



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

23 May 1989

**Tuesday, 23 May 1989**

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

### **LEADER OF THE OPPOSITION**

**MR SPEAKER:** I wish to inform the Assembly that yesterday I received a letter from Mr Collaery, Leader of the Residents Rally, expressing concern as to the legality of the Assembly's action on 11 May 1989 in amending standing orders to provide for the election of a Leader of the Opposition and in proceeding with that election. The letter also asked that I seek legal advice on behalf of the Assembly in this matter.

I have considered the letter and I am taking steps to obtain legal advice. When I have received this advice and considered the matter in detail, I shall make a further statement to the Assembly.

### **ELECTION OF DEPUTY SPEAKER**

**MR SPEAKER:** The next business is the election of the Deputy Speaker.

**DR KINLOCH:** Mr Speaker, I nominate Norman Jensen. I move:

That Mr Jensen be elected Deputy Speaker.

**Mr Jensen:** I accept the nomination.

**MR SPEAKER:** Is there any further proposal?

**MR KAINE:** Mr Speaker, I nominate Mr Bill Stefaniak for the office of Deputy Speaker and I move:

That Mr Stefaniak be elected Deputy Speaker.

**Mr Stefaniak:** I accept the nomination.

**MR SPEAKER:** Is there any further proposal?

**DR KINLOCH (2.31):** Mr Speaker, it gives me pleasure to nominate my colleague and friend, Norman Jensen, formerly Major Jensen of the Australian Army, a Vietnam veteran, for the position of Deputy Speaker.

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Mr Jensen has arrived at this Assembly as a representative of community based groups in the Tuggeranong Valley. He has a wide experience in chairmanship, not only in his Army career but in educational and community organisations, first in Queensland and for the last 10 years in the ACT, with a short time in Western Australia.

Not only his fellow members of the Residents Rally but also a wider community respect his strength of character, his solidity, his sense of caring discipline. As one commentator has described him, he is a man without enemies - and would that most of us could say that of ourselves. He is in all things fair-minded and just, and I have every confidence that he would be impartial and correct, with a good working knowledge of practice and procedures. I commend Mr Jensen to the Assembly.

**MR SPEAKER:** As all members are present, I do not intend to ring the bells. The ballot will now be taken.

(A ballot having been taken)

**MR SPEAKER:** The result of the ballot is: Mr Stefaniak, 10 votes; Mr Jensen, seven votes. Mr Stefaniak is declared elected.

## PETITION

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

### ACT Casino Control Ordinance

To the Presiding Officer and members of the Legislative Assembly for the Australian Capital Territory assembled.

The humble petition of the undersigned citizens of the Australian Capital Territory respectfully sheweth that your petitioners most humbly request the Legislative Assembly for the Australian Capital Territory to repeal the Australian Capital Territory Casino Control Ordinance 1988.

by **Dr Kinloch** (from 3,000 citizens).

Petition received.

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## **MINISTERIAL ARRANGEMENTS** **Ministerial Statement and Paper**

**MS FOLLETT** (Chief Minister): I have pleasure in tabling for the information of members of the Assembly details of the allocation of portfolio responsibilities and the administrative arrangements order published in the Territory Gazette dated 18 May 1989.

The portfolio arrangements are myself as Chief Minister, Treasurer and Attorney-General; Mr Paul Whalan as Deputy Chief Minister and Minister for Industry, Employment and Education; Mr Wayne Berry as Minister for Community Services and Health; and Mrs Ellnor Grassby as Minister for Housing and Urban Services.

The allocation of portfolio responsibilities is designed to promote policy and operational coordination. We have grouped related functions and agencies to facilitate more innovative approaches to service delivery and minimise time and opportunities lost through excessive inter-agency coordination.

The workload of Ministers has been balanced carefully, having regard to the priorities of the Government and the budget, staff resources and the range of programs administered by each Minister. We have deliberately minimised the extent of changes in agency responsibilities and structures and thereby avoided the costs and disruption to services which inevitably accompany large-scale bureaucratic restructuring.

I will briefly outline the primary functions of each of the portfolio groupings. My own portfolio of Chief Minister, Treasurer and Attorney-General will provide a clear focus for priority setting of resource management by giving the Chief Minister responsibility for policy coordination, financial management and Public Service matters, and for the Government's law reform and legislative programs.

The allocation of social justice responsibility to my own portfolio emphasises the importance the Government attaches to the coordination of social policies and the development of a community based on principles of social justice and economic security.

As part of the direction-setting function of the Chief Minister's portfolio, the Territory Planning Authority will be used to balance the sometimes competing pressures of environment protection and development.

Mr Whalan's portfolio of Industry, Employment and Education will draw together the key policy areas of employment, education, training and development, including tourism, to provide a sound basis for securing the Territory's ongoing economic prosperity. The Government has made a very

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deliberate decision to link within one portfolio the responsibility for schooling, tertiary and vocational education, economic development and industrial relations.

This grouping goes beyond that achieved by Commonwealth and most State governments and provides a basis for the Territory to develop more effective employment and education strategies. In addition to its current functions, the Office of Industry and Development will take on responsibility for coordination of government sport and recreation policy.

We have also chosen to bring within the Industry, Employment and Education portfolio responsibility for key government services which impact on the private sector - in particular, the public works and purchasing functions. This will ensure that management of the ACT Government's construction and purchasing functions has regard to the need for development of stable, ongoing employment opportunities in this Territory.

My colleague, the Minister for Community Services and Health, Wayne Berry, will have responsibility for the ACT Community and Health Service and for the Canberra Hospitals Board. Together, these agencies account for over 20 per cent of the Territory's budget and almost 30 per cent of the ACT Government employment. The success of the various community services and of the health system will play a key part in achieving our social justice objectives. Mr Berry has already spoken to me about the many ideas he has for improvements in programs and services in his portfolio.

The creation of the Housing and Urban Services portfolio under Mrs Grassby will reinforce and take a stage further the consolidation process already begun in the Office of City Management. In a typical State context, urban services such as housing, transport, open space and waste management may involve three or four separate Ministers and departments, together with a range of councils and statutory authorities. Overlapping responsibilities lead to inadequate services, delays and additional costs. We are determined to avoid these problems in the ACT. The full range of normal urban services will therefore be coordinated by the Office of City Management.

The Electricity and Water Authority will also be located within the Housing and Urban Services portfolio as there are close functional linkages between the Office of City Management and ACTEA. Housing will be a priority area for this Government. The Minister will discuss with other parties the draft terms of reference for a major review of housing policy which will be announced this week.

I commend these arrangements to the Assembly, and I present the following paper:

ACT Gazette No S1, 18 May 1989 - The First Follett Ministry - Administrative Arrangements

### LENGTH OF QUESTION TIME

**MS FOLLETT** (Chief Minister), by leave: I propose that question time will run each day for 30 minutes. I am confident that, given the size of the Assembly, the political groupings of its members, and an appropriate regard by Ministers for the principles of brevity and relevance, 30 minutes will provide a reasonable opportunity for members to fully participate in question time.

**MR KAINE** (Leader of the Opposition), by leave: Mr Speaker, I support the proposition that question time be confined to 30 minutes a day. It is on the clear understanding, however, that it is each day, and that there will be one and a half hours of question time per week. It is also predicated on acceptance of the fact that Ministers in reply will contain their comments to no more than about four or five minutes, so that members do get a chance to ask a range of questions of the members of the Cabinet.

**MR SPEAKER:** I am sure that brevity will be supreme with all questions, Mr Kaine.

**MR COLLAERY** (by leave): One should be mindful, Mr Speaker, of not disregarding the voice of the community for the sake of brevity. On this floor, the view of the Residents Rally is that it would want 45 minutes' speaking time.

**MR SPEAKER:** However, today's sitting will be 30 minutes as recommended by the Chief Minister.

### QUESTIONS WITHOUT NOTICE

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#### PREMIERS CONFERENCE

**MR KAINE:** I would like to address a question to the Chief Minister and Treasurer following upon the Premiers Conference last week, when we all discovered that, in regard to the amount of money available to the Territory for its budget in the coming fiscal year, the Commonwealth arbitrarily allocated \$22.7m of that to a fund which originally was not to be available to us but which I understand is now, under certain circumstances, to be made available to us. Would the Chief Minister and Treasurer inform the Assembly under what conditions we can have access to that money and whether the Commonwealth Treasurer retains the power of veto to grant us or not grant us that money depending on whether he considers it to be appropriate that we should have it?

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**MS FOLLETT:** I thank Mr Kaine for his question. I will be making a statement later on this afternoon about the Premiers Conference and the arrangements for that trust account. So if it is acceptable, Mr Speaker, I might take the question on notice on the basis that I will probably be answering it this afternoon anyway.

### **BRUCE STADIUM**

**MR STEFANIAK:** Mr Speaker, I have a question for the Minister for Industry, Employment and Education, wearing his hat as the Minister responsible for sport. It relates to a number of letters I have received about the proposed move of the Raiders to Bruce Stadium. How much will the proposed move of the Canberra Raiders to the Bruce Stadium cost; who will actually pay for the move; and is it proposed to destroy the running track? Further, has the Government considered using the artificial turf rather than ripping up the running track?

**MR WHALAN:** Mr Speaker, the cost of the move of the Canberra Raiders to the Bruce Stadium presumably will be borne by the Canberra Raiders themselves. Maybe the questioner was asking about the modifications that will be required to the Bruce Stadium, and, if he was asking that, he might like to clarify the question. I expect that the cost of the move to Bruce Stadium by the Raiders will be known only to the Raiders themselves and that they will bear the cost themselves.

**MR STEFANIAK:** I ask a supplementary question. As a result of what the Minister says, what is the cost then to the ACT community - and that includes any modifications necessary to the Bruce Stadium, or any other costs that are likely to be incurred in the move?

**MR WHALAN:** That is a separate issue, and I am quite happy to answer the question in so far as it is possible at the moment. There was a commitment by the previous administration responsible for the ACT - and that was a commitment on the part of the Commonwealth Government - to support a change in location of the Canberra Raiders from Queanbeyan Seiffert Oval to Bruce Stadium. There was negotiated with the Commonwealth - and that matter has not yet been finalised - an arrangement to transfer the management under a lease arrangement from the Commonwealth to the ACT Territorial Government. As part of those arrangements there would be modifications made to the Bruce Stadium itself, and further upgrading of the existing training track that is now known as the warm-up track.

The details of those arrangements are currently the subject of architectural drawings and there has been no final costing. I am not in a position yet to cost those, but I will be quite happy, when those costings are finalised, to make a full statement to the Assembly. It is important to



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emphasise that the relationship between the Canberra Raiders and the trust which will be established to manage the Bruce Stadium will be a commercial one. The basis of that commercial arrangement will be a lease arrangement, which is the subject of current negotiations, in which the Commonwealth, as it was formerly constituted, and now the ACT Government, is represented by accountants, Price Waterhouse, acting as negotiators on behalf of the Government with the Canberra Raiders.

The final point that I would like to make is that the Canberra Raiders themselves have already committed a financial contribution of \$1m to the stadium. When the details are finalised, I will inform the Assembly of the precise details.

### **PUBLIC SERVICE**

**MR COLLAERY:** Will the Chief Minister inform the house whether she agreed to the removal of Mr Keith Lyon from the post he formerly occupied in the ACT Administration, and is she aware that Mr Lyon had encouraged the director of internal investigations to investigate the surrender and regant of two blocks at Turner owned by a company of which a senior ACT Administration official was a director? Is the Chief Minister aware that discussions regarding this inquiry were held with the former Minister for the Territories, Clyde Holding, regarding this senior officer who had primary responsibility in the drafting stage of the Casino Control Ordinance?

**MS FOLLETT:** I thank Mr Collaery for his question. Yes, I did take the decision in accordance with the ACT (Self-Government) Act on Mr Lyon's continued employment. That legislation empowers me as Chief Minister to divide the Public Service into administrative units and to appoint people to head those units.

Mr Lyon has not been sacked from the Public Service. His continued employment is a matter now between himself and the Public Service Commissioner. I am not aware of the matters that Mr Collaery has raised in the second part of his question and I think perhaps if it is permissible, Mr Speaker, I might be able to provide him with a response on the second part of the question in writing as soon as possible.

**MR COLLAERY:** I ask a supplementary question, Mr Speaker, to round this off. Will the Chief Minister inform the house of the progress of inquiries relating to matters affecting the Lands Branch so that the vast majority of honest public servants are cleared of any suggestion of wrongdoing as quickly as possible?

**MS FOLLETT:** I think, Mr Speaker, it might be best if I were to take that question on notice, but of course I would

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like to make the comment that the Government is concerned about the question of propriety and the question of corruption in the ACT Administration. It is our view that the public servants in the ACT Administration are performing their jobs well with great propriety and with honesty and integrity. It has come to my notice from time to time that there have been allegations that that is not the case. As far as I am aware, those allegations have not been substantiated.

### **JERRABOMBERRA WETLANDS**

**MR MOORE:** In view of the Chief Minister's stated commitment to the Jerrabomberra wetlands, will the Chief Minister be seeking an immediate report on the toxic leaching effect of recent heavy rain on the Mugga Lane dump?

**MS FOLLETT:** As you know, my party does have a commitment to the Jerrabomberra wetlands, to their maintenance and to our realisation of their full value to the ACT environment. Mr Moore asked whether I would seek a report on that matter that he raised. The answer is yes. I will provide the Assembly with the appropriate answer at the first available opportunity.

**MR MOORE:** I ask a supplementary question. Will the Chief Minister ensure that her inquiries include the life span of the dump, which is understood to be seven years, and the inappropriateness of its location?

**MS FOLLETT:** Yes.

### **PRESCHOOL FEE**

**MR WOOD:** I direct my question to the Minister for Industry, Employment and Education. He will recall that during the election campaign the ALP made repeated statements that it would abolish the preschool fee. Can he make any statements concerning that and the arrangements surrounding any such decision?

**MR WHALAN:** I thank the member for the question. I am pleased to announce that Cabinet at its meeting this morning reviewed this particular matter. As Mr Wood quite properly mentioned, it was a commitment of the Labor Party during the election campaign that we would abolish the preschool fee. At its meeting this morning, Cabinet carried a resolution abolishing the preschool fee. I might say we carried it unanimously to show how united we were on the particular matter.

The effective date of the abolition of the preschool fee is the end of term 1, 1989, which is 23 March. That date was

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chosen because it was considered to be the date most effectively related to the date of the election on 4 March, and so for administrative reasons we selected that particular date. It was decided that all outstanding fees to that date will be collected. We understand from negotiations and discussions that have been held with the Canberra Pre-School Society that the society will recommend to its meeting of members this evening that the present boycott on the payment of fees will be withdrawn.

The issue of expenditure levels in public education, including preschooling, will then be dealt with in the budget context. The recommendations of the committee of review of the ACT preschools and the savings options referred to in the review are being considered and will be considered by the Government after appropriate consultation with all the interested parties, organisations and unions with members employed in this area.

## TOURISM

**MRS NOLAN:** I address a question to the Minister for Industry, Employment and Education. In regard to the announcement by the Chief Minister last Tuesday night that, to assist the tourism industry, an ACT tourism development corporation will be established, what arrangements are being put in place and is industry receiving full consultation?

**MR WHALAN:** The question of tourism is being given considerable priority by the Government. There has already been considerable consultation with elements of the tourist industry and that is proceeding. It must be understood that at this early stage of government the question of priorities is in the process of being established, but we have made a commitment to tourism and we will pursue that.

We are pursuing it in two particular areas; firstly in the establishment of the tourist commission itself, and secondly in relation to the funding which is available to that, and that will be reviewed in the budget context. But we do have a firm election promise in relation to tourism promotion. We are committed to that, and it will be raised during the budget process to ensure that that undertaking is met.

**MRS NOLAN:** I ask a supplementary question. The Minister referred to the body as a commission. Could I be given some actual format in relation to that commission? Is industry part of it?

**MR WHALAN:** The commission, we expect, will be a statutory body and all elements of the industry will be represented. The role of the industry will be effective and meaningful.

## CULTURAL FACILITIES

**DR KINLOCH:** I address a question to the Chief Minister in her role as the Minister responsible for the arts. Is the Minister aware that a consultant, Mr Murray Edmonds, has submitted a report concerning cultural facilities in the ACT, including the identification of perceived needs at section 19 in the heart of the city, and will the Minister assure the Assembly that the report will be released to the public forthwith?

**MS FOLLETT:** I thank Dr Kinloch for the question. Yes, I am aware that such a report has been commissioned and I undertake to the Assembly that it will be released this week.

## MEDIA INQUIRIES OF DEPARTMENTS

**MR HUMPHRIES:** My question is directed to the Deputy Chief Minister. I refer the Minister to an article in Sunday's "Canberra Times" entitled "Searching the ACT election results for clues to the swing". The article says in part:

Mr Whalan, for example, has imposed a rule in his department that no officials are to answer media inquiries, however mundane. Until now, journalists have always been able to ring up to check facts with the experts, but now they must go through Mr Whalan's press secretary who of course has better things to do than answer mundane queries.

I ask the Minister: Is this report accurate? If so, is this Government policy in all departments? How does this policy sit with the Government's declared objective of open and accessible government?

**MR WHALAN:** Mr Speaker, I think that the accuracy of the report can be gauged by the fact that I do not even have a press secretary.

## PUBLIC SERVICE

**MR JENSEN:** Mr Speaker, my question is directed to the Chief Minister. Is it true that, effective from 27 April 1989, a former first assistant secretary, Legislation and Legal Services Division, and formerly OIC Lands Branch, Mr Anthony Hedley, was compulsorily retired from the ACT Administration? If this is so, what was the reason for this retirement and what were the various components of the financial package that was attached to this compulsory retirement?

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**MS FOLLETT:** I thank Mr Jensen for the question. I have been responsible for these matters since 11 May and I think it is totally inappropriate that I should comment on any Public Service matters arising before that date.

### **SELF-GOVERNMENT FINANCING**

**MR KAINE:** I direct a question to the Chief Minister and Treasurer. During the election campaign I made a point of the fact that if we had won government we would have done a stocktake of our assets and liabilities inherited on self-government day. That would have included matters like the assets we were taking over from the Commonwealth; the public debt associated with them; and the implications for future budgeting. Does the Government have any intention of doing such an audit to determine the true financial situation of the Territory? As a subsidiary question to that, what, if anything, has been done about balancing of the accounts of our statutory bodies so that we can know what their financial position was on the day that they made the transition to self-government?

**MS FOLLETT:** I thank the Leader of the Opposition for that question. I am aware, of course, of the Liberal Party's views, expressed during the election campaign, on the need for an audit of the ACT financial position. It is my view, Mr Speaker, that an audit is not the way to go on the question of the ACT's current financial status, but I am more than happy to arrange for a review - a position statement, if you like - of the ACT's full financial status to be carried out. It is my intention that that review would be carried out as an internal exercise and not left in the hands of a private consultant, and that it should be carried out by our own officers within the Administration, and within the Treasury in particular. I would be more than happy to consult with other parties on the nature and the progress of that review.

### **CANBERRA DEVELOPMENT BOARD**

**MR COLLAERY:** Mr Speaker, my question is directed to the Chief Minister. Is it true that officials have recommended that a full audit be carried out of the Canberra Development Board? Would the Chief Minister seek advice as to whether that recommendation for a full audit has been rejected by the Head of Administration?

**MS FOLLETT:** I thank Mr Collaery for that question. I do not have that information. I will take that question on notice, if I may, and undertake to give him a response within 24 hours.

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### **CITIZENS ADVICE BUREAU**

**MR STEFANIAK:** Mr Speaker, I have a question for the Minister for Community Services and Health, who I think has escaped so far. It is a fairly detailed question, so I will provide him with a photocopy. Was a grant approved for \$32,141 from the Community Development Fund for 1988-89 to the Citizens Advice Bureau to assist in the publication of the Contact directory? Were payments of \$16,070.50 made in approximately July and October 1988 to the bureau? When can this directory be expected? Did the grant include funds for computing equipment? If so, what will happen to this equipment after Contact is published. Finally, does the Minister believe that this publication must continue under public patronage when there are similar publications available in the private sector?

**MR BERRY:** It is a complex question and I just do not have the information, Mr Speaker. But I will give an undertaking to inquire of my area of responsibility and give an answer in due course.

**MR SPEAKER:** I remind all members that, in the early stages of the Assembly, questions of that nature should be put on notice so that Ministers can have the advantage of researching them first.

### **USE OF DANGEROUS CHEMICALS**

**MR WOOD:** Mr Speaker, I direct my question to the Minister for Housing and Urban Services. It concerns the use of pesticides and similar dangerous chemicals. I am prompted by recent accidents in Australia as a whole, which we have also experienced in the ACT. Is the Minister aware of the lack of legislation in the ACT on the use of dangerous chemicals? What does this Government propose to do, in view of fact that we are reaching a situation where there will be no legislation?

**MRS GRASSBY:** The ACT is the only place in Australia that does not have any control over these matters, and in the coming sittings, I intend to bring forward some legislation to cover this. These chemicals pose a lot of problems for the people who handle them in the workplace, and also for private people. During the weekend, I went to the Mugga Lane tip myself to observe people delivering household chemicals and to see how successful that was. I was quite amazed at just how many chemicals were handed in, and I gather that the same can be said of the Belconnen tip. It absolutely amazed me in the hour I stayed there, to see how many chemicals were handed in. I gather there are quite a number of chemicals outside even industrial waste places that do not come within the controls, so we will be looking at bringing in legislation.

**PREMIERS CONFERENCE AND LOAN COUNCIL**  
**Ministerial Statement and Papers**

**MS FOLLETT** (Chief Minister), by leave (3.07): I have already provided members of the Assembly with papers which outline the issues raised at last week's Premiers Conference and Loan Council meeting. These include a copy of the Commonwealth's offer and a copy of the Commonwealth Treasurer's statement on the outcome of the conference.

As you will be aware, the Commonwealth's initial offer did not meet its commitment to maintain funding to the ACT in real terms until 1990-91. Following negotiations with the Prime Minister, however, the Commonwealth did modify its position.

The ACT was the only State or Territory to gain a concession from the Commonwealth's offer in terms of financial assistance grants. The concession enables the ACT to utilise, in 1989-90, the funds the Commonwealth had proposed to place in a trust account until after 1990-91. While not ideal, this concession satisfied the Commonwealth's commitment of real terms funding to the ACT Government. The ACT is to be treated on the same basis as the States in relation to other financial arrangements such as the Loan Council borrowing program. In general, the outcome of the Premiers Conference and Loan Council meeting must be regarded as satisfactory given the severity of the cutbacks imposed on, and accepted by, the States.

In relation to overall Commonwealth-State financial arrangements, the Premiers Conference and Loan Council meeting agreed to a net reduction in general revenue grants to the States and Northern Territory of \$550m against the forward estimates, representing a 2.8 per cent reduction in real terms.

The meeting also agreed to a net reduction in general purpose capital assistance of 5.2 per cent in real terms, a net reduction in specific purpose payments to the States of 0.5 per cent in real terms, a reduction in global borrowing limits of 25 per cent in real terms, and conversion of funds previously nominated for housing under the Loan Council program to grants under the Commonwealth-State Housing Agreement.

The main issues for the ACT were the proposal to establish a trust account for guaranteed funds, changes to housing funding arrangements and the reduction in global borrowing limits. The Commonwealth's original offer provided for the additional funding payable to the ACT under the real terms guarantee, to be paid into a Commonwealth trust account. The principal and accrued interest would then be used to assist the ACT in adjusting to full State-type funding in the two years following 1990-91. If this initial offer had not been modified, the Commonwealth's commitment to maintain real funding levels would have been broken.

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Following representations to the conference and discussions with the Prime Minister, the Commonwealth agreed to substantially modify its offer. The effect of the concession was that the funds will now be made available following negotiations with the Commonwealth, for projects to assist the ACT in achieving longer term efficiencies and State-type funding arrangements.

Consistent with the approach adopted for the States, the amount of general purpose capital assistance nominated by the ACT for housing in 1988-89, which is presently paid in the form of long term low interest loans, will be paid as a grant under the Commonwealth-State Housing Agreement in 1989-90 and future years. The level of this funding in 1988-89 is approximately \$7m.

The Premiers Conference also agreed that Commonwealth grants for housing will be reallocated on an equal per capita basis to the States and Territories over three years commencing in 1990-91. The ACT global borrowing limit for 1989-90 will be \$39.5m, a reduction of approximately 20 per cent from 1988-89. Prior to the Loan Council meeting, however, it was estimated that the ACT would only borrow \$25m of its 1988-89 borrowing limit of \$50m. The arrangements negotiated at the Premiers Conference and Loan Council meeting mean that the Commonwealth has met its commitment to maintain funding to the ACT Government in real terms.

The ACT budget received the benefits of this guarantee in 1988-89. Access to the additional funding being held in trust will enable the ACT Government to make the structural changes necessary to bring the ACT's finances into line with State and local government practices.

I wish to comment on those who consider the outcome of the Premiers Conference and Loan Council meeting as a confirmation of the "doom and gloom" which was forecast to result from self-government.

I believe that without self-government, the ACT would not have been given the level of transitional funding it now has. Without the commitment to real terms funding, which the Commonwealth gave in the context of self-government, it is likely that funding cuts would have been significantly more severe. Without self-government, the ACT would have had no separate representation at the Premiers Conference. We would not have been able to argue our case and gain the concessions we did. Now we, the elected representatives of the ACT community, can go about the business of determining the priorities of the total ACT budget.

I present the following papers:

Premiers Conference and Loan Council 1989 -  
Commonwealth offer to the States, 18 May 1989;  
Ministerial statement 23 May 1989;



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Press release

Mr Keating (Commonwealth Treasurer), 18 May 1989

Mr Staples (Commonwealth Minister for Housing and Aged Care), 18 May 1989.

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

That the Assembly take note of the papers.

**MR KAINÉ** (Leader of the Opposition) (3.12): I would like to make some comments on what the Minister has told us in connection with this matter. I refer back to a few minutes ago when I asked a specific question about this matter, and that was, for example, whether or not the Commonwealth Treasurer, or perhaps even the Federal Minister for Finance, retained a veto on whether this money could be made available to us.

The question was not answered then and the Chief Minister said that she would deal with the matter at this particular time. I submit, Mr Speaker, that that question has not been responded to. The Chief Minister claims that the Commonwealth has met its commitment to maintain the funding to the ACT Government in real terms while at the same time it has locked \$22.7m of that money in a trust fund.

Now the Chief Minister has told us that following negotiations with the Commonwealth for certain specific purposes this money may or may not be made available. She also says that access to the additional funding being held in trust will enable the ACT Government to do certain things, but there is nowhere in that statement an assurance that the Treasurer or the Finance Minister at the Commonwealth level has not retained a power of veto. No matter what negotiations we enter into, no matter what arguments we put forward, no matter how strong our case, there is no guarantee that either of those officers will agree in the end to make this money available to us.

Despite the fact that I raised the question in question time and that the Minister has given us these assurances, which I submit are carefully worded as they do not answer the question specifically, I am still concerned that in practical terms the Commonwealth has reneged on its promise. It has reneged on its undertaking that it will maintain its expenditures in the Territory in real terms at the 1987-88 level. When we go and ask for some of this money for any specified purpose, will it be granted? Indeed we will then, and only then, know that the Chief Minister's statement that the Commonwealth has met its obligation is not true.

I do not know whether the Chief Minister wishes to make any supplementary comments on what she has said, but I am by no means satisfied that we have got the deal that we were promised. I am by no means satisfied that the Commonwealth has even gone close to honouring its commitment to this Territory in this particular matter.

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**MR COLLAERY (3.14):** I would like to address the Chief Minister and say that the Residents Rally accepts that she went to a Loan Council and Premiers Conference with about three days' notice. The Rally, from its inquiries and observations, believes that the Chief Minister acquitted herself very creditably. It was a credit to the ACT that a woman was there amongst a group of men, and the Rally was pleased to see the Chief Minister there. We expect that if she is to go to another Premiers Conference she will have better advice, which clearly she now has, because as members will be aware it was the ALP that during the election campaign, predicted a surplus.

There was a \$20m or \$30m surplus dreamed up by the ALP's advisers. It is very pleasing to see that the Chief Minister now has better advice from the ACT Treasury and we are getting a realistic perception, but I submit to the Assembly that one of the prime reasons why the Commonwealth, as my colleague Mr Kaine said, reneged on its promises was the time bomb that the ALP planted during the election campaign in claiming there was a surplus on our hands.

Question resolved in affirmative.

### **LEADER OF THE OPPOSITION: ELECTION Discussion of Matter of Public Importance**

**MR SPEAKER:** I have received letters from Mr Collaery and Mr Humphries both proposing that definite matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79 I have determined that the matter proposed by Mr Collaery be submitted to the Assembly, namely:

The actions of the Executive in relation to the election of the Leader of the Opposition.

**Mr Stefaniak:** I raise a point of order before you start, Mr Speaker. The point of order is that this is a matter of public importance and this matter was debated at the first meeting of this Assembly. There was a motion passed, by 13 votes to four, I think, in relation to taking a vote for Leader of the Opposition. The vote was then taken, and I forget the actual score on that count but the Leader of the Opposition was in fact elected.

Secondly, Mr Collaery has also asked for a definitive legal opinion on this point and I think that might also preclude this matter he seeks to raise being a matter of actual public importance. I think we should move on to Mr Humphries' matter.

**MR SPEAKER:** I believe that that is not so. I ask Mr Collaery to proceed.

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**MR COLLAERY (3.17):** I seek to raise this matter of public importance dealing with the actions of the Executive in relation to the election of the Leader of the Opposition in this Assembly on 11 May.

It seems ironic that I rise to speak firstly about the arrangement that was reached here on the 11th whereby the members opposite me, or most of them, arranged to elect themselves as leaders of this Assembly and then went around to organise their choice of opposition. It seems wholly appropriate in an assembly that has been set up this way that Mr Stefaniak's first question on notice to this Assembly, as historians will no doubt be interested to see, asks when big bins will be introduced into the Territory. That is ironic. Also I rise as a matter of luck, having won a ballot, to speak to you. So there is an interesting issue of public importance perhaps down the millennia.

I rise to speak on the subject of democracy, which of course has developed down the millennia. The Residents Rally has today received a sheaf of papers concerning committees, orders, orders of the day, and complex standing order arrangements, which clearly stem, I would suggest, from the convivial conversations that we have been able to observe in Mr Whalan's suite with Mr Kaine.

The submission that the Rally wishes to make relates to purported standing orders 5A and 5B, which state that on the first day of meeting of the Assembly after an election, or whenever the office becomes vacant, a member, not being a Minister, may be elected by the Assembly to be the Leader of the Opposition, and that that election should be carried out in a similar fashion to the election of Chief Minister.

The Rally has conducted research and sought eminent advice. Our advice is that the position in this Assembly at the moment in the British parliamentary system is totally unprecedented. Never before has an opposition been elected on the floor of the house by those with the conduct of the business of the house.

Section 21 of the enabling Act - that is, the Australian Capital Territory (Self-Government) Act - provided, amongst other things, that this Assembly could make standing rules and orders with respect to the conduct of business. Under the guise of an issue to deal with the conduct of business the Deputy Chief Minister rose to put on a motion by ambush which allowed for the creation of an extra office in this Assembly; that is, the office of Leader of the Opposition.

We all know that in the United Kingdom that office was created by statute in 1937, it has been created by tradition and convention in the House of Representatives across the lake, but this piece of legislation creating this Assembly provided only three offices. They were to be Chief Minister, Speaker and Deputy Speaker.

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That is borne out again in schedule 4 of the enabling Act, which allows the Executive to have power to govern the Territory, to make allowances and entitlements in respect of services of members of the Assembly, the Chief Minister, the Deputy Chief Minister, Ministers, the Presiding Officer, the Deputy Presiding Officer, the Head of Administration and so on.

It mentions nowhere a special arrangement for the Leader of the Opposition so the Rally takes the view that the Act creates a clear contrary intent. We do not believe that the words "conduct of business" in section 21 can justify the creation of an office left out of the original legislation. Our advice is that the new standing order is clearly ultra vires to the enabling Act, and that any suggestion that there can be a leader of the opposition in this d'Hondt-created Assembly is quite improper and based on an error of law.

All the debates about the self-government Bill assumed that this Assembly would not be a replica of a British model which enhances competition between a government majority and an opposition with a formalised team of shadow Ministers, shadow cabinet and shadow legislative program. All of that sits on my right at the moment. The interests of the people of the ACT are better served, I submit, if the parliamentary institution here provides for a consensus arrangement which would be enhanced if we maintained equality between equally elected groups.

The Liberal Party achieved four seats in this election and so did the Rally, but by this connivance - and I put that word in its right context - the Rally finds itself disadvantaged, almost crippled in debate. The fact is that the standing orders provide for the - - -

**Mr Berry:** I raise a point of order, Mr Speaker. In relation to the reference to "connivance" by Mr Collaery, I draw your attention to standing order 52, which states:

A Member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded.

I would ask you, Mr Speaker, to so rule in relation to the mention of the word "connivance".

**MR SPEAKER:** The point has been raised, and I believe incorrectly so, that Mr Collaery is using the term as per the Oxford Dictionary. I think he can proceed.

**MR COLLAERY:** Thank you, Mr Speaker. I deliberately did not use another word that might have some other connotation.

The Rally has heard Mr Kaine say publicly that the Rally should sit on the cross benches. Well, we did not find

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them this afternoon and we have found a seat here. The arrangement reached in this Assembly really defies logic. Websters Dictionary defines "opposition" as "the body of members of parliament who are opposed to the party in office and the officially recognised party which is next in number to the party in office".

The Macquarie Dictionary definition is "the major political party opposed to the government". The Rally disputes that these people sitting on my right are really opposed to the Government. They elected them - that is the Rally's submission - so they fail the first limb of the definition. The second and most important limb, however, is that a majority party be the leader in the opposition. The Liberal-led team here is not a majority team in this Assembly.

Mr Speaker, I draw your attention to a similar situation which arose in an assembly in Canada. The Speaker there ruled that the two equal groups would be treated equally and there would not be any disadvantaged speaking order. Clearly there is going to be a degree of arrangement in this Assembly between the party machines to exclude the Rally from effective debate, effective consultation. Indeed, we see signs of it already with question time having been reduced to 30 minutes, so one presumes that the Leader of the Rally will get the nod on the twenty-fifth minute.

**MR SPEAKER:** I make the point, Mr Collaery, that the Speaker will nominate those members as they rise and there will be no political bias within the House. I would ask the member to withdraw that inference about the Speaker.

**MR COLLAERY:** Mr Speaker, I withdraw any suggestion that you would be in any way biased in your decision-making on this floor.

Mr Speaker, the Rally has requested and notes that you have sought constitutional legal advice in relation to this situation. The arguments are not complex. The arguments are clear. Where you have two equal groups democratically elected it is the people on the floor here who determine with their voice not, I submit, Mr Speaker, with respect, a vote arranged in coordination with the governing group. Clearly, all of those who were here on 11 May saw something mysterious happen, which is repeating itself with the election of the Deputy Speaker today.

There is a voting roll against the Rally. One can expect vigorous debate, Mr Speaker, but the Rally does not expect to find itself down in the access to information - - -

**Mr Berry:** I rise on a point of order, Mr Speaker. I have to press again the issue of the reflection on a previous vote of the Assembly. Clearly, Mr Collaery is reflecting on that vote. I think it is a genuine point of order and I ask you to so rule.

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**MR SPEAKER:** Yes, I would agree in this case, Mr Berry. The point of order is upheld. Mr Collaery, please refrain from casting aspersions on the actions of the Assembly in the past sittings.

**MR COLLAERY:** Thank you, Mr Speaker. I merely refer to the voting in the Assembly, here when the vote was, of course, 10 to seven.

Mr Speaker, the primary function of an opposition is to seek to defeat the government. I suggest that there are doubts in this Assembly whether the team led by Mr Kaine is really serious about trying to defeat this Government. There are other functions: to scrutinise, criticise, and suggest changes to legislation; to examine expenditure; to seek information on government policy and pursue grievances and to monitor government administration. The Rally is not convinced that this Assembly is well served in the arrangement reached here on 11 May. The role of an opposition is to pursue those things I mentioned. There is clearly a degree of cooperation between, in particular, the Leader of the Liberal team here and the Deputy Chief Minister. That is evident to all who live in the building above us.

That, I suggest, Mr Speaker, is not consistent with the concept of opposition. That is entirely consistent with the idea that the party machines in the final analysis, when they are beaten finally by a community group, will get together to survive. We see that example here, and we expect and hope that the law will intercede to ensure that the people of Canberra have an adequate voice in this Assembly, can raise their voice when they see fit and not have it monitored and tactically altered by the functions of two of the groups in this Assembly.

**MS FOLLETT** (Chief Minister) (3.29): At the heart of this debate is the question whether the Legislative Assembly is an appropriate body to determine which of the parties represented within it should be regarded as the official Opposition. In fact, there are three issues raised: firstly, does the Assembly have the power to determine the official Opposition; secondly, is it democratically qualified to do so; and, thirdly, why is there no precedent in other Australian parliaments for the election of the Opposition leader?

An examination of these three issues will reveal the poverty of claims that the Assembly or the Executive has acted improperly or illegally in relation to this matter. There is no doubt that the Legislative Assembly for the ACT has the necessary power to determine the identity of the official Opposition. Subsection 21(1) of the ACT (Self-Government) Act provides that the Assembly may make standing rules and orders with respect to the conduct of business.

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Against this background, is Mr Collaery claiming that the Assembly should not exercise this power, or that there is some other body with an overriding power which should be responsible for the identification of the official Opposition? If Mr Collaery is saying that the Assembly should not exercise its power, perhaps he should start negotiations with Mr Stevenson, who, I believe, has also expressed the view that the Assembly ought not to exercise its responsibilities.

Clearly, it is a nonsense to argue that we should selectively employ the powers given to the Assembly simply to prop up the fortunes of those unable to rationally work within those powers. Alternatively, is Mr Collaery of the view that some body other than the Assembly has an overriding power which transcends the Assembly's responsibility to determine its own procedures?

Perhaps Mr Collaery's concern is a different one. If he is unhappy with the way in which the Assembly has determined the official Opposition, I can only refer him to subsection 18(2) of the self-government legislation which specifies that questions arising at a meeting of the Assembly shall be decided by a majority of the members present and voting.

Again, it is clear that the Assembly has acted within its power and according to the requirements placed upon it by the self-government legislation.

Leaving aside the legal aspects of this issue, we should now consider the second argument implicit in the motion. The argument is that the Assembly is somehow not an appropriate or qualified body to determine which of the parties represented within it ought to be the Opposition in circumstances where two parties not in government have equal representation.

The underlying implication is that there is some other body which is better qualified than the Assembly to determine such a question. Is Mr Collaery suggesting that we ask the Commonwealth Parliament to bring down a ruling, or is he suggesting that a new election be held so that the voters of the ACT can now indicate which party may wish to be crowned as the Opposition? Of course he is not.

The people of the Territory voted in the March election precisely so that its representatives could determine issues such as this. In other words, the very nature of the Assembly qualifies it to determine matters such as the identity of the official Opposition. To argue that we, as an Assembly, ought to resort to some other body or set of practices to hand down a decision on what must be regarded as our own business is to, again, side with those who do not wish the Assembly to exercise its responsibilities and powers.

The third question is one of precedent. Why should this Assembly elect the Leader of the Opposition when other

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parliaments do not? The answer, quite obviously, Mr Speaker, is that this Assembly is constituted differently from other parliaments and that we are setting many precedents. No other Australian parliament elects the Leader of the Government yet we elect the Chief Minister. That election is provided for in the self-government legislation.

The precedents in other parliaments all relate to situations where one group or coalition commands the majority and forms the government. The government is usually opposed by another group or coalition who form the opposition and elect the opposition leader.

The situation in this Assembly, as members know, is very different. It is not so clear-cut. There is more than one group opposing the Government. What could be more appropriate, having elected a government, than to have all the non-government members vote for the opposition leader? Mr Collaery has totally failed to outline any alternative means of recognising an opposition in its place.

Finally let me ask Mr Collaery a question, if he will listen. If he believes the election of the Opposition Leader to be illegal, unconstitutional or improper, why was he a candidate? You cannot play in the game and then blame the rules afterwards for the fact that you lost.

The Government rejects Mr Collaery's assertions on the grounds that the Assembly is the only body with the power to determine which party should be the official Opposition, and the Assembly, by virtue of its representative nature, is the only body democratically qualified to do so.

**MR KAINE** (Leader of the Opposition) (3.34): As the object of this debate, I feel it a little incongruous that I should sit here as though I am not part of it and let the debate rage on around me. I am not very impressed by the fact that the matter is being put forward as a matter of public importance anyway, to be quite frank with you.

**Mr Collaery:** Surprise, surprise!

**MR KAINE:** We have got some clowns who think that is funny. They do not want me to laugh when they speak, but they think that it is funny when I speak. They will learn over the next three years.

**Mr Collaery:** On a point of order, Mr Speaker, I think I was referred to as a clown. I have not taken on that role yet. I ask that the Liberal leader withdraw that aspersion, because I have not called him that yet.

**MR KAINE:** I withdraw the remark, but he is a rather humorous person, Mr Speaker. The fact is that this matter is not a matter of public importance; it is a matter of importance only to Mr Collaery. Since the election for the Leader of the Opposition, which was some 13 days ago, I



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have not had a single telephone call from anybody on the subject. I have spoken to literally hundreds of people in all kinds of public meetings and at various places that I have been to, and not one person has raised the question with me.

If this is such a matter of public importance, how is it that in this lapse of time not one person, other than Mr Collaery, has ever raised the question? It is inappropriately being debated as a matter of public importance because, I repeat, it is a matter of importance only to Mr Collaery.

I am not going to dwell on the question of the election or otherwise. That has been dealt with already, and most adequately, by the Chief Minister. But I think that we need to get this whole thing in perspective. The fact is that Mr Collaery has been so smart over the recent months that he has negotiated himself onto the cross benches where he is today.

He tried for weeks to negotiate with the Liberals, and he failed because his demands were so incredible and so outrageous that we could not accept them. He negotiated himself out of government with the Liberals. Then he tried his luck with the Labor Party. I submit that from what I have heard and read in the media, which I suspect is fairly accurate, he did exactly the same thing with Labor. He has just outsmarted himself in every direction.

Then he comes onto the floor of the Assembly. He has talked himself out of being a member of the Government, let alone being the Chief Minister, which was his driving ambition. He comes onto the floor of the Assembly and he chances his arm fully to the Opposition. Because of his very attitude to the other members of this place, excluding the five members of the Labor Party who decided not to vote on the issue, he outsmarted himself again.

He sits on the cross benches and then he challenges the rules. He challenges the integrity of the other members of this Assembly. I submit to you, Mr Speaker, and to the members of this Assembly, that Mr Collaery needs to look to his own integrity.

Every time he addresses the chamber - and he has done it a couple of times already so far - he casts aspersions on my behaviour. He talks about the people that I associate with as though there is somehow something underhand, some kind of subterfuge, as though I am a dishonest person.

I would submit that there are hundreds of people in Canberra who have known me for 30 and 40 years. They all know that the aspersions that Mr Collaery casts have no basis in fact, and they know me well enough to know that I would not be party to any underhand dealings. If it is not on the top of the table, I am not interested in it.

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But what is Mr Collaery's position? He talks about honesty and integrity. He talks about my having a discussion with the Deputy Chief Minister the other day. I had a discussion with Mr Collaery the other day. Why do Mr Stevenson and Mr Duby not get up and question my integrity because I had the effrontery to have a debate with Mr Collaery? Nobody else does it; only Mr Collaery does it.

Let us just think about that a bit and ask Mr Collaery what are his motivations. Why is he so intent on attacking Trevor Kaine? I do not know. Perhaps he would like to explain what the under-the-table motives are that he has for taking this particular view publicly and privately. I am not going to go into the private aspects of it, but I can assure you that what is said here does not even begin to equal what is said behind my back, in private, to people that he thinks are not going to convey it back to me. When I say that his integrity is in question, I also think that his intelligence is somewhat in question because he believes that nobody is going to relate back to me what he says.

**Mr Moore:** I rise on a point of order, Mr Speaker. I refer to standing order 55, which states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

**MR KAINÉ:** I submit, Mr Speaker, that Mr Collaery should withdraw the very things that he is saying about me, and that is a very good standing order. If he can make the aspersions, he can take the flak, I submit to you.

**MR SPEAKER:** The point of order is not upheld.

**MR KAINÉ:** Mr Collaery is a rather curious person, and I am just going to relate a little event that happened recently. He and I were talking about the fact that our telephones were being moved from one part of the building to another. Mr Collaery said to me - and this will grab you, when you talk about subterfuge and fear, looking behind every bush for where the underhand dealings are taking place - "You've got to be a bit careful. Do you know that it's very easy to run a pair down to the basement?" The implication was that somebody was bugging my telephone and they were down in the basement listening to my telephone calls. That was Mr Collaery.

What sort of mind does a man have to make that kind of assertion simply because my telephone is being moved from one part of the building to another? I suppose he will deny it now, but I do not have a fertile imagination in these matters like Mr Collaery does.

So I submit to you, Mr Speaker, that whatever the motives are for Mr Collaery to take this approach, it is not an attack on the Executive - the motion he put forward related

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to the Executive - it is an attack on me. I am getting heartily sick of it and I put Mr Collaery on notice that, if he continues this, what I have said today in connection with Mr Collaery's behaviour is the tip of the iceberg. If he is going to continue to throw the flak, he is going to continue to get it back, and he is going to get it back in larger measure than he throws it, because I, quite frankly, am heartily sick of it. If the three members that sit behind Mr Collaery have any integrity, and I know that they do - they have a great deal of respect from me because of the contribution that they are prepared to make to this Assembly - and if they follow their line of integrity, it will not be long before they disavow Mr Collaery in the attacks and insinuations that he is making.

**DR KINLOCH** (3.42): Mr Speaker, I rise in sorrow rather than in anger. It is a great old cliché that is very appropriate at this time. I listened to Mr Collaery's statements. They were not ad hominem; they were about an issue. I listened to Mr Kaine's comments, and they were ad hominem. I hope these ad hominem arguments in this chamber will cease.

Mr Kaine was not the object of this debate. The object of this debate was a matter of historical note. Indeed, Mr Kaine is an object of importance, as are all individuals, and each individual has his or her right to defend himself or herself, and there are proper times and places for that. We are all of importance. What we are discussing here is a matter of historical importance. What is important is the proper historical nature of this Assembly.

I noted the arguments of the Chief Minister, and I thought they were properly put; they were not put ad hominem. I do not agree with them, but we at least can address that. I would like to make a distinction between what is marginally possible by a narrow and partisan interpretation of the law - I think, wrongly - and what is historically proper.

I was very, very moved to be here on 11 May, on that wonderful day, when we opened this new legislature, this new parliament, this new branch of the traditions of Westminster and of other forms of democratic debate and discussion. It was a tremendous day. Most of that day was essentially ceremonial, if you like, or to get the processes under way. Then I was very, very sad indeed to discover that, out of the blue, without discussion, without any kind of prior arrangement with any of us, this motion was put forward to create an election of a leader of the opposition.

I understand the problems of precedent here. We had no precedents. We did, however, have a book of standing orders which we accepted for the nonce, and which in due time we can change. The very decent, proper and historical thing to have done, at the very least, would have been to have given notice of that motion, to take time over it. It

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would have at least given the Assembly a week or two weeks to consider it, and at least to have created a committee.

If one thinks of the great traditions of the English parliament, the parliament of the United Kingdom, the parliaments in North America and of a whole number of dominions, one knows that when such a matter is introduced it is given weight, time and consideration. I have been an historian for 40 years. I sat here shocked to see that motion. I was shocked to see a situation in which a motion was suddenly put on the floor, discussed and a vote taken -woof! - all over by the end of the day.

I was shocked, historically shocked. If I have a chance ever again to speak to students about the events of that day, that is what I will describe to them. I was amazed. I believe that when the constitutional and legal judgment is made on this case, it will be seen quite clearly as the wrong, historically improper thing for the beginnings of this our Assembly.

More specifically, we clearly - 12 of us - could be described as having been on the opposition side, in that five people here were members of the government. I do all present of those 12 the courtesy of supposing that they were members of the opposition. We had no prior discussion, no prior meeting, no canvassing of opinions. We did not even have a chance to get to know each other, and that motion was put on the floor - woof! - debated and on we went.

We had this extraordinarily undemocratic manoeuvre to change the standing orders, in the presence of the Government, under peculiar circumstances. The Chief Minister rightly raises the question of precedent, and of course we had a problem with precedent. Might I suggest that there would have been another precedent. We could have declared ourselves a committee of the whole, the members of the Government could have left, and the members remaining as an opposition could have spent an hour, two hours, three hours, four hours if necessary, discussing the nature of that proposal and whether it was historically right and proper for that to proceed. I believe it was not.

I do not believe we should have looked to another body to elect the Leader of the Opposition. I think we should have looked to the opposition, whether on this floor, as a committee of the whole, or on the first floor or wherever we could have met, or in another building. The 12 of us should have met and discussed this matter. I am not involved here with ad hominem; I respect Bernard Collaery and Trevor Kaine as individuals in this Assembly. I ask that this be considered a very important historical matter.

**MR MOORE (3.47):** I would just like to reply to some of the points raised by the Chief Minister. In her speech, she started in with three main aspects. The first aspect was the legal aspect. Rather than debating that legal aspect

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now, we will wait for you to get your legal opinion and see that. I believe other factors come into it.

I move on to the democratic aspect that the Chief Minister brought up. Her question was, first of all, "Is there a body better qualified than us to make this sort of decision?". It seems to me that the whole democratic nature of this system is in question. When we have a system of government and opposition, there are certain aspects about that balance. This particular floor does not have those same aspects of government and opposition. Therefore, for us to follow in traditional ways is very difficult, but the traditions of government and opposition are set. If we are to follow those traditions, then it would be inappropriate for a government to take any part in the election of an opposition. I refer to the fact that the people involved in electing the Government were also involved in electing the Opposition.

I think there is an important precedent that does exist, that was alluded to by Mr Collaery, and I draw your attention to the situation which arose in the Saskatchewan Legislative Assembly again in October 1977, when the Progressive Conservative Party, in opposition, became tied with the Liberal Party, also in opposition. This set a precedent within the Commonwealth. The problem was resolved.

The Chief Minister drew attention to what happens in Australia. We will be using a Commonwealth system and surely we must recognise ourselves and this institution as part of a Commonwealth system. The problem was resolved because the draftsman of the relevant legislation had defined the position of opposition leader in the legislative assembly Act. Section 24 of that Act defined the leader of the opposition as the leader of the largest grouping. In the case of equality of membership of two or more such groups, the Act indicated there was no leader of the opposition. So we do have a precedent, and we also have tradition.

We should be looking to making sure that we have an assembly that works most effectively for the people in the most democratic manner. That would suggest that we ought look to a system where there is no official opposition, but I respectfully suggest we should be looking at a system that has a leader of the opposition, Liberal Party, if you like; a leader of the opposition, Residents Rally; a leader of the opposition, No Self Government Party; and a leader of the opposition, Abolish Self Government Coalition.

When Mr Kaine spoke ad hominem, he questioned whether this is a matter of public importance. His whole means of judging whether it was a matter of public importance really revolved around the number of people that said to him - - -

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**MR SPEAKER:** Order! I remind members that when they are whispering to one another their voices are being picked up by the microphones.

**MR MOORE:** Mr Kaine went on to say that this was not really a matter of public importance at all because hardly anybody had spoken to him.

**Mr Kaine:** I said nobody did; let us be fair.

**MR MOORE:** In fact, not even one person had spoken to him about this objection. Of course they would not be raising the objection with him at all. But I assure the Assembly that many people have certainly spoken to me and my colleagues about this very matter.

**Mr Kaine:** Did you take a telephone poll?

**MR MOORE:** Many of those who spoke to me were eminent legal persons. I do not doubt that there are some people here capable of tapping the phone, if that is what you said, Mr Kaine? He went on to say that in negotiations the demands of the Rally were absolutely outrageous and our negotiations were outrageous. I find that quite amazing when in fact we managed to find an agreeable position and Mr Kaine walked out of those negotiations.

It seems to me that the real question here is how the people of the ACT are best served, Mr Speaker, and I submit the way the people of the ACT are best served is by having a system without a formal opposition.

**MR DUBY (3.52):** Mr Collaery and the Residents Rally's objections to the amendment of standing orders to provide for the position of the Leader of the Opposition are a complete turnaround from its position prior to that issue being raised in the Assembly on 11 May. This stems from the Rally's misguided belief that it would be on the government benches, and that its position would be filled by some other party in this house. What is more, I find it remarkable that Mr Collaery accepted nomination for that very position when he now claims that it should not exist at all.

To me it smacks of sour grapes and puts the stance he has taken today in disrepute. It appears that he lost the vote because members of the opposition - not those members of the Assembly who are members of the Government, but members of the Opposition - chose to vote for Mr Kaine. Mr Kaine is in opposition today and not Chief Minister of this Territory because he is a man of integrity. Unlike Mr Collaery and the Residents Rally, he was not prepared to form a government which relied, at the end of the day, on the supporting vote of the Abolish Self Government Coalition member, Mr Stevenson. He was not prepared to let the ACT community be held to ransom by an avowed supporter of the Citizens Electoral Council and all the things that that organisation stands for, something that the Residents

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Rally was prepared to do. For this, Mr Kaine and the Liberal Party members deserve the gratitude of the ACT community.

The fact of the matter is that there is a Government with a formal leader and there is an Opposition, and that there should be a formal leader of that opposition makes good sense to me - and what better leader than Mr Kaine. It is clear from examination of the policies espoused by Mr Kaine during the recent, or should I say not so recent, election campaign that he and the Liberal Party had clearly set their sights on being in opposition. I for one was happy to cast my vote in his favour to formalise that position.

Accordingly, I say that this matter raised by Mr Collaery and the Residents Rally is not a matter of public importance at all, but really a matter of private inconsequence. This Assembly should proceed to deal with matters of relevance to the affairs of the Territory.

**MR HUMPHRIES (3.55):** Mr Speaker, I want to rise first of all to support the comments made by the Leader of the Opposition, as he is, and the Leader of the No Self Government Party. It is a great pity that this matter of public importance being discussed today has displaced matters of somewhat greater importance to this Territory.

The particular matter which I had raised and put before you, Mr Speaker, and which would have been discussed had this not been put forward, was the crying need in this Territory for adequate and immediate protection of heritage assets in this place.

It is a great pity that this trivial, inconsequential matter should have come forward to displace that other more important topic. I think we are all the poorer for it, and it certainly does not create a very good impression of the ACT's first Assembly that it should spend time bickering over who should be the Leader of the Opposition, rather than discussing matters of greater importance to the Territory, including the state of its heritage assets.

The matter of public importance discloses some considerable ignorance of the political processes. Despite much discussion by the Residents Rally of historical precedent and tradition, I have yet to see any convincing precedent cited which would convince me that there ought to be some variation of the course of action the Assembly adopted on 11 May. The fact is that the only precedent that could be cited to us was some 10-year-old Saskatchewan precedent, which I do not believe is convincing enough.

The Residents Rally has suggested that the election of the Leader of the Opposition is a highly exceptional course of action. Of course it is. Nobody on this side of the chamber, at least from this point onwards, would disagree with that. But electing a Chief Minister, as the Chief Minister herself has pointed out, is highly exceptional. I

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might say from my point of view that, if I had had my way, I would have had a more traditional structure and had an administrator, a governor-general or a governor making the sorts of decisions that in other places are made by that sort of person. However, we have not got that. We have a Chief Minister elected by the Assembly, and I think it flows fairly naturally that there should be an election for opposition leader as well.

Normally the party or parties with the majority in the Assembly form the Government and the largest party not in government forms the opposition. I hope that nothing we have done on 11 May would alter that basic premise. I would hope that in future years the largest party or parties in coalition do form the government on every occasion. I would hope that the largest party not in government does form the Opposition, and I hope that what we have done does not alter that fact. But we needed to finalise the procedure on this occasion because there was not any procedure in place to deal with the situation we found ourselves in. I hope that perhaps other parliaments one day will find that a procedure such as that which we have adopted would be useful should an occasion such as the one found ourselves in on 11 May arise in those places. It was necessary only to choose between two candidates, because two parties in this Assembly had four seats each.

There has to be, in my view, a leader of the opposition, because there has to be an opposition, and it follows ineluctably that an election needed to be held. There has been some suggestion from those members of the Rally present that an opposition could be somehow shared or in some other way not filled. I suggest, that that is a totally inaccurate and misguided point of view. It relies on the assumption that, if one is not in government, one is automatically in opposition. That is not the case; it has never been the case. I think that the members of the Rally should look across the lake to the Federal Parliament where they will see that there is a Senate in which there is a Government consisting of ALP members and an Opposition consisting of Liberal and National Party members who, by choice, have coalesced to form an official opposition. There are Democrats and Independents who sit not as the opposition, even though they are not in government, but on the cross benches.

That is the procedure which is followed in every Parliament of the Commonwealth to my knowledge and which should be followed in this Parliament. The suggestion that there should be four leaders of the opposition is quite exceptional and, I think, deserves no more comment than that. The suggestion also made by the Leader of the Residents Rally was that the Opposition cannot be the Opposition since it supported the Government in this place. I do not admit, first of all, that the Opposition generally did support the Government.



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**A member:** We have heard a rumour that it was Michael Moore.

**MR HUMPHRIES:** Indeed, I have heard many rumours and I believe that any of them could be true. Even if that were so, the fact is that there is ample historical precedent for the fact that oppositions on occasions do support governments, particularly minority governments. That has happened many, many times in the course of parliamentary history throughout the Commonwealth. There have been occasions when oppositions have, for a variety of reasons, supported governments. That does not mean that they fail to be oppositions because they are in that position.

The members of the Government, wisely, abstained on the vote for Opposition Leader. I think that was a desirable precedent to set. I hope it is a precedent. Certainly if that had not been the case, I would have been not only supporting the motion from the Residents Rally but actually leading it. I hope that in future years that precedent is also followed should we be in that position again. But, as I said, I do hope in the future years this position would not be repeated and that one party would have a majority of seats when it was not in government and that that party would automatically become the opposition.

**MR WHALAN** (Minister for Industry, Employment and Education) (4.01): Like Dr Kinloch, I rise more in sorrow than in anger. Dr Kinloch is an outstanding person in the Residents Rally because he is a man of integrity, honesty and genuine concern for people in the community, and particularly people in this chamber. That is what makes him outstanding in the Residents Rally. But I must point out to Dr Kinloch that his memory seems to have faded just a little bit, maybe as a result of the long election campaign and the period that resulted from it. Dr Kinloch participated in quite protracted negotiations that took place between the Residents Rally and the Australian Labor Party when we were seeking to establish a coalition relationship with the Residents Rally prior to the first meeting of the Assembly.

During those discussions we presented to the Residents Rally, in writing, a series of proposed amendments to the standing orders that we believed would be appropriate and should be agreed upon as part of the negotiations between the parties. The negotiations concentrated on policies, allocation of portfolio responsibilities and amendments to the standing orders. Included in those amendments to the standing orders which were handed - again, I emphasise, in writing - to the Residents Rally was a proposal that there be elected by the chamber a leader of the opposition.

They were handed specifically to Bernard Collaery by our leader, Rosemary Follett, on the undertaking that they be taken away and examined. At the subsequent meeting - and we were meeting every two or three days with the Residents Rally; they went on day after day after day - Rosemary

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Follett, our now Chief Minister, said to the Residents Rally, "How do you feel about the proposed amendments to the standing orders?". Bernard Collaery's reply was, "We have no problems with them". They are obviously going to try to deny this now, but I have here four or five witnesses to that particular incident and that particular response.

I would encourage Dr Kinloch to refresh his memory on that particular incident because those were the circumstances under which we discussed this particular proposition about the creation of a position of Leader of the Opposition to be elected by the chamber. He was part of it then. It was only subsequently that he chose to attack the proposal.

**Mr Kaine:** You did not discuss it with me, Paul.

**MR WHALAN:** You were never there. The reason why I, like Dr Kinloch, feel more sorrow than anger that this matter is being discussed is that it is such an enormous waste of the Assembly's time. It is absolutely extraordinary that this is taking place when we have a notice paper which contains such important matters as the establishment of committees which will set in train the processes of operation of this Assembly to enable us to initiate matters within this chamber.

Also on the notice paper we have the discussion in relation to the Chief Minister's statement, order of the day No.1, and the opportunity there for members to canvass their views on the future of the ACT. But instead of that we are taking up our time with this ridiculous nonsense initiated by the Residents Rally on this purported matter of public importance.

With due respect, Mr Speaker, I would suggest to you that the subject of the matter which we have before us is hardly a matter of public importance. I regret the fact that we did not have the opportunity to debate the important issue of heritage instead, which is truly a matter of public importance. This matter at best is a nonsense and at worst, it is a reflection upon this parliament. Thus, it is a gross breach of the standing orders.

Let me deal first of all with why I consider this matter to be a nonsense. It is quite clearly part of a figment of Bernard Collaery's fertile imagination. Poor old Bernie missed out on the ballot and one of the reasons why he believed that he did not have any objection to this position of Leader of the Opposition was that at that time he really believed he was going to be in government.

**Mrs Grassby:** So did we.

**MR WHALAN:** So did we think we were going to be in there with him. That is obviously the reason why he was not at all concerned about the position of Leader of the Opposition at that time. But he missed out of course.

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That is all history - and we now have an eminent historian here to keep reminding us of our history. Bernard Collaery, having missed out, is demonstrating the general pattern of behaviour which we have seen so consistently over the last few months.

He has chosen the speech today to reflect upon other members of the chamber by innuendo and by direct reference. He seeks to destroy the credibility, without any substantial comment, but he keeps attacking. We saw that same sort of pattern of behaviour in question time today. I hope that as a result of the questions which have been taken on notice we will be able to clear up some of Bernard's mania. It was interesting to hear other people speak about telephone bugging. It is interesting that Bernard Collaery made a specific journey to the fifth floor of this building to speak to the Chief Minister to seek an assurance - this is the only issue that he came up about - that his phone would not be bugged.

There was another occasion during those protracted negotiations when Bernard cancelled a meeting between the Labor Party and the Residents Rally and said, "We will have to cancel that meeting. I believe that police with tracker dogs are following me". He wanted that meeting cancelled. It is quite an extraordinary behavioural pattern.

**Mr Collaery:** Mr Speaker, I rise on a point of order. The member is reflecting on a good breed of animal.

**MR WHALAN:** The more serious aspect of this matter of public importance is the wording. The wording relates to the actions of this chamber. That is why I would submit, Mr Speaker, that we have here a gross breach of standing orders. The matter refers to the actions of the Executive in relation to the election of the Leader of the Opposition.

At the time the Leader of the Opposition was elected there was no Executive in place. There had been an election of the Chief Minister, but no appointment of ministry, and no Executive in place. What is implied in this is that the action of this parliament in electing the Leader of the Opposition was in some way usurped or sabotaged by the Executive, that it was in some way manipulated by the Executive. That quite clearly was not the case because the Executive did not exist at that time. More importantly, it is a reflection upon the intention of this chamber to take a positive action, which was to appoint the current Leader of the Opposition, but it is consistent with the reflections upon this chamber.

I suggest that if this chamber was a little bit older in time Mr Collaery would not get away with the extravagant attacks that he is making upon this chamber as a chamber. I am not talking about attacks upon individuals, but attacks upon this chamber as a chamber of parliament. I refer members to the day that the chamber first met, when

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Mr Collaery was interviewed by the press in front of this building. He then said, "Well, I will have to leave you now to return to that travesty".

He referred to this chamber as a travesty, and it was repeated the following day on the Pru Goward show on 2CN when that issue was taken up again. But, more importantly, on that following day Mr Collaery said, "The fact is that this current Assembly is totally immoral".

That sort of behaviour, that sort of attack upon our chamber, is completely inexcusable and unacceptable, and must be rejected and resisted at every turn. I appeal to you, Mr Speaker, to protect this chamber from assaults by this man and to protect the integrity of our chamber so that it is something to be proud of in the future.

**MR JENSEN (4.12):** I know time must be running out in this debate, so I will not take up too much of my fellow members' time. I rise to support Mr Collaery. I must remind members that Mr Collaery was nominated by Mr Moore for the position of Opposition Leader to determine the extent of the vote in relation to this particular issue - to see and to flush out the situation and the arrangements and deals that have been made.

Once again I remind the Assembly that the ACT (Self-Government) Act provides for the election of a Chief Minister, but it does not provide for the election of a Leader of the Opposition, as my colleague Mr Collaery has quite clearly pointed out.

Mr Kaine and the Liberal Party were keen, I seem to recall, during and in the lead-up to the election campaign, and even in the period after the votes had been cast and were being counted in that long period that we all seem to recall, to talk about the introduction of a collegiate government system.

That was one of the systems and one of the arrangements that we as members of the Residents Rally were keen to see in operation. That was one of the reasons why we were negotiating with the Liberal Party, with the Labor Party and also with the No Self Government Party - and we even had a few discussions with Dennis Stevenson just to make sure that he was not left out in the cold.

In relation to this development of the collegiate system that Mr Kaine was so keen to talk about, members may recall during the election campaign that the Residents Rally was also keen to see such a system operate in this place. It was one of the areas that I personally spoke about at some length. It was one of the areas that I wrote about and spoke about, and accounts were printed in the local media.

If it was good enough to have a collegiate government system why was it not good enough to have a collegiate system of opposition? That was one of the things that we thought Mr Kaine may have been interested in.

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It is very important to refer to something that Mr Whalan referred to in relation to one of the many discussions we had with both sides about amendments to standing orders. We did see that letter that was signed by the Chief Minister, we did discuss that letter amongst ourselves but we did say that the issues that were raised in that particular letter were issues that were too important to be raised in that way. We felt that they should be considered by the committees that were provided for in those standing orders and that that should be part of that process.

We find this afternoon when we come down here to this place that we are given, once again without any consultation, proposals to change the standing orders without any major discussions. It is proposed that three committees that were provided for in the standing orders be combined into one. If we are keen to see some form of appropriate discussion and arrangement and to have discussions between all groups if all these things are to happen, why did the Chief Minister not discuss those particular issues with us? She is very keen to have consultation and to discuss matters with us. There are only five of them, and they are very much a minority government. I suggest that it may have been in their interests to have at least done us the courtesy of discussing that issue with us so that they would have got bipartisan support for it. They may find that support a little bit difficult to obtain because they did not do us the courtesy of discussing with us a simple matter of committees.

The matter of public importance that Mr Collaery has rightfully raised in this place, has stopped the Government from railroading us and the rest of the members in discussions on the committee system.

**MR SPEAKER:** Order! The time allotted for this discussion has expired. The discussion is now concluded.

### **DAYS AND HOURS OF MEETING**

**MR WHALAN** (Deputy Chief Minister), by leave: I move:

That unless otherwise ordered, the Assembly shall meet for the despatch of business on the following days and at the times specified:

Wednesday, 24 May, at 11 am.

Thursday, 25 May, at 11 am.

Tuesday, 30 May, at 2.30 pm.

Wednesday, 31 May, at 11 am.

Thursday, 1 June, at 11 am.

**MRS NOLAN:** I move the following amendment:

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That "11 am", wherever occurring, be omitted and "10.30 am" be substituted in place thereof.

Amendment agreed to.

Motion, as amended, agreed to.

### **MOTION WITHOUT NOTICE**

**MR WHALAN** (Deputy Chief Minister): I seek leave to move a motion for the adoption of certain temporary orders concerning the appointment of an administration and procedures committee.

**MR SPEAKER:** Is leave granted? Leave is not granted.

### **Suspension of Standing Orders**

**MR WHALAN** (Deputy Chief Minister): I move:

That so much of the standing orders be suspended as would prevent me from moving motions to appoint standing committees on Administration and Procedures; Public Accounts; Planning, Development and Infra-structure; and Social Policy

The terms of the motion have been circulated to members in the chamber.

**MR SPEAKER:** The question is that the motion be agreed to. Those of that opinion say aye; those against say no. The ayes have it.

**A member:** Mr Speaker, I believed that he was asking leave.

**Mr Kaine:** No, he was not, he was moving a motion to suspend standing orders. You need to listen carefully.

**MR SPEAKER:** The ayes have it.

Question resolved in the affirmative, with the concurrence of an absolute majority.

### **ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE**

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

That, unless otherwise ordered:

(1) Standing order 16, 17, 18 and 19 be suspended for the remainder of this Assembly.

(2) Insert the following temporary order:

Administration and Procedures Committee

- 16A (a) A Standing Committee on Administration and Procedures shall be appointed at the commencement of each Assembly to inquire into and report on, as appropriate:
- the Assembly's annual estimates of expenditure;
  - Members' entitlements including facilities and services;
  - operation of the Assembly's library;
  - operation of the transcription service, (Hansard);
  - availability to the public of Assembly documents;
  - the standing orders of the Assembly;
  - the practices and procedures of the Assembly; and
  - matters relating to the privileges of the Assembly which may be referred to it by the Assembly;
- (b) The committee shall arrange the order of Private Members business;
- (c) The committee shall consist of the Speaker and 3 other Members;
- (d) The Speaker shall chair the committee;
- (e) The majority of members of the committee constitutes a quorum.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**

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

That:

- (1) A standing committee on Public Accounts be appointed to -
- (a) examine -
    - (i) the accounts of the receipts and expenditure of the Australian Capital Territory Executive;
    - (ii) the financial affairs of authorities of the Australian Capital Territory; and
    - (iii) all reports of the Auditor-General which have been laid before the Assembly;
  - (b) report to the Assembly, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them to which the committee is of the opinion that the attention of the Assembly should be directed; and
  - (c) inquire into any question in connection with the public accounts which is referred to it

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by the Assembly and to report to the Assembly on that question.

- (2) The committee shall consist of 4 Members.
- (3) A majority of members constitutes a quorum of the committee.
- (4) The committee be provided with necessary staff, facilities and resources.
- (5) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

**Mr Collaery:** Mr Speaker, I rise on a point of order. The Rally wants a "no" recorded there. It was not clear, Mr Speaker, what the ayes and noes were on the motion before you. The Rally would be interested in knowing.

**MR SPEAKER:** The position is, Mr Collaery, that if you require a vote to be recorded, you should stand and state that position on the calling of the vote, not after it has been agreed to. So for the future if you move motions would you please take note of that fact.

**Mr Moore:** Mr Speaker, you called for the ayes; you did not call for the noes.

**MR SPEAKER:** I did call for the noes. You did respond yourself, I think, Mr Moore.

#### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE**

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

That:

- (1) A standing committee on Planning, Development and Infrastructure be appointed to inquire into and report on -
  - (a) such planning and development proposals which are referred to it by the Assembly; and
  - (b) public works proposals which are referred to it by the Assembly.
- (2) The committee shall consist of 4 members.
- (3) A majority of members constitutes a quorum of the committee.
- (4) The committee be provided with necessary staff, facilities and resources.
- (5) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.



## SOCIAL POLICY - STANDING COMMITTEE

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

That:

- (1) A standing committee on social policy be appointed to examine and report on matters referred to it by the Assembly concerning community and health services, housing, welfare, education and social justice issues.
- (2) The committee shall consist of 4 members.
- (3) A majority of members constitutes a quorum of the committee.
- (4) The committee be provided with necessary staff, facilities and resources.
- (5) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

**MR MOORE** (4.23): I feel, Mr Speaker, that these have been railroaded through. None of us have had the time to consider them. They were given to us on the floor of the Assembly, without even the politeness or the courtesy of their having been circulated beforehand. We had to read them while we were concentrating on the important things that the Chief Minister had to say about our financial circumstances and so forth. We have already had two of these committees railroaded through without any discussion on the terms of reference, on how they should run, on any of those factors at all. This bodes very badly for any form of consultative government.

This minority Government that we have will be looking to Rally support in many issues, unless it just wishes to have a Liberal-Labor Government with the Liberal-Labor policies pushed right through for the next three years. Judging by the way it is going - if I can speak for the Rally - we are beginning to feel that the Government has no wish to consult with us at all and to treat us as the real opposition.

With reference to the Standing Committee on Social Policy, since I have not had the opportunity to speak on each of the others, I submit that we ought have the opportunity and the time to have a look at the implications of each of these committees. Here comes another piece of paper that we are supposed to read and on which we are to give a well-balanced and appropriate judgment.

I submit that in fact what we have here is the Labor Party, in a minority government position, railroading and ambushing members of this Assembly. Members of the Assembly who are not members of the Labor Party or pseudo members of the Labor Party ought to object to these so that we at least have a day to consider the significance of each one of these motions.

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**MR SPEAKER:** Order! To comment on Mr Moore's statement, papers were passed to the Assembly Secretariat, under my responsibility. Unfortunately, through administrative overload at this time, we were not able to get the papers to you. It was not a conscious effort on behalf of the Labor Party; it was an error on our part. I take the point that time would have been available had this slip-up not occurred.

**MR MOORE:** But, Mr Speaker, it was not. If we are going to have reasonable discussion on this, we ought have time to look at it.

**MR KAINE** (Leader of the Opposition) (4.26): I have some sympathy for the position taken by the Residents Rally. I do not know who the pseudo members of the Labor Party are that he was referring to, but I can assure the Residents Rally that the members of the Liberal Party did not see these papers until we came here either. But I did read them quickly and I do understand the import of them. I believe that we have to set about creating our committee structure so that the business of the Assembly can go on.

The terms of reference, on the face of them, appear to me to be satisfactory. If they are not, they can be changed by resolution of the Assembly. I would submit that if whoever are elected to these committees do not like the terms of reference they should come back to the Assembly and suggest how they might be changed and have the Assembly endorse it. But I think the Government's intention is clear, and that is to create the machinery by which our business can be conducted. It cannot all be conducted on the floor of the Assembly. We need the committees and we need them quickly, and so I am in favour of establishing them. But also I have the reservation that if the terms of reference prove to be inadequate, incomplete or insufficient in clarity, then the members elected to these committees have the right and the responsibility to come back and suggest that they be changed so that they are suitable.

**MR JENSEN** (4.27): Mr Speaker, I rise at this stage to support Mr Moore in relation to this issue. I support Mr Kaine when he says that these committees are important and of critical importance to the development and good government in the ACT. But I would suggest, Mr Speaker, that it is also important to the good government of the ACT to ensure that appropriate time is given to those members who are sitting in this place to consider, consult and look at this information.

I would also suggest that another day in relation to this issue is not going to hold up the wheels of motion too long. For goodness sake, we waited 63 days from the date of the election to the date that we came to this place. I am sure that another day in relation to this issue would not have gone astray. I would have thought that it would

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have been appropriate for the members of the Government on the other side, once they had been informed that the members opposite them had not been given this appropriate information, to defer debate until the next day of sitting so that this particular issue could have been considered properly and appropriately.

**MR DUBY** (4.28): It seems to me that the matters raised in these standing committees are merely nuts and bolts issues. There is no cause for debate on these issues. We are talking about a Committee on Social Policy which is going to have referred to it matters concerning community and health services, housing, welfare, education and social justice issues. Whatever else a committee on social policy could possibly look at, I do not know. I do not know what mental gymnastics Mr Jensen is going to go through tonight to see what he can add to this or how he can improve upon the terms of reference of this committee, but it is dealing with the nuts and bolts.

As Mr Kaine has said, if there are further items that need to be considered, let them be put in a further motion to the Assembly. I suggest we get on with them and set these committees up as soon as possible.

**MR COLLAERY** (4.29): I remind the Chief Minister of her historic statement in the opening of the Assembly when she said, "We will establish new consultative mechanisms and reinforce existing mechanisms".

The flavour of the Chief Minister's undertaking to this Assembly, as a minority leader - as the smallest minority leader, to our knowledge, in the British Commonwealth parliamentary system - was that she would establish more consultative systems. The implications of social policy development, the types of standing committee and the numbers required to usefully debate issues of profound social concern in this Territory, including homeless youth, which is of great concern to this Rally, and a number of other issues, mean that the composition of these committees is vital.

All through these railroaded documents we have the phrase "The committee shall consist of four members". It is not hard to work out what the tactics are in terms of numbers when one has regard to how this chamber stands at the moment. Regrettably, Mr DUBY sees this as a nuts and bolts issue and as trite, and he feels that we should move on. The fact is that, once this is cemented in by motion and passage today, we shall have to take up the time of this Assembly again to get them amended. We shall create further destabilising issues in this Assembly.

We have seen, I suggest, total mismanagement of the business of this Assembly from the first moment that this minority Government has been given a chance to prove itself. We have seen tacticians here. I take it we are learners here. We are all in a nursery, and Mr Whalan is

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familiar with the tactics required to overcome and promote growth of his own party. But the issues are too important, I suggest, to allow these committees to spring up on the floor and for there to be a vote taken today on a matter that suggests in nine pages profound matters of concern to this Territory. We would be better to take time, as my colleague Mr Kaine has said, to look at these documents. There is a rebuke from Mr Kaine to the Government. I am very happy to see the glimmer of opposition there and, naturally, we support Mr Kaine in that effort.

The concern of the Rally, Mr Speaker - and I direct my concern to the Chair - is that many of us in this Chamber are new. Some are not new to these procedures. Mr Wood has a great deal of parliamentary experience and he is looking on sagaciously at our - and I say it with respect - wanderings at times. But it was not evident to many people in this chamber that the matter could be debated when the issues were first raised. I would ask, Mr Speaker, in future, that you give some latitude to newer members of parliament so that we can determine whether to get to our feet so that we are not seen to be disruptive. The Rally has no intention of disrupting, and does not want to disrupt, this chamber. It simply wants good, honest debate for the community. The methods adopted to date by the Deputy Chief Minister and his group are not in that genre.

**DR KINLOCH (4.33):** I would like to endorse Mr Collaery's comments, but I do not wish in any way to be partisan here. Perhaps I could speak for once as the oldest inhabitant. I would ask that, as we come to these new procedures, and as you yourself have noted, Mr Speaker, when the Secretariat is unable to provide us with the papers on time, we be given leeway. It is very unusual in my experience for papers suddenly to arrive and for people to be expected to consider them immediately. I ask that that never be done again.

Question put.

The Assembly voted -

Ayes, 12

Noes, 4

Mr Berry  
Mr Duby  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Kaine  
Ms Maher  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak  
Mr Whalan  
Mr Wood

Mr Collaery  
Mr Jensen  
Dr Kinloch  
Mr Moore

Question resolved in the affirmative.

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## HANSARD - AUTHORITY TO PUBLISH

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

That the Assembly authorises the preparation and publication of transcription of debates and proceedings (Hansard) of the Assembly and its committees.

## MOTION WITHOUT NOTICE

**MR WHALAN** (Deputy Chief Minister): Mr Speaker, I seek leave to move a motion for the adoption of certain temporary orders.

**MR SPEAKER:** Is leave granted?

**Mr Moore:** May we just see what those orders are first, please, Mr Speaker?

**MR SPEAKER:** Leave is not granted.

## Suspension of Standing Orders

**Mr Whalan** (Deputy Chief Minister): I move:

That so much of the standing orders be suspended as would prevent me from moving a motion for the adoption of certain temporary orders.

**MR SPEAKER:** The question is that the motion be agreed to. Those of that opinion say aye - - -

**Mr Collaery:** What are we speaking about? We do not have the document.

**Mr Kaine:** Suspension of standing orders is what we are speaking on.

**MR SPEAKER:** It is the suspension of standing orders, Mr Collaery.

**MR COLLAERY:** That is standing orders 16, 17, 18 and 19, is it?

**Mr Whalan:** Standing order 34, which relates to the adjournment of business of the Assembly. They were circulated by the attendant a short while ago.

**Mr Collaery:** We received two very similar pieces of paper.

**Mr Moore:** This is totally unsatisfactory, Mr Speaker.

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**Mrs Grassby:** There was an amendment to it.

**MR SPEAKER:** This is an amendment that was not circulated, obviously. Now, what is being asked for is that sufficient portion of the standing orders be waived to allow the Deputy Chief Minister to present his motion, because you did not grant leave.

**Mr Collaery:** Very well. Thank you, Mr Speaker.

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

Question resolved in the affirmative, with the concurrence of an absolute majority.

### ADJOURNMENT AND BUSINESS OF THE ASSEMBLY

**MR WHALAN** (Deputy Chief Minister): I move:

That, unless otherwise ordered, the following amendments to the standing orders be adopted for the remainder of this Assembly:

Standing Order 34

Omit the standing order, insert the following standing order:

"Adjournment and next meeting

34. At 9.30 p.m. on each Tuesday and at 4 p.m. on each other sitting day, the Speaker shall propose the question - That the Assembly do now adjourn - which question shall be open to debate. No amendment may be moved to this question:

Provided that:

- (a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced;
- (b) if, on the question - That the Assembly do now adjourn - being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;
- (c) a motion for the adjournment of the Assembly may be moved by a Minister at an earlier hour;
- (d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting; and
- (e) if the question - That the Assembly do now adjourn - is negatived, the Assembly shall resume the proceedings at the point at which they had been interrupted:

Provided further that, if at 10 p.m. on each Tuesday, or at 4.30 p.m. on each other sitting day, the question before the Assembly is - That the Assembly do now adjourn - the Speaker shall interrupt the debate, at which time:

Minister may extend debate

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- (f) a Minister may require that the debate be extended until 10.10 p.m. or 4.40 p.m., as appropriate, to enable Ministers to speak in reply to matters raised in the preceding adjournment debate; at 10.10 p.m. or 4.40 p.m., as appropriate, or upon the earlier cessation of the debate, the Speaker shall forthwith adjourn the Assembly until the time of its next meeting; or
- (g) if no action is taken by a Minister under paragraph (f), the Speaker shall forthwith adjourn the Assembly until the time of its next meeting."

Standing order 69(b)

After "terminate sitting" insert

"Whole debate...30 minutes".

Standing order 74

Add at the end thereof the following

":Provided that at 2.30 p.m. on each Wednesday and Thursday the Speaker shall interrupt the business before the Assembly in order that questions without notice can be called on; and

- (a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced; and
- (b) the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of interruption."

Standing order 77

Omit "4.30 p.m." substitute "2 hours after the time fixed for the meeting of the Assembly."

**MR SPEAKER:** The question is that the motion be agreed to. Mr Kaine?

**Mr Kaine:** Mr Speaker, I understand that - - -

**Dr Kinloch:** On a point of order, Mr Speaker, I did rise before Mr Kaine.

**Mr Moore:** Dr Kinloch has been on his feet for some time.

**MR SPEAKER:** Could we ask Dr Kinloch to resume his seat and Mr Kaine will speak first.

**Mr Collaery:** On a point of order, Mr Speaker, the first speaker on the floor, with all due respect, has first call.

**MR SPEAKER:** I appreciate that point. I did not notice Dr Kinloch. My order stands.

**Mr Collaery:** I accept the Speaker's ruling.

**Mr Kaine:** I think that when Mr Collaery hears what I have to say, Mr Speaker, he may well accept that you have recognised me first. What I was going to suggest is that we adjourn the debate on this matter until the next day of sitting on the basis that it is a bit complex. Some members may not understand exactly the intention of the

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motion. It will not affect the remainder of today's meeting and could easily be discussed tomorrow and become effective from then - and it does give people a chance to read it and analyse it overnight.

**Mr Whalan:** We would be happy with that, Mr Speaker.

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

## **ADJOURNMENT**

### **Personal Explanation**

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

That the Assembly do now adjourn.

**MR COLLAERY:** Mr Speaker, I wish to make a personal explanation. During a debate in this Assembly today, matters were alluded to in terms of my integrity and Mr Kaine made a number of personalised comments about me. Briefly, I claim to have been misrepresented in those remarks, I claim to be a person fit to take the oath of this chamber. I claim to be a person fit to perform the functions of this Assembly, and I claim to have been misrepresented by Mr Kaine.

Question resolved in the affirmative.

**Assembly adjourned at 4.41 pm**