal with that. I am sure that the Labor Party is not terribly happy in the Northern Territory because single member electorates have ensured that the Country-Liberal Party have remained in power since its inception. Obviously, if this lot got into power for 10 years straight or more, the people of the ACT would have a lot to fear, particularly if Labor won all 17 of the single member electorates or a vast proportion of them. That is certainly not healthy democracy.

Preferential voting is also very much part of the Australian political scene and part of the Australian political psyche. It is a system of voting which was, in fact, invented in Australia. It is something that we pioneered. Our Federal system - both the House of Representatives and the Senate - and our various State systems all have preferential voting. It is essential that that be brought home to the Federal Government. What they are proposing in this type of modified d'Hondt system goes against all other systems both federally and in the States in Australia. That is just not on for the people of the ACT. They look likely to foist on us a second bastardised system, we having been lumbered with the first one. That really is not on.

Ms Follett: Senator Hill.

MR STEFANIAK: I am talking about the pure d'Hondt system. It is welcome to see the Federal Government now accept that some of the residual powers they hold should be transferred to the Territory. If the Territory is to have full self-government, those powers have to be given to the Territory; to be exercised through this Assembly and to be judged by the ACT electorate, not by Federal politicians who do not come from Canberra. This is a very timely motion to put to the Federal Government. Those powers should be given to us now rather than later - not after the 1992 elections, Mr Berry, but now.

Mr Berry: You are joking.

MR STEFANIAK: I am not joking at all. Mr Berry mentioned at some stage during the evening that this side did not have any mandate. I have done a few calculations with figures, Mr Berry. In fact, altogether, the Liberal Party, the Residents Rally and the former No Self Government Party constitute about 36.5 per cent of the total 67 per cent vote of all members here. Your lot were 22.8 per cent. Mr Moore had about 320 votes. I cannot quite put that into percentages, but it is about 0.1 or 0.2 per cent. Mr Stevenson had about 7.7 per cent for his Abolish Self Government Coalition - as it then was - making a total of some 67 per cent of the available votes.

As a result of that, 17 members were elected. The other votes were either wasted or informal, or people simply did not turn up. My mathematics indicate that 36.5 per cent out of 67 per cent is, in fact, a majority. It is rather ridiculous to say that we have no mandate. We certainly have the greatest number of percentages of votes out of the 17 members of this Assembly who were elected on 67 per cent of the vote. I suppose that that is also indicative of what a disastrous system we had on the last occasion.

On your proposed amendment to paragraph (3), Mr Berry, concerning single member electorates, the ACT is a city; we have only a couple of thousand people who live in the rural part of it. We are a city. How on earth are you going to

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divide the ACT into 17 viable electorates? We do not have the same arguments, perhaps, that they even have in the Northern Territory.

Mr Kaine: We could call them pork-barrel 1 to 17.

MR STEFANIAK: It would be incredible pork-barrelling. What are we going to have; the electorates of Spence, Melba, Latham, Cook, Turner, O'Connor, Lyneham and Dickson? It is very difficult to logically divide up the ACT into 17 electorates.

Mr Kaine: You could have the electorates of upper and lower Aranda.

MR STEFANIAK: They could even be split, Chief Minister; who knows? It is not really a very viable option. We need to look at systems elsewhere in Australia that would be applicable to the ACT. I am very pleased that the Liberal Party has picked a sensible system which works quite well in Tasmania, and that is the Hare-Clark system. We would like to see something based on what will be the three Federal electorates, but I do not have any huge problems if we simply had one electorate in the ACT with 17 members elected along the lines of the Senate system. I think those types of systems are far fairer to the people of the ACT than single member electorates.

The Liberal Party has absolutely no problem with independents being elected. We think it would be a great travesty of justice if the system was so weighted that it would only ever see the election of the two major parties. That is why we are very much in favour of preferential voting. People deserve a chance to vote for a number of candidates and, indeed, express preferences. Mr Humphries' motion covers that. I am a little bit dismayed - but not at all surprised - by the self-seeking amendment moved by Mr Berry on behalf of the Labor Party.

I commend the motion of Mr Humphries to this Assembly. I would hope to see the Federal Government give to the people of the ACT, through this Assembly, the power to work out a suitable system to be implemented for the people of Canberra to elect its representatives now rather than later, as Mr Berry's amendment would propose.

MR WOOD (10.25): A short time ago I supported the very sensible proposal that there be a referendum to decide our electoral system. I rise again to support the further very sensible proposal that that referendum should be held after the next election. Time has caught up with us. It is now less than one year to go to the next election. I am sure you must agree - if you work out your timetables - that there simply is not time to get a referendum up and running and after that, if necessary, to install the system that that referendum determines.

Very likely, it would be the single member electorate system. You simply do not do that overnight. It may be the Hare-Clark or even the modified d'Hondt - although that could be done rather more quickly. We have run out of time to get a referendum going and still get the electoral system that we want. There is another time factor as well, and that, I believe, is that it would be undesirable to have that referendum coming closer and closer to the next election, as it would inevitably be.

I do not believe that this Territory again needs a destructive campaign against self-government that would accompany that referendum. I believe that it is most sensible that that should come after the next election. I think we need the stability - such as it is - of the current system; the current d'Hondt system or demodified d'Hondt system. While it is not popular and is not widely accepted, at least it is there now. Let us move ahead in that way and put the referendum off till later.

I raise as a matter of misrepresentation some remarks made by Mr Kaine that follow a pattern of remarks made by members on the Government side. The Government, as it endeavours to disguise the rifts which fracture its own ranks, continues its tactic of attempting to claim divisions within the ALP. Tonight, as it has done before, it tries to single me out and claim that I am somehow separate from my colleagues. Mr Kaine tonight suggested that in some way I would be dealt with for, as he said it, "dissenting from what Labor does". I rise to repudiate what he says. I express my views freely and forcibly in the party. I am very happy to work with the party in all the ways that the party works. Any suggestions from Mr Kaine that I am dissenting, or will be punished, are simply quite incorrect.

MR JENSEN (10.28): I just wish to make a couple of brief comments in relation to this matter. Mr Speaker, in the system proposed - - -

Mr Connolly: They are never brief.

MR JENSEN: Wait your turn, Mr Connolly, and you will find out. In the system proposed by Mr Simmons, it would be possible for a large percentage of the votes to be lost; in other words, to have no relevance whatsoever. For example, let us say that there are six independents who run in that particular election. If those six independents, for example, each got 4.5 per cent of the votes, it would mean that none of those candidates would be elected. Those who cast the votes - some 27 per cent in this case - would be effectively disenfranchised. At least the d'Hondt system we were elected on allowed for voters to have a second and subsequent preference distribution.

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It was only during the latter stages of the count that the intentions of the voters became lost. I do not think that there is any doubt about that. Mr Speaker, that is one of the reasons why we recommended that that aspect of the modified d'Hondt system be changed.

Let me just make a final comment in relation to a matter that Mr Wood mentioned. If we accept the fact, as Mr Wood has said, that there is insufficient time for an amendment to be made to the legislation and to allow a referendum to take place, the question really has to be asked: Is that not a clear indictment on the actions of the Federal Labor Party in failing to honour its obligations to the people of the ACT? That is a clear indictment that they failed to ensure that the people of the ACT, as quickly as possible after the first election, had an opportunity to decide the electoral system under which future members of this Assembly were to be elected.

MS FOLLETT (Leader of the Opposition) (10.30): I was not going to speak on this; but it is now 10.30 pm and we are yet to see the Government get to any item on the business paper dealing with Assembly business or executive business, so I might as well add to this debate. I wish to speak in support of the amendment moved by Mr Berry. In doing so I would like to take up just a couple of issues. I will be brief.

We heard from Mr Kaine that it is his view that this single member electorate system does not have the support of people in the wider community. Of course, he is quite wrong on that matter. The fact is that this is the system that is used in every lower house in every State in mainland Australia and in the Northern Territory. I cannot believe that Mr Kaine honestly thinks that all of those parliaments do not work by virtue of their electoral system, or are not representative. It is also a fact, as Mr Stevenson pointed out, that the only poll that I am aware of on this matter in the ACT - the Datacol poll conducted by the *Canberra Times* - did find that Canberra people want single member electorates.

I am totally at a loss to know how Mr Kaine arrived at his conclusion that people do not want single member electorates - - -

Mr Berry: He used Dennis Stevenson's poll.

MS FOLLETT: Unless he of course, as Mr Berry points out, used Mr Stevenson's poll of 10 of his closest friends. I prefer to go by the experience of the rest of Australia and the only authoritative poll that has apparently been conducted. Mr Kaine is quite wrong on that issue.

Another matter that I wish to mention is that I heard Mr Collaery complain yesterday on the radio that he had not been consulted by the Federal Government on this matter. If he had not been consulted yesterday, I would say that

after this debate today there is absolutely no chance whatsoever that he will now be consulted. It is quite clear that there is an enormous division in the Government ranks on what is their preferred system. We have heard Mr Kaine and, indeed, Mr Stefaniak speak glowingly of the Tasmanian system, the Hare-Clark system - - -

Mr Kaine: I did not talk about the Tasmanian system. I do not know who you were listening to.

MS FOLLETT: We have heard Mr Humphries talking about the d'Hondt system. Mr Speaker, we have heard those opposite endlessly complain about the Federal Labor Government inflicting the modified d'Hondt system on them. They are, of course, misrepresenting that situation entirely.

Mr Kaine: Which is what you are doing.

MS FOLLETT: The very amendments that we refer to and that caused the difficulties last time are known as the Hill amendments. Senator Hill is a Liberal. It was the Liberal Party and the Democrats in the Senate who brought us this bizarre system - this bizarre system which is now being spoken of in glowing terms by those opposite.

Mr Kaine: This bizarre system was a product of the Commonwealth Parliament - a Labor Government, remember.

Mr Jensen: Tell the truth. Tell the truth, Rosemary.

MS FOLLETT: If it had been possible for the Federal Labor Government to institute the electoral system of its choice, I assure you that we would now be enjoying single member electorates. It was because of the fact that Labor does not have the numbers in the Senate, and was obliged to debate and negotiate with the Liberal Party and with the Democrats, that we now have this situation. Let us be very clear about that. I know that you all try to skate away from recognising the blame of your parties, but that is the fact. It is a matter of historical fact.

Of course, what we now see is that the Liberals in this place realise that that is the only possible way they might ever be able to stitch up a government, that is, by using that endless preferential count to get their little mates up like the Residents Rally and the No Self Government people and form a coalition. They realise that that d'Hondt system that we had inflicted on us last time was the best gift the Liberal Party could ever have had. We are now seeing their agenda exposed. That is what they wish to keep.

There is no doubt in my mind that the Federal Labor Party genuinely wishes to improve the current system and is working towards that. We have heard, especially from Mr Humphries and from other speakers opposite, that they are quite satisfied with the current system. They are very quiet over there at the moment.

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Mr Jensen: We never said that at all, Ms Follett.

Mr Collaery: Tell the truth.

Mr Kaine: Stop misrepresenting the situation.

Mr Jensen: No fibs.

MS FOLLETT: They are quite satisfied with the current system because they think it is their best chance of retaining government. A further point I would like to make, Mr Speaker - and I am almost embarrassed to say it - is that Mr Kaine and other speakers have said that under a single member electorate system Labor would win 17 seats and would be in office for the next 10 years. I wish I shared their confidence. On the best analysis that I can make - and I am an optimist - I have given us 10 seats under 17 single member electorates.

I find it astonishing that in their desperation the Liberal Party is saying to the Canberra electorate, "Do not put in single member electorates because we will not win a single seat. We could not stand up in any area of Canberra and win a seat on our own merits". That is what the Liberal Party is saying to the people of Canberra. They purport to be in a position to govern. They purport that they have a right to govern. Yet they are saying that they could not win a seat in any area of Canberra. I am not saying it; they are saying it. Shame on them. Their agenda has been exposed, and their agenda is the status quo.

Mr Kaine: We always tell the truth; that is our problem.

MS FOLLETT: Their agenda is precisely the status quo because it gives them and half-baked parties like the Rally and totally hypocritical people like the No Self Government Party a chance to govern, and their only chance.

Mr Berry: Mr Speaker, I raise a point of order. I heard in interjections the imputation that the Leader of the Opposition was not telling the truth. Those imputations ought to be withdrawn. The interjections were from Mr Jensen and from the Chief Minister.

Mr Kaine: I did not say anything about the Leader of the Opposition - but I will not withdraw what I said.

Mr Berry: You said, "Tell the truth", which is an imputation that - - -

Mr Kaine: I did not say that; I said that the Liberal Party always tells the truth.

MR SPEAKER: Order! Members, I will review the *Hansard* and take a decision on that at some later date. It is too late to get into that now.

MR COLLAERY (Attorney-General) (10.37): I would not be as confident as the Leader of the Opposition is as to whether the Australian Labor Party fully opposed Senator Hill's amendment. I suggest that she read the *Hansard* of that debate on 24 November 1988. I will not labour the point.

The colonies that made up the pre-Federation Australia were the first polities in the Westminster system to battle through the gerrymandered systems that were such a problem to early parliaments in the British world. We remember that Charles Dickens, in *Pickwick Papers*, wrote about a gerrymandered election under that system - and that was at a time when the Benthamites, the Chartists and all those groups were going on about the sort of system that group opposite would like to plunge us back into. They would like to undo the precedent setting electoral systems that early democrats in this country set up for our political structures.

A lot has been said today in denial of what has been suggested as the probable effect of single member electorates. The Leader of the Opposition quite candidly admitted that she expected that single member electorates would give her power - that is, 10 seats. That admission is on the record. It will hang around her neck at the next election like a millstone, because if ever a principal electoral issue has arisen out of today's debates it is the fact that if you vote ALP at the next election you risk plunging us into single member electorates. They have pledged themselves to it. I pledge myself, at the next election campaign, to exposing you at every turn, at every turnstile, on every soapbox in this town, on what you, the Australian Labor Party, propose to do to our community. You have made full admissions today. It took hours to get them off you. We finally got them from the Leader of the Opposition. She did it. It will hang around your neck like a millstone, I promise you.

The Labor Party's tactics today in question time were abysmal. You got led up the garden path and Mr Berry stood up and queried what - - -

MR SPEAKER: Relevance, please, Mr Collaery.

MR COLLAERY: It is not relevant, Mr Speaker, but I got most of it in. Mr Berry tabled, if I recall, pages 181 to 197 inclusive of the transcript of an important matter before the Joint Standing Committee on Electoral Matters. He did not table page 199, which is the next page - because it is double printed for economy reasons. Let me read from the top of page 199. This bunch opposite are pretty shrewd. At the top of page 199, the next page, I say this, in response to a question:

The Labor Party in the Assembly -

and we are talking about evidence we were giving when we were struggling under your minority government here -

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has refused to participate collegiately by sharing portfolios -

Mr Moore knows what I am talking about -

or joining a joint working government -

as Mr Kaine often mused about before the election. I said to the Federal committee:

That is the position we are at. Instability should be looked at there, but philosophically, in choosing an electoral system surely you have to make sure that the system itself -

let the record show that the Labor Party members are giggling their heads off -

does not dictate the political structure that results.

Again tonight we have those clowns with their mouths open, going to and fro like in a sideshow. I said:

Single-member electorates are almost self-predicting in what they are going to produce.

I said that then; I say it now. Let the community be warned of two things: Firstly, this Leader of the Opposition says that she expects to get power out of single member electorates. She has made the admission; it is in tonight's *Hansard*. Secondly, we know that when she had a minority government, with some tacit support from the Residents Rally, none of our policy requirements were ever put forward. She was stymied by her right wing at the time - or whatever was left of her left wing.

Let us get down to tintacks in this debate. The Labor Party is not going to get what it wants; it is not going to get single member electorates. But, if the power to set the electoral system is repatriated to us, we know that they have pledged themselves to concreting themselves into governing this Territory under that gerrymandered or Berrymandered system - or whatever their system is and wherever they have drummed it up from.

A lot has been said also about what the Residents Rally said. We said in our submission to that Federal committee, "The current minority government does not lead to stability in government". That was the essence of what we said. I believe - and I am sure other members share this view - that there is no stability in a gerrymander. It creates ill-will throughout the community; it creates what we had until the 1920s in early parliaments in this country, whereby the former imperial colonies had first past the post voting, which did not produce a satisfied electorate. People felt unhappy that, with 40 per cent of the gross

votes, you could be in power. This is what the Leader of the Opposition, in interjections during Mr Stevenson's speech, conceded tonight. I will look very carefully through today's transcript. I can assure you, Mr Speaker, that the people of the ACT need to be warned about this bunch opposite - and they sure will be.

MR CONNOLLY (10.44): Mr Speaker, the Labor Party's position on the future electoral system in Canberra is clear, as it always has been: We favour a referendum, and at that referendum we will argue for single member electorates - the system that, on all evidence available, is the system that people want. I am heartened that we will be successful in that campaign by the arguments I have seen tonight.

No parliament can ever have seen the sight of a bunch of politicians terrified at the thought of having to fight a campaign in single electorates. Imagine the Liberal Party's argument! As the Leader of the Opposition points out, the Liberal Party says, "We cannot have this system because we could not win a single seat". They are probably judging well the discretion of the Canberra electorate who would be wise, on the Liberals' performance in government, not to give them a single seat. But it is quite bizarre and unprecedented to have a government that is admitting that it would not win a single seat.

One can have governments that are concerned that they may slip a few seats at an election and that they may not do as well because of their performance. They usually pretend that they think they will win an election. Never has a government said publicly, "We would not win a single seat if we had the electoral system that applies in every mainland State in Australia" - Tasmania excepted, of course, not being a mainland State - not to mention the Northern Territory, Great Britain, the United States, Canada, and the list goes on.

A government that concedes that it would not win a single seat! What an extraordinary position that is. And, indeed, how unlikely it would be for any party to sweep the board. That has never happened in any electoral system in Australia. It has never happened in the Northern Territory, which is an equally small electorate in terms of numbers and an even smaller electorate in terms of the number of constituents per seat. It is a bizarre argument but one which will serve the Labor Party well in explaining to the community why the system that they have said they want is obviously the best system to have. The community will simply laugh at the Liberal Party's opposition which is based on the notion, "Do not give us this system because we know that you would never vote for any of us". It is bizarre.

Ms Follett: Quite right, though.

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MR CONNOLLY: Quite accurate, though, as the Leader of the Opposition points out. Mr Collaery alluded yet again in his remarks to some points of Australian political history. In a previous set of remarks he produced, as his trump card, the *Australian Encyclopaedia* - which is an august publication, for its purposes - to try to suggest that the Labor Party, in its formative years, self-selected candidates. We found this other extraordinary statement in the parliamentary transcript, which is now tabled, where Mr Collaery explained to a clearly incredulous Senator Schacht that the Residents Rally ticket for the last election was self-selected; that community leaders could sort of emerge from the woodwork and self-select themselves in an order of preference. Mr Collaery seemed to suggest - or did, indeed, assert - that that was similarly the case with the Labor Party in its formative years.

He then read from the *Australian Encyclopaedia* a long passage on the formation of the Labor Party which, while interesting and inspiring, was, of course, totally irrelevant because it said nothing of the sort. I commend Mr Collaery for reading on the subject of the history of the Labor Party. It is the Labor Party's centenary year and Mr Collaery would learn a lot by studying the Labor Party deeply. He may even begin to take a more sensible approach to policy issues. But I would refer him in particular to probably the seminal work on the early emergence of the Labor Party in New South Wales, which is where the party first emerged, Bede Nairn's work, *Civilising Capitalism*. I know that this book must, at face value, be regarded as suspect because it is printed in the same colour pink as the Residents Rally policy document, and we have learned through bitter experience to be very wary of that particular document. But I am reassured by the knowledge that Professor Nairn's book was published in 1973, well before the Residents Rally had ever been dreamed of. So I am sure that the pinkness of the cover bears no relationship to the accuracy of the material therein contained.

The point is that in his fourth chapter, where he traces the early emergence of the Labor Party in New South Wales, he makes the point that in February 1891 the Trades and Labor Council had formed the charter of Labor Electoral Leagues, and they were commissioned to - and this is a quote from the Trades and Labor Council minutes of the day:

draft a scheme for government of [the] leagues ... to provide that [they] shall have control of their own funds, select their own candidates in each electorate, and generally to conduct their own business ...

So, in the very early days of the Labor Party as it was being formed, there was a democratic process for selection by the members of the party of their parliamentary candidates. This bizarre notion of self-selection in the Residents Rally has, of course, never been found in any other political party, and Mr Collaery's assertion that in some way it was found in the history of the Labor Party is simply laughable.

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.50), in reply: Mr Speaker, I see that Mr Berry runs off as my summing up comes along, and I am not surprised because if I were him I would not be around either. A few assertions that have been made in this debate very clearly need to be put to rest. In fact, there are so many that I could not possibly cover them in the few minutes left to me.

First of all, it has been suggested that the preferential feature of the present ACT electoral system is the Hill amendment. That is wrong. I think people on that side should go and do their homework. The Hill amendment is only part of that. It was an overlay put on at the last minute to provide a fairly extreme form of preferential voting, one in which I personally do not believe. I am on record as saying, in the Liberal Party and elsewhere, that the Hill amendment should be removed, whatever happens to the d'Hondt system.

More importantly, I want to put on record that I certainly do not support the retention of the d'Hondt system. I think, in fairness, its faults have been exaggerated and much has been blamed on it which is not its fault. However, I stand wholeheartedly by the view of my party - because I was part of the process of drafting the policy - that the ACT should have a different electoral system; it should have a Hare-Clark electoral system. That is where I stand and that is where my party stands.

Mr Berry is attempting to discredit the motion put forward by me, claiming that it would secretly do something which it does not say it would do. He alleges that the real intention of the motion, particularly in part 3, is to support the present modified d'Hondt system.

Mr Jensen: A bit slow.

MR HUMPHRIES: I think he is, as Norm suggests, a bit slow because, in fact, that is not what this motion says. I will read it for his benefit. This motion says that we express:

... concern at the Federal Government's apparent intention to abolish preferential voting in the ACT ...

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It says "preferential voting". It does not say "preferential voting in the guise of the modified d'Hondt system". It says that we call:

on that Government to preserve this democratic principle -

that is, of preferential voting.

Mr Berry should realise that, if Mr Simmons went into the House of Representatives and introduced a Bill to establish, for example, the Hare-Clark system, he would be establishing a preferential voting system because that is what Hare-Clark is about. Similarly, if he walked into the House of Representatives and said, "We are introducing a Bill to have single member electorates", he would also be introducing a system for preferential voting.

There are many options for preferential voting. Modified d'Hondt does not have a monopoly on preferential voting. So, support for this motion - in particular, support for part 3 of this motion - can in no way be interpreted as support for the modified d'Hondt system. I want to put on record on behalf of my party that we have no support for that system.

I think Ms Follett said, "The Liberal Party agenda has been exposed. They are really supporters of d'Hondt. Listen to what Mr Humphries has said". Not one word of what I have said in the *Hansard* tonight has been in support of the d'Hondt system.

Mr Berry: Yes, it is.

MR HUMPHRIES: Not one word has been, and Mr Berry had better produce evidence of what he alleges; that is, that there is some support on my part and on the part of the Government for that. That is complete and utter rubbish.

But I will tell you this, Mr Speaker: I think that the ALP agenda has been exposed. The ALP agenda is in fact support for the abolition of preferential voting in this Territory - and they will prove it if they vote against this motion without Mr Berry's amendment which, of course, will not get through. When they oppose this motion, as they probably will, they will be proving that in fact they support what David Simmons is doing in attempting to abolish preferential voting in the ACT.

Mr Berry: We will not support the Hill amendment.

MR HUMPHRIES: Neither will we.

Mr Berry: Yes, you are.

MR HUMPHRIES: If that is the case, I suggest that you support what is in this motion. This is only the start of a campaign; I can see that. Those opposite want to pretend that we on this side are somehow secretly in favour of preserving d'Hondt, and that is going to be the theme of their campaign.

Mr Berry: You are. That is the secret agenda.

MR HUMPHRIES: Without any evidence at all, they are going to be saying that the Liberal Party is a secret supporter of the d'Hondt system. That is a lie, and I think Mr Berry ought to go outside the chamber and say that if he really thinks he is serious about it.

Mr Kaine: He should go and wash his mouth out.

MR HUMPHRIES: That is right, Chief Minister. "Labor gives you the system that you want", says Mr Connolly. If he really believes that, then let us put it to the referendum. Let us not impose on the ACT some system which we do not want; let us put it to a referendum. Why is his Federal colleague Mr Simmons going cold on a referendum? I can only assume that he is not so sure about the outcome as Mr Connolly and Ms Follett and others profess to be.

This motion is clear, it is unambiguous, it expresses no support whatever for the d'Hondt system; but it does call on the Federal Government to retain preferential voting so that residents of the Australian Capital Territory can enjoy the same rights as every other Australian. That should be a sentiment which we all completely support.

Mr Berry: I raise a point of order, Mr Speaker, pursuant to standing order 47. I just raise this point very briefly. Mr Humphries' motion makes it clear that the Federal Government's apparent intention to abolish preferential voting in the ACT - - -

Mr Kaine: On a point of order, Mr Speaker: This is not a point of order. He is trying to read into the *Hansard* something which is totally untrue.

MR SPEAKER: Order! Standing order 47 provides for members to explain words that may have been misunderstood, so please do not read - - -

Mr Berry: I would not do anything outside the standing orders.

Mr Kaine: Nothing has been misunderstood. He is merely trying to read into the record something that he wants there.

Mr Berry: Mr Speaker, the only way that what Mr Humphries says is apparent can be achieved is by removing the Hill amendment - which suggests that Mr Humphries supports the Hill amendment.

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Mr Humphries: Under standing order 47, Mr Speaker: Mr Berry was - - -

MR SPEAKER: Just a moment, Mr Humphries. Mr Berry, I cannot interpret how that which you just passed to us has anything to do with the explanation of misquoted or misunderstood words. Therefore I believe that you have misused the provision.

Mr Berry: I raise a point of order, Mr Speaker. It has been the correct practice of the Speaker to allow debate on these issues on points of order. It has been done in the past and people have been able to argue their case.

MR SPEAKER: No debatable matter may be expressed at this time and I believe that there is no debate required on this issue at this time.

Mr Berry: With respect, Mr Speaker, it says clearly that I may again be heard, and I have not been heard.

MR SPEAKER: Yes, you have.

Mr Berry: And for you to make the judgment that it was a misuse of the standing orders is, in my view - - -

Mr Kaine: Mr Speaker, he may only be heard again if he is making a point of having been misquoted or misunderstood. Neither of those applies.

MR SPEAKER: That is right. I overrule your point there, Mr Berry.

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Speaker, I have been misrepresented or misunderstood by Mr Berry and I wish to make a statement under standing order 47. Mr Berry has asserted that I support the Hill amendment, on the basis that the Hill amendment constitutes preferential voting in the present electoral system of the ACT. Mr Berry was out of the room when I pointed out to the Assembly that in fact the Hill amendment is not the entirety of preferential voting for the ACT; it is only one small part of it. I put on the record that I oppose the Hill amendment; I would like to see it removed from the statute books; but I wish to retain any measure which allows preferential voting fairly for people in the ACT when casting votes at elections.

MR SPEAKER: The question is: That Mr Humphries' amendment to remove the last four words of paragraph (3) from his original motion be agreed to.

Question resolved in the affirmative.

MR SPEAKER: The question now is: That Mr Berry's amendment be agreed to.

Question resolved in the negative.

MR SPEAKER: The question now is: That Mr Humphries' motion, as amended by Mr Humphries' amendment, be agreed to.

Question resolved in the affirmative.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Report and Statement**

MS MAHER: I seek leave to present a report of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation.

Leave granted.

Mr Connolly: On a point of order, Mr Speaker: Can we do this, it being after 11 o'clock?

MR SPEAKER: It is so close to 11 o'clock; and if leave is granted we certainly can.

Mr Connolly: I think there is a question of procedure as to whether the 11 o'clock rule can be waived with the leave of the house.

MR SPEAKER: According to my clock, it was 11 o'clock when I called Ms Maher to her feet. Please proceed, Ms Maher.

MS MAHER: I present the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No 3 of 1991, dated 19 February 1991 -

Report No. 3, which I have just tabled, details the committee's comments on the Publications Control (Amendment) Bill 1991, Water Supply (Chemical Treatment) (Amendment) Bill 1991, Weapons Bill 1991, Weapons (Consequential Amendments) Bill 1991, and the Subordinate Laws (Amendment) Bill 1991, together with its comment on three pieces of subordinate legislation and a government response to the committee. I commend the report to the Assembly.

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ADJOURNMENT

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

That the Assembly do now adjourn.

Question Time

MR WOOD (11.02): Briefly, I want to comment on a passing reference by Mr Kaine, in his last speech some minutes ago, to the Opposition's tactics at question time. The Opposition's tactics at question time have not changed all this year or in the last year. They are that we should raise matters of importance and ask Ministers to respond. In fact, the only changed tactics at question time today were the Government's tactics, and that arose from the fact that this paper, the daily program, has practically nothing on it. I do not think any daily program in the life of this Assembly has had so little on it. That is the reason that the tactics employed by the Government today were designed to allow question time to go on and on and on.

That is fine. The Opposition had no complaint at all about that. We did not complain about it. We were quite happy for it to go along as it did. Let us point out, however, very clearly, that it was simply a Government tactic to fill up the day. They must then have been very delighted when Mr Moore and Mr Humphries moved their motions concerning the electoral system, because they would have known that that would spark debate and that it would go on further. So the tactics today, such as they were, were to cover up the Government's embarrassment about its very flimsy daily program.

Then, during question time, they suggested that their tactics were intended to embarrass the Opposition. As it turned out, we asked 21 questions today, and if it had gone on another hour we would have asked another 21 questions. The Opposition has no trouble at all raising highly relevant questions that are not always answered, so there is no question about the ability of the Opposition to keep the flow of questions up. Could I encourage you to give us another hour tomorrow and we will ask a further 21 questions. So, you failed miserably today in your tactics.

Let me conclude by saying that it has been a thoroughly bad day for the Government.

Mr Collaery: Ha, ha!

MR WOOD: You should laugh - as manager of government business, if "manager" is the word, might I say.

Mr Connolly: Manager, sic.

MR WOOD: Manager, sic, indeed. As manager, sic, of government business, you should laugh - because today you have failed to get any government business through this Assembly, even to have it debated! So it has been a very bad - - -

Mr Humphries: What would you call my motion? What is my motion supposed to be?

MR WOOD: No, it is not government business. It did not arise as government business. Do not try to pretend that it did. So, the Government has had a very bad day. Your tactics and your whole policy background are appalling.

Question Time

MR Kaine (Chief Minister) (11.05): Mr Speaker, I do not usually speak in the adjournment debate; but Mr Wood's outburst prompts me to respond, and I really feel that I must. I am amazed that Mr Wood has become such a whinger. We have heard complaint after complaint that the Government does not give the Opposition enough time in question time. I have heard from over there a dozen times that we do not give them enough time. We gave them ample time - all the time that they wanted, virtually - and it ended up with Mr Connolly having to go to last week's *Hansard* to dig up questions that they had asked before because they ran out of questions. This is not a question of the Government being embarrassed or its tactics being set aside; it is a case of the Labor Opposition falling on its face. Then Mr Wood complains that the Government did not get up any business today. What has happened today has been the result of a matter of public importance raised by a member of the Opposition, and the debate has gone on ever since then on an issue raised by a member of the Opposition. How on earth can members of the Opposition complain, after today, that they have not been given every opportunity to express their viewpoint?

Mr Wood: You were not listening to me.

MR Kaine: I was listening to you all right. You said that the Government was embarrassed. The Government was not the slightest bit embarrassed. The debate today demonstrated that the Government is prepared to give the Opposition every opportunity to make its case - and the Opposition failed miserably. It failed miserably in question time. It did not raise one serious, penetrating question on any issue. It failed totally. They debated for hour on hour on hour, with Mr Berry introducing incredible debate that had no relevance whatsoever to the subject that was brought up by a member of the Opposition. I do not feel embarrassed by today's proceedings. I think the Government achieved exactly what it set out to do - to prove that the Opposition is totally ineffective.

Question Time : Australian Labor Party

MR STEVENSON (11.08): Although I am not a member of the Opposition, I would like to comment on a couple of the things that were said. Indeed, I must say that, when question time went past 3 o'clock, and five past and six past, I thought, "Any second now it is going to be the end". As it went on I thought, "Could it be that an agreement has been made between the Labor Party perhaps and the Alliance to allow extra time for question time?". I thought, "That must be it, and I must have not been available when they phoned up and wanted to discuss the matter with me". I thought it may have been something like that.

Mr Kaine: That is usually the case, Dennis.

MR STEVENSON: Yes, we know how often I am available. I must say, in respect of allowing the extra time, for whatever reason, that I commend the Alliance. It did give me an opportunity to ask a pressing question I had for Mr Wood. I thought it was an excellent idea. I find it unusual - well, not unusual - but I think it should be condemned when some people, no matter what happens -
- -

Mr Stefaniak: You just cannot make people happy.

MR STEVENSON: Yes, you cannot make people happy. You do it this way and they say that it is not okay; you do it that way and it is not okay. In other words, no matter what you do, supposedly it is not okay. That is the best example of politics that one could use.

When Ms Follett spoke she talked about what the people of Canberra wanted; whether or not they wanted single member electorates. I had explained very clearly the flaws within the Datacol poll. I mentioned the fact that we had done a poll and I explained the questions so that any intelligent person, I would have thought, would have been able to clearly understand, or at least give some credence to what I had said until they had done their own research. When Ms Follett left earlier on - a few minutes ago - I asked her to stay. I said, "I have a word or two for you". She said that she could not stay and I said, "Perhaps you can listen to it upstairs". So one would presume that she is listening.

In fact, I hope that a lot of people are listening, because what she said was that "10 of Mr Stevenson's closest friends" had made a particular statement about something. I know that we could take that as being an off-the-cuff, humorous remark. In fact, a lot of things that are said are humorous and we had a good time tonight, perhaps. But the problem with some of these things that are said is that they are taken to far wider audiences than the people within this Assembly who might know the truth of the matter

and some of these things are repeated as being factual statements, like the *Canberra Times* does.

Mr Jensen: It is called misrepresentation.

MR STEVENSON: Indeed, it is a matter of misrepresentation. I say that it does not do the Labor Party proud. It does not do credit to those members of the Labor Party who hold dear truth, honesty, and certainly tough debate, like the original members of the Labor Party who, I find, anyone could very easily have a lot in common with. It is sad that many politicians, simply to debate one side of an issue, irrespective of the truth of the matter, will get up in this Assembly, and unfortunately outside the Assembly, and say things that have no validity whatsoever, knowing full well that to be the case.

Self-Government

MR JENSEN (11.12): It is important to get in perspective a couple of final points in relation to possibilities for the future government of the ACT. Ms Follett made some comments about no-one asking her to participate in a form of government when she formed a minority government. Let me just read a quote in relation to the suggestion that the current minority government does not lead to stability in government. The Rally said in its submission that this:

... can be solved quickly if the established parties are prepared to put aside the strictures of the two party system and learn to work together with the other parties and groups in a way not seen in Australia in the past. Where there is a will there is a way and in this case the people of the ACT would be the winners and that is really why we all should have sought election to the new Assembly.

That is something the Labor Party was not prepared to participate in. That is why for that period of time we had a minority government and not the sort of government that I have just spoken about.

Assembly Business

MR COLLAERY (Attorney-General) (11.14), in reply: Mr Speaker, I rise to mercifully put us out of this debate. I will make a couple of comments. I fully appreciated Mr Wood's situation through most of today, and I fully understand why he had all that noise pent up in him. It was good to see him get it out; he could not get it out due to the factional problems of the Labor Party. He got it out at the end. I am pleased for him. I forget what he said, but it was a loud noise, and it was effectively delivered. But what was in it, I am not sure.

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Apart from Mr Wood's noise, the other issue - one of satisfaction to me as leader of government business - is that this has been one of the most historic debates of the Assembly; no-one can detract from that. Ms Follett started the day by saying that it was not a matter worthy of debate. This side unprecedentedly congratulated Mr Moore for bringing on the issue and, also unprecedentedly, this house moved unanimously on important issues affecting the Territory.

It has been an historic day in the chamber. It is an important day. I am sure that the comments made by Mr Wood were made more in jest than seriously. If he thinks that the Door-to-Door Trading Bill should have taken precedence over the right of self-determination for this Territory, then I would be sadly mistaken in my assessment of him. Let the record show that Mr Wood now leaves, hanging his head in shame.

Mr Wood: On a point of order, Mr Speaker: I would like to dispute that comical remark.

MR SPEAKER: Thank you, Mr Wood.

Question resolved in the affirmative.

Assembly adjourned at 11.15 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 296

**School Closures -
Relocation of Equipment**

MR WOOD - asked the Minister for Health, Education and the Arts upon notice on 30 November 1990:

For schools that will close under the Ministers restructuring proposals what principles will apply in relocating school libraries, computers and the- range of educational equipment in the school?

MR HUMPHRIES - the answer to Mr Woods question is as follows:

The Principals of each school which is to be closed or amalgamated with the administration of another school are required to establish a Local Joint Committee. The Local Joint Committee will make recommendations to the Board and (where appropriate), the Office of the Ministry for Health, Education and the Arts on dispersal of assets and financial resources.

It will be the responsibility of each closing schools Local Joint Committee to consult with P & C associations, staff members and boards before making recommendations for the dispersal of assets. Recommendations should be made with the understanding that, while these assets belong to the Ministry, they were purchased for the use of students of that school, some through funds raised by the school, and should be distributed in such a way as to give maximum benefits for the students in the system.

To assist with the relocation of school libraries a librarian teacher has been appointed from October 1990 until April 1991 to manage the library aspects of the schools reshaping.

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 303

**Consultants -Attorney-General and
Minister for Housing and Community Services**

MS FOLLETT - Asked the Attorney-General on notice on 7 August 1990: When may I expect an answer to question no 199 which I placed upon notice on 7 August 1990?

MR COLLAERY - The answer to question 199 was answered on 21 January 1991.

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**ATTORNEY-GENERAL
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO. 324

Reprints of Legislation

MS FOLLETT - Asked the Attorney-General:

(1) When will the next reprints of ACT legislation start appearing?

(2) What are the full details of the reprinting program referred to in the Ministers answer to my question

MR COLLAERY - The answers to Ms Folletts questions are as follows:

(1) A program of publishing up-to-date reprints of amended ACT legislation has already begun. During the second half of 1990 the following legislation was reprinted, as in force on the respective dates shown in brackets: . Crimes Act, 1900 (New South Wales) in its application in the Australian Capital Territory (1 July 1990); Buildings (Design and Siting) Act 1964 (31 October 1990) ; Foreign Judgments (Reciprocal Enforcement) Ordinance 1954 (31 October 1990); Law Reform (Misrepresentation) Act 1977 (31 October 1990) ; Parole Orders (Transfer) Act 1983 (31 October 1990);

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Police Act 1927 (30 November 1990); Registration of Deeds Act 1957 (31 October 1990).

Copies may be obtained from the Australian Government Publishing Service Bookshop in Civic.

(2) In the 1990-91 Budget, the Government provided \$450,000 for proposals to computerise the preparation of draft ACT legislation and the reprinting of amended ACT legislation. The proposals have as their object a significant reduction in recurrent printing costs, the urgent reprinting of the entire collection of amended ACT legislation, the establishment of a program for regular reprinting thereafter and the establishment of a database of up-to-date amended ACT legislation.

Implementation of the proposals is well advanced. New computer equipment has recently been installed in the Legislative Counsels Office and is expected to become fully operational in the near future.

Most of the legislation reprinted last year was prepared during trials of the new computer equipment. The rate of reprinting is expected to increase considerably when the new equipment becomes fully operational.

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The entire collection of amended ACT legislation will be reprinted progressively in order to make current reprints available as soon as possible. Approximately 8,000 pages of text are involved and highest priority will be given to legislation that has been amended extensively since it was last reprinted. It is expected that this exercise will be completed within the next 18-24 months, with the most important legislation being reprinted during the early part of that period. A further program for regular reprinting will follow.

The database of up-to-date amended legislation is not expected to be established before 1991-92 because further development work is required. Once the database has been established however, it is intended to make it available for access not only by the Law Office but also by other areas of Government. It is also intended to explore opportunities for marketing access to the database.

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