



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

4 July 1989

Tuesday, 4 July 1989

Fitzgerald report (Ministerial statement)	595
Questions without notice:	
Section 19 development	606
Very fast train project	606
Gas and electricity rates	608
Bruce Stadium	608
ACT economy.....	608
Workers compensation.....	609
Section 19 development	610
Natural gas.....	610
Tasmania government	611
Metal recycling	612
Section 19 development	612
Woden bus interchange	613
Nature conservation legislation	614
"Republic of Kamaria"	614
Housing loan.....	615
Education	615
Traffic accidents	616
Conferences of planning and heritage ministers (Ministerial statement)	616
Administration Amendment Bill 1989.....	619
Public Trustee (Miscellaneous Amendments) (Amendment) Bill 1989	619
Postponement of orders of the day	622
Incorporation of material in <i>Hansard</i>	622
Self-government - select committee	623
Adjournment.....	650
Self-government - select committee	650
Adjournment:	
Fitzgerald report	657
Residents Rally	659

4 July 1989

Tuesday, 4 July 1989

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

FITZGERALD REPORT
Ministerial Statement

MS FOLLETT (Chief Minister), by leave: Members of the Assembly will no doubt be aware of the public release yesterday of the Fitzgerald report in Queensland. My Government considers that the report is a devastating indictment of the abuses which can occur under a system of government which is non-consultative and illiberal and which endowed a police force with excessive powers which were clearly open to abuse. As Mr Fitzgerald indicates, the climate of corruption in Queensland arose only because of the style of government in that State - a style which stifled debate and adopted cheap populist positions on issues.

Obviously, the Fitzgerald inquiry was established to examine a series of problems in Queensland, which had been suspected by many people for a long time. However, the findings of the report are important to all governments everywhere. It is relevant in these circumstances that my Government has adopted a completely different approach to governing the ACT from that which applied in Queensland. We were very pleased to note this morning that a number of the recommendations in Mr Fitzgerald's report are totally consistent with the style of government which we have implemented in the ACT.

I consider that the Assembly should commend the Labor Government for already taking steps to avoid the development of the kind of administrative climate which has led to the series of scandalous abuses of power in Queensland. In particular, the problems of Queensland will be avoided by governments being as open and accountable as possible in all issues and in the management of the machinery of government.

Let me outline some specific measures which we have adopted. In less than two months, my Government has introduced a requirement for publicly available statements of pecuniary interests by all members of this Assembly. Naturally, we will also continue the existing requirements for declarations of interests by senior officials. Separate and more stringent arrangements have been put in place for Ministers.

4 July 1989

During the same short period, we have initiated a uniquely open process of budget formulation involving wide consultation with the community. We have also promised the same open and accountable process for planning and development.

The Government proposed the development of a comprehensive Assembly committee system which will allow extensive scrutiny of the actions of the Executive and the Administration. In particular, we proposed the establishment of a public accounts committee with unfettered powers to review all matters involving public expenditure. The absence of such a committee system, particularly a public accounts committee, has been one of the major failures of the Queensland system.

The Government welcomes the fact that the Commonwealth established a self-governing ACT with a strong package of administrative law, rights of review, and access to information. The Freedom of Information Act, the Administrative Decisions (Judicial Review) Act and the Administrative Appeals Tribunal Act all enhance the openness and accountability of government and, in particular, the rights of individual citizens. We are also developing new mechanisms for auditing the ACT government accounts.

The administrative structure which we inherited also incorporated a strong, internal capacity to investigate fraud and other abuses within the Administration. The Government also supported in principle the development within the Assembly of a separate capacity to examine allegations of corruption and fraud. We await recommendations on this matter from the Standing Committee on Public Accounts.

A key feature of Queensland politics, which Mr Fitzgerald stressed as a fundamental cause of corruption in that State, is the electoral system. There has been no suggestion that the ACT electoral system allows corruption. In particular, we support the continued application in the ACT electoral laws of the current Commonwealth provisions in relation to public identification of donors to political parties.

My Government believes, however, that a simple and plain electoral system is the key to effective and accountable government and, accordingly, we are happy to support the inquiry into electoral processes proposed by Mr DUBY.

My Government has noted, in particular, the difficulties caused in Queensland by the lack of clear rules about appropriate relationships between the Government and the police force. As Assembly members know, we will not assume responsibility for the courts or for policing until the second half of next year. In the meantime, the Government intends to develop the appropriate structures and guidelines to regulate the situation when it occurs.

4 July 1989

In particular, we will be developing processes that ensure there is appropriate consultation and information flow between the police, the Government, the Assembly and the community. I have already had an initial and most productive meeting with Assistant Commissioner Bates, the ACT Regional Commander, and with representatives of the Australian Federal Police Association.

The Government will also consider the possibility of engaging an independent consultant, experienced in these matters, to advise on the relationship between the Executive and the police force, and any proposed structures or rules of conduct will naturally be open to public comment and scrutiny.

Mr Fitzgerald stressed that it is highly questionable as to whether the Government or the police should have any role in regulating the expression of public opinion, particularly in relation to street marches and demonstrations. I do not wish to dwell on this point, but this is one of the reasons why the Government would prefer that there be a proper period for public comment and consultation on the current proposal for increased police powers in relation to street behaviour.

Mr Speaker, the Government does not believe that there has been any suggestion of corruption in ACT politics, government or policing. One of the reasons for this has been the mechanisms of review and accountability applying to the administration of the city under the Commonwealth Government. My Government has moved swiftly to adapt and enhance these mechanisms of accountability, openness and consultation which will ensure that the ACT never needs a Fitzgerald inquiry.

MR KAINÉ (Leader of the Opposition), by leave: It was with great interest that I discovered that the Chief Minister thought it expedient to make a statement, not only today but also as the first item of business of this session of the Assembly, on a subject that essentially relates to matters in a faraway State, and one that has been in existence for some hundred years or more, and then attempted to relate those matters to the independent State of the Australian Capital Territory, if I can call it that, which has been in existence for only about five or six weeks. Until I heard what she had to say, I really had to question its relevance and its importance for us.

Having heard what she has had to say, I am still not convinced, Mr Speaker, that it was a matter of such urgency and such importance that it needed to be brought up and take precedence over all other business on the notice paper of this Assembly at this time.

What the Chief Minister has said, of course, is mostly self-evident. There is nothing in her statement that you would not expect a leader of a minority government in a new

4 July 1989

assembly to say. There is nothing in there that you would not expect a Labor leader to say. But how much of it really is of great importance to us today is an entirely different matter, particularly, Mr Speaker, as the report in question has not been seen by anybody in this Territory yet.

So, what the Chief Minister deems it expedient to do is to take some newspaper reports about what is a very lengthy report that has taken months, indeed years, to prepare and, on the basis of that very sketchy report, put it on the table here and attempt to relate it in some way to what this Government is doing in the ACT. I think it is a very superficial exercise, and it does not have a great deal of relevance for us at this time.

To try to draw comparisons, and to say, "Well, we anticipated all of this and we set up, for example, a system of committees for this Assembly", is a sheer nonsense. Whichever government had been sitting over there would have established a series of committees, not to do with corruption or crime however but because the business of this Assembly requires that a system of committees be set up. To claim now that because of some foresight, some brilliant streak of genius, on the part of this minority Labor Government and to say, "We anticipated that this might happen and therefore we established a set of committees", is a sheer nonsense. I think that I could say that about most of the points about which the Chief Minister is now claiming some sort of clairvoyance and saying, "We made sure that all of these nasty things that happened in Queensland will not happen here by setting up all of these government super infrastructures and the like". It is a spurious claim and has nothing whatsoever to do with an attack on corruption in the ACT.

There are a couple of matters, however, Mr Speaker, to which I would like to refer specifically, based on my very superficial reading of what is in the media, and I am sure that is a very, very brief summation of the report and its recommendations. I note that in particular in connection with the committees for which the Chief Minister is now claiming so much here the report indicates that a system of committees of the parliamentary body is essential and says that committees "can investigate matters of public concern". It is interesting to note that the only standing committee of this Assembly which has terms of reference that allow it to examine matters of public concern is the one that was set up by motion of this Opposition. The other committees set up by the Government are allowed to look only at matters referred to them by this Assembly.

I think that is rather curious that the Chief Minister can now claim that these committees were set up for, and have the effect of, combating corruption and crime when the terms of reference of the committees preclude them looking at things that are "of public concern". I repeat that the only one that has that power is the one on heritage,

4 July 1989

conservation and environment matters that was set up by motion of the Liberals. The report, for example, mentions unions, on which the Labor Party depends so much for its support. If you do not believe it, just look at what happened outside this building an hour or so ago. The heading is "Union criticised for influence". The commissioner warns that unions should not be able to influence management of the police force in particular and involve themselves in matters outside their jurisdictions. The report states:

... It is singularly inappropriate for the union to demand the right to influence the selection of the police Commissioner or Minister.

That is one point. The report continues:

The [Queensland Police] Union has been both the means by which, and the forum in which, honest police have been dissuaded from doing their duty and reporting misconduct.

It is stated:

The union had involved itself in cases where one member made an allegation about another, which was not its proper function.

In other words, without having read the report or its recommendations in full, it is clear that the commissioner was concerned about the influence of the unions, not only on the police force but also on the Government. I think that is salutary wording that the Government of this Territory should take to heart. I would submit that it is a reasonable warning.

The report apparently comments on the question of Cabinet secrecy. It talks about excessive Cabinet secrecy and politicisation of the public service. Cabinet confidentiality provides a ready means by which a government can withhold information which it is reluctant to disclose. Also, a government could use its control of parliament and public administration to manipulate, exploit and misinform the community or hide matters from it. I have been a member of this Assembly now for five or six weeks, and I presume there have been quite a number of Cabinet meetings. I have no information of any kind about the matters that the Cabinet has discussed. No minutes of Cabinet meetings are published. No reports are made on what the Cabinet discusses. So, if we are talking about Cabinet secrecy as a potential problem, I submit that we have the climate for it here. What I perhaps would like to have heard is the Chief Minister tell us what she is going to do to open up to the public the matters that are discussed in the Cabinet and remove this potential problem with which the report deals in terms of Cabinet secrecy - misinformation, no information, hiding from the public the things that it does not want the public to hear.

4 July 1989

We have witnessed it here in this house where Ministers even declined to answer questions only a week ago, so I think that this Government needs to take very much to heart this question of the matter that the Chief Minister talks about in her few words to us today about open government, consultative government and the like. I have not seen much evidence of it here yet, and I hope that having now had the benefit of a summary of the Fitzgerald report this Government will rethink the words that it uses about open government and consultation and the like, and actually put some of it into effect so that we can see exactly what it is doing.

Another matter dealt with, according to the flimsy information that I have, is the independent commission against corruption. As I understand it, Mr Fitzgerald recommends against the establishment of such a body, which is very interesting since we have a reference to the Standing Committee on Public Accounts to examine the creation of such a body here. The proposal that such a body be examined is reasonable, but the Chief Minister now claims some credit for this, where she says that they supported this in principle and that she is delighted that the matter is being looked at by the Public Accounts Committee. But I submit, Mr Speaker, that if we were to go back and have a look at the Hansard where one of my colleagues put forward this proposal that such a committee should be established and look at what the members of the Government said on that occasion I think we would find that the words then do not coincide with what the Chief Minister is saying now.

There was not very much support from the Government for this inquiry or for the establishment of such a body. The proposal from my colleague Mr Collaery was accepted most reluctantly by the Government on that occasion. I am not too clear on just what the Government's attitude is on the matter at all, although it is quite clear that the commissioner, Mr Fitzgerald, does not consider that the establishment of an ICAC is necessarily the solution to corruption and fraud in public and other places.

So there are some matters, I think, in the report which are worth looking at, and I have just mentioned a few of them. I notice that the Canberra Times also has tended to summarise the main recommendations under about five or six headings. One of those is that the electoral system ought to be reviewed, and in talking about the electoral system they are talking about the boundaries.

We are considering at the moment a proposal from Mr DUBY that certain matters affecting this territorial Government should be addressed, and one of them is the electoral system. I think that the Government needs to take that very seriously too, because when the ACT electoral system was being discussed before the Commonwealth came to its compromise which nobody seems to find very acceptable, it

4 July 1989

was the position of the Labor Party and, I submit, still is that we should have a system of single-member electorates. It is very interesting, because the Labor Party knows that if we had a system of single-member electorates in this city it would get 17 out of 17 seats, most likely. If you do not call that a gerrymander, I do not know what you would call it.

A member: It is a Berrymander.

MR KAINE: Somebody called it a Kellymander at one stage. It is very easy to come out with some facile words about how we support all this good information that is coming out of Queensland, but we really have to look at our own house first, before we start looking at what they are doing in Queensland.

It mentions the matter of the Public Accounts Committee. I take that very personally because I am the chairman of our Public Accounts Committee. I note that it mentions a couple of things in particular, such as the power of a Minister to veto any investigation or to veto the production of documents and information.

In our standing orders, interestingly enough, we have some things that only Ministers can do. These are in our standing orders, not in the Queensland Parliament's standing orders. I am sure that other members have joined me in raising this question, that it is singularly undemocratic that only a Minister should be allowed to do something on the floor of this house. To use the words that came out of this report, it is scandalous. But what is the Government doing to fix it? Up to this stage, I submit, it has done nothing. Unless the initiative is taken by members on this side of the house, nothing will be done. So we have built into our system some of the things that the Fitzgerald inquiry has brought out.

He is talking about the establishment of a permanent criminal justice commission, and, amongst other things, that would include consideration of the decriminalisation of prostitution and SP bookmaking. I do not know what is the public opinion in the ACT on matters of that kind. I do not think we should be guided by what they think it ought to be in Queensland, however; we should be finding out for ourselves about that.

The remainder of the matters are about the police force. Interestingly enough, that is where most of the thrust of the Queensland inquiry has been directed. Of course, we do not have our own police force. It is all very well for the Chief Minister to talk about what we might do if and when we have our own police force, or what we might do if and when we have negotiation with the Australian Federal Police for the provision of police services here. But I have to say, Mr Speaker, we are getting strong opposition from the Government on the proposal to make life bearable for people using our public transport system. There is a great deal

4 July 1989

of opposition to that - ganging up of hundreds of people outside this building, somehow to impress upon us that we are in the wrong in seeking to guarantee the civil rights of elderly people and others who want to ride on our public transport system.

But what has the Government done about that? If it is its belief that there are sufficient powers in the hands of the police now to guarantee that elderly women and others can travel on our bus system, why has it not invoked them? Why does it just sit there and say we do not need this power for which we are now asking because the police have the powers already. I suggest that it get on to the commissioner for the ACT and get him to have a look at the bus terminal in Woden and find that there is a problem and do something about it. It should not just sit there and say that it has the powers. That is not good enough. Its members talk about civil liberties and the protection of people's rights. It should get out there and fix it. It should not tell us that it has enough powers. If it believes so, it has the solution in its own hands. It should tell the Australian Federal Police what it wants done and make sure that it does it.

So, Mr Speaker, there are certainly some matters of relevance emerging from the Fitzgerald inquiry. I would have thought that there were other matters of far more immediate importance and urgency for us in the ACT than to review this report which we have not even seen yet. We have seen only this very sketchy report in the local media, and I would have thought that we would have been getting on to deal with our own immediate problems - for example, the question of whether people can travel on our bus system in safety.

MR COLLAERY, by leave: Mr Speaker, the Chief Minister has put before us a self-congratulatory document that indicates that, among the Chief Ministers or Premiers of this country, she alone, apparently, is able to debate this massive Fitzgerald report or at least raise the issue on the day after it is released. The Chief Minister surely did not prepare this speech of hers. The atmosphere of it suggests a level of undergraduacy which is extraordinary. Her acolytes, Mr Speaker, should realise that these issues have to be read and debated before we move into self-congratulation.

In particular, Mr Speaker, the issues confronting society at the moment stem very much from the crimes of the powerful. Corruption is a crime coming from power over the weak, especially the poor. This Chief Minister should, as a Labor Chief Minister, have recognised the suffering, the bitterness, the inequities and the absolute disgrace of those years in Queensland to hard-working people and honest policemen. Honest people everywhere should really join and express sympathy to all those who suffered in Queensland - and some died - during the corrupt years.

4 July 1989

The Chief Minister is not seen, even though she purports to be a Labor Chief Minister, to express sympathy with those who lack power and who suffered so much in Queensland. Looking at the ACT, Mr Speaker, we see still cloistered decision making on important issues, particularly planning. We have seen a national capital planning authority issue a guideline for eight-storey development on Northbourne Avenue, with no reference at all to the Assembly yet and no compliance strictly with the Act which created it only a few months ago. We see the beginnings again of the Canberra club scene in the Administration, and it must not be allowed to prosper again.

What Mr Fitzgerald is telling all Australians is fundamentally that power corrupts; Queensland corrupted itself. His message to us, if we are to respond to it today before we have even read it, is surely that, if I am the Chief Minister, power will not corrupt my Government. The Chief Minister should have said, Mr Speaker, that her Government will join with us in setting the new stage for the ACT, that the whole Assembly - all of us - needs to do these things. Instead, we have a cheap throwaway line at today's little gang-up effort outside by the Building Workers Industrial Union.

We have seen opportunism through this paper, and we have seen a number of conclusions reached, which surely are not evident from even the informed reportage. One must congratulate the Canberra Times for its extensive coverage today and the detail it has been able to give us. Some of the conclusions the Chief Minister draws - for example, the lesson to do with the power of the Executive - are all very strange when it is only a few days since the Deputy Chief Minister sitting opposite me suggested that we close this Assembly down for most of the spring, that we do not even sit during the Federal budget period. That was suggested to me and my colleague Mr Jensen at a meeting.

Also we see this Government already framing issues for debate and organising, I am sure, a demonstration outside the doors of this Assembly today. Demonstration is very, very healthy - excellent. The Residents Rally congratulates all who organised it. The Rally, of course notes that the Deputy Chief Minister chose to use that debate to score some cheap political points before the only people left in this town who will applaud anything he says. The Chief Minister needs to demonstrate to us that she can control her Deputy Chief Minister, Mr Speaker, in situations where we are trying to achieve some level of understanding on important issues, such as the Bill that the Liberal Party proposes to introduce shortly to this Assembly.

The upheaval in Queensland that requires Mr Fitzgerald to recreate the criminal justice system in that State clearly is not one that we are going through; no other State has gone through it. Clearly the establishment of a permanent criminal justice commission in Queensland does not have any

4 July 1989

particular lesson for us in the ACT, simply because in that State all the organs of civilised democratic endeavour broke down, and they have to be reconstructed out of a wholly separate justice commission. That vast task falls upon a very large commission that will be established in Queensland.

In that respect, the Rally interprets Mr Fitzgerald's comments about the establishment of an independent commission against corruption being inappropriate as being inappropriate for Queensland, but of course that type of commission has started in New South Wales. All those who read the newspapers know how effective it is already proving itself to be, how much public funds will be saved, how many publicly funded projects will proceed honestly and how much the public revenue will be saved from the milking activities of those powerful, corrupt people who are always out there to exploit the system.

Mr Speaker, the Fitzgerald inquiry also referred to problems associated with the excessive power of the Executive. This minority Government is forced, grudgingly, to consult with us. One shudders to think how we would have ended up in this Assembly if those Labor members opposite me had achieved absolute power in their own right. The statement today includes a comment about some specific measures that the Labor Party has adopted. The Chief Minister tends to take credit for the pressures and the pull and push of this Assembly which pushed her into creating, or at least not disagreeing with, a couple of initiatives.

To take credit for them is a cheap point; it is a smug point. She used words - this is a message, of course, to her scriptwriters - such as "populism" or "populist" sentiments. Populism and populist ideas are a noble ideology; they express the power of the people, the power of grassroots, the power of the poor, to have a say. Populist politics are not in themselves a wrong thing. So that is a complete misreading of what was happening in Queensland; that was the very opposite. It was not a populist government; it was a club scene of the corrupt.

Mr Speaker, the common law and the criminal codes in Queensland proved inadequate to deal with that level of behaviour. Bribery, secret commissions, false accounting, advantage by criminal fraud and all manner of secret dealings cannot be attacked any longer in our society by established criminal codes or by the common law. What is required is that there be a criminal justice system that can change and adapt itself to modern requirements to protect us from the depredations of the powerfully corrupt. The role of an independent commission against corruption will surely be through the recommendations which hopefully will come out of the Public Accounts Committee of this Assembly to establish a body which will prevent law breaking and recommend changes to laws so that we have, in the ACT, one of the best systems of government that we can have.

4 July 1989

Mr Speaker, Mr Fitzgerald, from a point of view, has not emphasised drugs in his report. There is a vast lack in the report of emphasis on the drug scene which of course is nationally connected. No real connections to the Sydney connections are drawn out, so far as one can deduce from the Canberra Times article on the Fitzgerald report, on those issues. Clearly, there are very large concerns remaining for prosecution in Queensland, which will of course lead into New South Wales and other parts of Australia.

The ACT must remain vigilant in that regard. The ACT is not a closed economy, and it is not a closed society. What affects, and what criminality operates in, other States and abroad could well operate here. That could not be any more timely than to think about the fact that we are establishing a casino on the recommendations of some people in this community without proper reference to whether organised crime has been seriously tackled in this part of Australia.

Mr Speaker, the redeeming feature of the Chief Minister's statement is, of course, that she commits her Government to open government and to dealing with corruption in all its forms. One hopes that as and if corruption is revealed in this Territory, from the highest to the low, the Chief Minister will move swiftly, with decisiveness and without fear or favour in that regard. If that is what the Chief Minister was telling us today, the Rally congratulates her.

MR DUBY, by leave: As a Queensland emigre I know I speak on behalf of the other Queensland originals in this house when I - - -

A member: Refugees.

MR DUBY: Refugees, that is right. One of them identifies himself continually as an ideological refugee from certain political forces in that State. All of us, I feel - I believe there are four of us, too - welcome the production of this Fitzgerald report on corruption in Queensland. The tragedy that occurred in Queensland over many years has its basis in the community's perception that the Government had no relevance to the general population and that the Government could take any action it liked without reference to the electorate being required.

I must say that sounds remarkably familiar to the 25 per cent of the Canberra population that had those feelings when this Assembly was established. I note the report's summary in the paper. I have not seen the report; neither has anyone else in this house, I believe. It is stated:

This report seeks to become a catalyst for continuing reform, by which public confidence in the administration can be restored and political processes improved...

4 July 1989

I am pleased to state that the inquiry recommended by my party, into self-government and its processes, will achieve that aim. I also note that one of the recommendations in the report, as published in the paper, is:

Provision of non-government parliamentary members with appropriate resources of staff and equipment, and proper access to information in respect of government activities.

I certainly look forward to that recommendation being introduced in this house. As the editorial in today's Canberra Times says:

The lesson for all Australians -

from this Fitzgerald inquiry -

is to keep well informed, to treat all people in positions of power with healthy scepticism but avoiding cynicism, and to guard democratic freedoms jealously.

I can assure this house that my party intends to do just that.

QUESTIONS WITHOUT NOTICE

Section 19 Development

MR COLLAERY: My question is directed to the Deputy Chief Minister. Will he advise the house whether he negotiated a donation from a director of Wollongong Constructions Pty Limited? If so, will the Deputy Chief Minister indicate where the funds were banked?

MR WHALAN: There was no donation solicited or received, Mr Speaker, so the last part of the question is irrelevant.

Very Fast Train Project

MR KAINE: I direct a question to the Chief Minister. It has to do with one that I directed to her only last Thursday when I asked what the Government's attitude was to the very fast train system. I would like to quote what she said in reply:

The Government, as such, has not formally considered an attitude towards the very fast train proposal... Therefore I could not really say whether we support it or not, at the moment.

It is a direct quote from Hansard. In view of that answer, Mr Speaker, I direct the Chief Minister to a comment that

4 July 1989

appears in today's paper in which the ACT Chief Minister has endorsed the very fast train project and she chose the Canberra College of Advanced Education "to air her views about the train". I ask the Chief Minister whether her expression of opinion only last Thursday was the correct one or whether her support now is the correct one. Why did she not choose to reply to the question in the Assembly only last Thursday but choose the CAE as the venue to give her opinion on the VFT?

MS FOLLETT: I am happy to answer that question. The reply that I gave on that matter in the Assembly last week was the correct reply and was in no way inconsistent with the remarks that I made at the CCAE function yesterday. I can see that there may appear to be some inconsistency in the way that those remarks have been reported. I do not take any responsibility for the way in which my remarks are reported.

The fact is that the Government has not decided its view on the very fast train in a formal sense. We have yet to do that, and I think I made that position very clear in the Assembly last week. I believe I have also made it very clear on repeated occasions - and yesterday was one of them - that the very fast train is an extremely exciting proposal and one that has a great deal of potential for the ACT.

The Territory, indeed, could stand to be a big winner if the very fast train proposal goes ahead. In terms of our regional development, tourism, employment, diversification of our industries and so on, that project has great potential for the ACT. There are also, as again I have repeatedly said, some other issues that need to be publicly aired. Those are largely to do with the environment and the effect of the very fast train on our environment, not just in the ACT but also throughout its corridor.

I think that the appropriate process is that those issues be aired in public, that there be adequate consultation on those matters. I am sure members would be aware that my party arranged a seminar on all of the issues to do with the very fast train a couple of weeks ago. It was very well attended; it had a variety of interests represented, and was indeed a very informative step towards that consultation process.

I do not believe that I have been inconsistent in my views on the very fast train in any way, but I acknowledge that on a superficial reading of the Canberra Times report it may have been possible to put a different interpretation on that.

4 July 1989

Gas and Electricity Rates

MR DUBY: My question is addressed to the Minister for Housing and Urban Services. I note in an article in today's Canberra Times, on the front page, referring to the cost of natural gas there is a statement:

...lower gas prices would represent a further challenge to ACTEW, which is expected to announce shortly an increased tariff for 1989-90. The authority has, however, not yet notified the Minister for Urban Services, Ellnor Grassby, of its proposed increase.

My question is: Is the Minister the person responsible for these matters or is it, if she will pardon the analogy, a case of the tail wagging the dog?

MRS GRASSBY: No, ACTEW has not, at this stage, looked at that. That will be coming to me as part of our budget talks in the next couple of weeks. As the Deputy Chief Minister is responsible for natural gas, when I have that information it will possibly be announced at the same time.

Bruce Stadium

MR JENSEN: Mr Speaker, my question without notice is directed to the Minister for Industry, Employment and Education. Is it correct that the Bruce Stadium has been formally passed into the care of the ACT rate and tax payers? If this is correct, can the Minister provide the details of the date when this transfer took place?

MR WHALAN: No, there has not been a formal handover of the Bruce Stadium by the Commonwealth, or the Australian Institute of Sport, so I cannot answer the other parts of the question.

MR JENSEN: I wish to ask a supplementary question. In that case, is it proposed that work should commence on Bruce Stadium before that changeover takes place?

MR WHALAN: Mr Speaker, the construction work in relation to Bruce Stadium will proceed on the basis of a letter of intent which has been received on this matter. While there has been no formal handover in the form of a formal legal document, a letter of intent has been received from the Commonwealth. It is on the basis of it that I think work would proceed.

ACT Economy

MR WOOD: Mr Speaker, I direct a question to the Minister for Industry, Employment and Education. I pose it against

4 July 1989

the background of considerable attention to economic conditions in Australia, and I ask the Minister specifically: What is the condition of business activity in the ACT? Is it in a state of growth or otherwise?

MR WHALAN: The ACT economy is currently subject to three major influences which are leading to a significant slowdown in both demand and employment growth. The first of these is the fact that, through the Commonwealth exercising restraint on its recurrent expenditure and in particular on staff costs, it has led to a no-growth situation in Commonwealth public service numbers in the ACT. This is reflected in the fact that, in the last 12 months, of all the new jobs that have been created not one of those new jobs has been created in the public service.

Secondly, there have been reductions from an historically high peak in the Commonwealth capital works expenditure in the ACT, and that is most dramatically demonstrated by the completion of the new and permanent Parliament House. Finally, there has been a significant reduction in our expenditure, as demonstrated through statistical surveys, resulting from the Commonwealth's tight monetary policy.

However, despite these influences, the ACT growth is still strong compared with growth in other parts of Australia, and continued growth is occurring in areas of retailing, recreation and tourism related activities. The Government is taking steps to ensure that tourism maintains a high priority as one of Canberra's major growth industries. We have indicated to the Assembly on a number of occasions the initiatives that we have taken in this area.

Related to that tourism growth is, of course, the need to proceed fairly quickly with the section 19 project, from the employment point of view during the construction phase and also for the employment opportunities that it will create once the project is completed.

Other industries with a strong potential for growth include advanced technology, the printing and allied industries, and finance and business services. Studies are being undertaken into a number of these industries in order to target those areas with the strongest potential for growth.

Workers Compensation

MRS NOLAN: My question is directed to the Minister for Industry, Employment and Education. Given that the motel industry, being substantially accommodation orientated, has significantly fewer workers compensation claims than the hotel industry, will this Government take similar action to the New South Wales Government and review and reduce the workers compensation premium paid by motels in the ACT?

4 July 1989

MR WHALAN: The question of workers compensation in the ACT as it compares with New South Wales is quite a complex one, and it is one which the Government is addressing at this moment. There is quite a considerable discrepancy between the workers compensation rates applied in the ACT in a whole range of industries and those applied in New South Wales. It adds significantly to the cost structures of a number of industries, including the motel industry. As we undertake the review, I will take on notice the fact that Mrs Nolan has raised this issue, and indeed I will consult her subsequent to today's proceedings to get some more specific details, Mr Speaker.

Section 19 Development

DR KINLOCH: My question is directed to the Chief Minister in her role as Minister for the arts. There was a public meeting last night of the arts industry in Childers Hall. At that meeting, many members were very distressed at many of the findings of the Murray Edmonds report. What opportunities will the Government arrange for further discussions and possible revision of the recommendations of that report?

MS FOLLETT: I thank Dr Kinloch for the question. I am sorry that I was not aware of that meeting. I think it is very important that groups such as the arts industry groups continue to raise issues and consult with their representatives in the Assembly on the issues which are of concern to them. I released the Murray Edmonds report just a month or so ago, as soon as it was available to me to release it. The report had some very significant recommendations to make on the further development of the section 19 proposal - in particular, the kinds of developments that might be of relevance to the arts community and the whole cultural community generally. It had some recommendations to make about arts spaces, the kind of theatre spaces and other performing arts facilities that might be appropriate on section 19.

It is not apparent to me what the concerns of this arts industry meeting were. Without that level of detail, I really cannot provide a very full response to the question, for which I apologise. Let me just say that, if there are matters of concern to that group, I would be only too happy to hear from it as to what those concerns are and to look at them in the light of further consideration of the Murray Edmonds report.

Natural Gas

MR KAINE: I direct a question to the Minister for Industry, Employment and Education. It follows also from the article in the Canberra Times that has to do with the

4 July 1989

price of natural gas in the ACT. Firstly, is the Minister aware of the contractual arrangements between the three parties involved in delivering natural gas to Canberra - that is, the original supplier, the Pipeline Authority and AGL - and the fact that those contractual arrangements are such that the delivery of gas into the ACT costs 8 per cent more than the same gas delivered anywhere in New South Wales? It is because of the contractual arrangements that exist. If he is aware of that, which we have inherited, I know, from a previous Commonwealth administration and a Commonwealth Minister, does he intend to enter into negotiations with the parties involved to make sure that natural gas delivered to the ACT costs no more than the same gas delivered to consumers in New South Wales?

MR WHALAN: I thank the Leader of the Opposition for the question. The agreement between the Pipeline Authority and AGL for the piping of gas to Canberra has been negotiated, so we are informed, on a different basis from the original agreement applicable between the Pipeline Authority and AGL in New South Wales. The justification which is offered for that is that the cost for Canberra includes the cost of gas from the Pipeline Authority, a proportion of the costs associated with the main pipeline from the Moomba gas fields, the entire costs associated with the branch line from Dalton to Canberra and a profit margin for the Pipeline Authority. The figure, which may have been quoted, is that there is approximately 28 per cent difference between the cost of gas to AGL for most areas of New South Wales and that for the ACT. What we are committed to - it is one of the matters which has caused a delay in responding to the application by AGL for a 5 per cent price increase - is that we are at this moment investigating the reasons for the price disadvantage. We are investigating that in a review of all the factors relating to the agreement for the supply of gas to Canberra, which was made in 1980 between the Commonwealth and AGL. So we are conscious of it.

We have been the subject of criticism for delay in responding to AGL's application for a price increase. It, of course, has substantially passed on that price to the consumer. The difference in the retail price of gas is not as great as the 28 per cent differential between the wholesale price for the ACT and that for elsewhere in New South Wales. The early indications are that it is an unfair impost on the ACT and the consumers of the ACT, and we will certainly be endeavouring to rectify that situation.

Tasmanian Government

MR DUBY: My question is addressed to the Chief Minister in her role as Minister responsible for intergovernmental relations. Has she written to the new Tasmanian Premier, Mr Field, offering her advice on the traps and pitfalls

4 July 1989

that a minority government should avoid, given her obvious experience in these matters?

MS FOLLETT: I thank Mr DUBY for the question - a very timely one, too. I have indeed written to Mr Field, and I offered him my warm congratulations on the formation of his minority Government. I was not prepared to offer him any advice on how to handle the matter, as I think that to do so might have been presumptuous on my part; I believe he has had considerably more parliamentary experience than I have. But I wish him well - - -

Mr Kaine: His Government will last longer than yours, too.

MS FOLLETT: I doubt that, Mr Kaine; I very much doubt that. I certainly wish him well. If I have any thoughts to offer him at all, they would simply be the warmest, best wishes for a difficult task ahead.

Metal Recycling

MR STEFANIAK: My question is directed to the Minister for Housing and Urban Services. What does the Government propose to do about the metal recycling yard run by Ron Wanless and Co. in Newcastle Street, Fyshwick, which apparently, I am told, is not abiding by the terms of the contract issued to it by the Administration in relation to the recycling of car bodies and other scrap metal, in that it is meant to operate the yard from Monday to Friday inclusive but it is not doing so, resulting in, firstly, a public hazard in a lot of used car wrecks and other metal building up at the yard, which is causing problems for persons, including children, who are climbing all over them, and, secondly, large quantities of scrap metal, especially such items as refrigerators and non-usable parts of cars, not being recycled but ending up at our rubbish tips?

MRS GRASSBY: I thank the member for the question. I am sorry, but I do not know about the matter. I will take the question on notice and get back to him.

Section 19 Development

MR COLLAERY: My question is directed to the Minister for Industry, Employment and Education. Will he confirm that on 24 April 1989 he met with a director of Wollongong Constructions Pty Limited to discuss, amongst other things, the section 19 development?

MR WHALAN: Mr Speaker, regardless of the date, I have never met with a director of Wollongong Constructions to discuss section 19.

4 July 1989

MR COLLAERY: I have a supplementary question, Mr Speaker. In respect of the Minister's reply, will he confirm that he met on that date with a director of Wollongong Constructions?

MR WHALAN: Mr Speaker, I would have to refer to my diary, as 24 April is quite a long time ago. I do not dispute the fact. I have met with Geoff Da Deppo, who is a director or one of the directors of Wollongong Constructions, and I have met with John Da Deppo, his brother, on another occasion within that time frame. But I will certainly check the diary, and I will let the member know at question time tomorrow.

Woden Bus Interchange

MR WOOD: Mr Speaker, I direct a question to the Minister for Housing and Urban Services in connection with a small part of her responsibility, the Woden bus interchange, about which a great deal has been said lately. I ask the Minister: Is she satisfied with the physical layout of the interchange, in terms of its ability to afford safety and comfort to its users? Any other information she could give me would be appreciated.

MRS GRASSBY: I thank Mr Wood. When the problem of the Woden interchange was discussed in the newspaper in connection with the Bill that Mr Stefaniak has before the house, I asked ACTION to give me information about it. Its officers went out to the interchange. One of the things that they found was that at one end of the bus station it was very, very dark. This was where the stairwell and the ramp are located. ACTION looked at moving this to the other end, because there is quite a lot of area there where there could be shops, but this would cost quite a bit of money.

I then asked whether there was anything that we could do to either lighten it up or have some protection or maybe organise for the police to be there. Apparently at the very end is an area where there could be police. So, I understand that ACTION offered this to the police for between 6.00 pm and the time of the last bus leaving the bus interchange. I understand the police said no because they could not man it. I find that it is one of the most incredible things; if that is one of our troubled areas and the police have been asked to man it, I cannot understand why it cannot be manned.

It apparently looks straight down the bus interchange and is a good surveillance area. I feel that if there had been a policeman there at times it probably would have deterred people from doing some of the things about which there seem to be complaints. ACTION is looking into it, to see whether there is anything else that we can do about it.

4 July 1989

Nature Conservation Legislation

MR HUMPHRIES: My question also is directed to the Minister for Housing and Urban Services. Given the Chief Minister's statement earlier this afternoon in response to the Fitzgerald report and, in particular, reaffirming her commitment to open and consultative government, I want to ask the Minister about the consultation that occurred with the relevant members of the community over the recently passed Nature Conservation (Amendment) Bill. Is it true that neither the Wildlife Foundation (ACT) Inc. nor the ACT branch of the RSPCA was consulted about the Bill? Does the Minister consider these organisations unworthy of being consulted, or is her department exempt from the Chief Minister's policy?

MRS GRASSBY: We have had all these groups, except the RSPCA, in our office not to discuss the Bill but to ask them what they felt needed to be included. At times the conversation came round to these sorts of things. We informed them that we were taking them into account, and they were pleased to hear that we were moving in this direction. But at all times, as with housing, we have been bringing in groups to discuss the different things that are part of my portfolio, as the Chief Minister has asked me to do.

MR HUMPHRIES: I wish to ask a supplementary question, Mr Speaker. By "these groups", does the Minister include the ACT Wildlife Foundation, which has specifically told me that it was not consulted in relation to that Bill?

MRS GRASSBY: No, I do not think representatives of the ACT Wildlife Foundation were there. I asked my department to contact all the people who were involved in this area, and I left it to my department to do it. If they were not contacted, I am very sorry. Obviously the department left them off the list.

"Republic Of Kamaria"

DR KINLOCH: As this questions without notice period comes to a close, I would like to ask a question which is an historic first for this Assembly. I ask it of the Chief Minister in her capacity as foreign Minister. I am deeply, deeply shocked, Mr Speaker, to discover that the "Republic of Kamaria" has opened its consulate in Canberra and that we were not consulted. I ask the ACT Government and its foreign Minister whether the ACT Government recognises the "Republic of Kamaria". If so, when will the necessary diplomatic arrangements be made? Is someone in mind as the ACT's ambassador to Kamaria?

MS FOLLETT: I thank Dr Kinloch for the question. I deny categorically that I have duties as foreign Minister. I believe that all such relations between Australians and

4 July 1989

governments of other countries are handled at the Federal level, and quite rightly so. However, if indeed a Kamarian embassy is being opened and if there is a position available for an ambassador, I can think of nobody better than Dr Kinloch to fill that position, although unfortunately he would, of course, be subject to my equal opportunity provisions and would have to take his chances in that kind of a forum.

Housing Loan

MR COLLAERY: My question is directed to the Chief Minister. Is she aware that the National Crime Authority has interviewed a former Commissioner for Housing of this Territory, Mr Grills, regarding the discharge of a Commissioner for Housing loan given to one of her ministerial colleagues? If so, would she be prepared to look into the matter and provide a statement to the house on it?

MS FOLLETT: No, I am not aware that the National Crime Authority has interviewed a former Commissioner for Housing on the discharge of a Commissioner for Housing loan for one of my ministerial colleagues. I am happy to make some inquiries in relation to that matter. It might be advisable, if Mr Collaery has some information that he wishes investigated, that he gives me a bit more of the chapter and verse on it, to save a hundred-year search of the archives of the ACT while I track down who or what he might be talking about. So, I am quite happy to undertake such an inquiry, provided that I have the information which would enable that inquiry to be undertaken in a timely and efficient manner.

Education

MR HUMPHRIES: My question, Mr Speaker, is directed to the Minister for Industry, Employment and Education. Is the Minister aware of the intention of the Queensland branch of the Australian Labor Party, as indicated in an article in the Canberra Times yesterday headed "Qld Labor promises literacy", should it win government - I ask you to allow this question, Mr Speaker, notwithstanding that it is hypothetical - to introduce a diagnostic test to ensure that school children reach a minimum level in mathematics, reading and writing? Does the Minister agree with his Queensland counterpart that there is a need for literacy and numeracy testing in ACT schools? If not, why not?

MR WHALAN: Mr Speaker, the ASAT test is an assessment test established by the Australian Council for Educational Research, ACER, and is an important component in the determination of the assessments of students for their matriculation qualifications. That test contains a

4 July 1989

component relating to literacy and numeracy. In a recent report - I know that Mr Moore will bear me out in this - from ACER, an independent body, it applauded the ACT education system on the excellence across the board of the students who submitted themselves for that test in literacy and numeracy. That is an assessment that is applied at the moment, and it is pleasing to be able to report that students from our schools are the best in Australia, according to that test.

MS FOLLETT: Mr Speaker, I ask that further questions be placed on the notice paper and, in doing so and in light of some of the interjections during question time, could I just comment that, by my count, 17 questions were asked today and also, by my count, one of them was taken on notice.

Traffic Accidents

MRS GRASSBY: On 29 June Mrs Nolan asked me a question about the introduction of a graduated driving licence scheme in the ACT. The answer to the question is as follows: The Australian Transport Advisory Council has endorsed the concept of a uniform graduated driving licence scheme to be introduced throughout Australia. The ACT, in line with most States, is looking to implement as many features of such a system as quickly as possible.

Stage 1 of the system was commissioned on 18 May 1988, and involved the introduction of an on-line computerised licence system, including a credit card-style licence with photograph. Special identification requirements were also introduced. Significant upgrading or modification of the current computer system is required to allow such features as the graduated licence, new licence classes and other improvements to be introduced. Computer systems improvement will be considered as part of the 1989-90 budget process.

CONFERENCES OF PLANNING AND HERITAGE MINISTERS Ministerial Statement and Paper

MS FOLLETT (Chief Minister), by leave: Members would be aware that I represented the ACT at two conferences in Perth last month. These were the Planning Ministers Conference, held on 14 June, and the Heritage Ministers Conference which was organised for the following day.

These meetings are held annually, in different capital cities, and are attended by Ministers from the Commonwealth, States and territories with responsibilities in these areas. They provide an opportunity for an exchange of views and information on matters of common concern. The agenda included a number of items of

4 July 1989

particular importance to Canberra, including the supply of residential land, the impact of tourism and the options for funding heritage programs.

On the subject of residential development and land supply, the Commonwealth sought agreement to a national housing development program to further Federal and State or territory housing supply-side measures. The Commonwealth proposed a contribution of \$2m in each of three years, with State or territory contributions to be negotiated project by project.

The ACT was not included in initial allocations on the basis that it did not need to "demonstrate" to local government, and has been invited to only the most recent meeting on the program. I proposed that the ACT should be involved in future discussions and allocations as a matter of course. This was acknowledged by the Commonwealth.

The Commonwealth circulated a paper informing Ministers of progress in the release of Commonwealth land for housing - a paper which did not acknowledge the ACT. I made a set of specific claims on behalf of the ACT and, in particular, called upon the Commonwealth to release land at the Belconnen naval station, the Bonshaw site and the Gungahlin CSIRO land holdings. Mr Barry Jones, representing the Federal Government, conceded that the claims of the ACT were strong and would be addressed by the Commonwealth. Negotiations with the Commonwealth are continuing in a positive vein.

All States and territories are experiencing problems with aircraft noise, and a paper on land use planning and control in respect of aircraft operations was circulated by the Department of Industry, Technology and Commerce. The Federal Government is to respond formally to the recommendations of the paper. As Canberra grows and air services develop, aircraft noise may be an increasing problem. As the impact is much greater in the major cities, we will be watching their experience closely.

A paper on tourism impacts on the community, prepared by the Department of Arts, Sport, the Environment, Tourism and Territories brought Ministers up to date with the progress of various current inquiries into the Australian tourism industry.

Tourism is, and must continue to be, a significant part of the ACT private sector economy. The Government is vitally interested in how tourism can be encouraged in a manner which is sensitive to the community. A paper on relationships between State or territory governments and local councils summarised current arrangements in this field and was the basis for a discussion by Ministers.

One of the particularly relevant items on the agenda was regional planning, and I have followed discussions on this issue closely. Action has already been initiated to

4 July 1989

strengthen links between New South Wales and the ACT on regional planning issues.

A paper on world heritage listings was presented by the Commonwealth. It is a priority of the ACT Government to establish a heritage action program, and the views of the relevant Legislative Assembly committees will be sought on these matters. I intend to monitor, with considerable interest, actions elsewhere in Australia to nominate places to the World Heritage List.

South Australia presented a paper on integration of heritage listing criteria in States and the Commonwealth. The experience of South Australia is valuable as we move towards defining our ACT heritage listing criteria. I have asked to be kept informed of the progress of a proposed pilot program between the Commonwealth and South Australia to devise and implement an integrated heritage listing process.

Options outlined for funding heritage programs had their main emphasis on tax incentives. The Commonwealth Government has not agreed to any major initiatives at this time. My office will monitor developments, particularly any suggestions that State or territory contributions are required by the Commonwealth.

Two resolutions were adopted by the conference. Resolution 1 was in the following terms: firstly, that the Federal Government be requested to update the States and territories on a regular basis with new information on scientific assessments of the impact of the greenhouse effect, ozone layer depletion and other environmental problems and their impact on planning considerations, and, secondly, that Federal authorities which are expert in these areas, such as CSIRO and the Bureau of Meteorology, be involved in discussions with the States and territories on these issues.

In resolution 2, Ministers further noted the desirability of ensuring closer coordination at Federal level in relation to the land disposal activities of the Department of Administrative Services so that Commonwealth land disposals are used as a positive instrument to promote more affordable and innovative housing developments. I am happy to provide background information on any agenda items for these conferences if members wish to approach me. I present the following paper:

Conferences of Planning and Heritage Ministers -
Ministerial statement, 4 July 1989

and move:

That the Assembly takes note of the paper.

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

4 July 1989

ADMINISTRATION (AMENDMENT) BILL 1989

Debate resumed from 29 June, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR KAINE (Leader of the Opposition) (3.44): Mr Speaker, I moved the adjournment on this matter the other day because I had only the Administration (Amendment) Bill in front of me, and I had no information as to what was being amended or what its purpose was and what its effects were to be. Having now obtained a copy of the Bill that is being amended and being able to see just what the amendment relates to, I have no objection whatsoever to the amendment being proposed, and I need say nothing further on the subject

MR COLLAERY (3.45): Mr Speaker, I mirror the comments of my colleague Mr Kaine. The Administration (Amendment) Bill is a machinery amendment, on my reading of it. It moves some delegations around. My only comment to the Assembly is that delegated power has often been misused in the past, and no doubt the Chief Minister has enjoined her senior officials to ensure that delegations are reviewed on a set period basis, as they are in a number of bureaucracies in Australia. It is a rolling program, a review of delegations and a review of those dealing with the delegations. One would hope that the procedure is already under way; I have not had time, Mr Speaker, to determine whether it is. But the review of delegations, given the very wide powers that flow down from Ministers, should take place regularly and should ensure that delegated powers do not extend to issues which can affect the performance by officials of functions that involve quasi-judicial powers and decision making, such as on merit review matters, until those persons granted delegation are adequately trained in those delegated functions.

Question resolved in the affirmative.

Bill agreed to in principle

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLIC TRUSTEE (MISCELLANEOUS AMENDMENTS) (AMENDMENT) BILL 1989

Debate resumed from 29 June, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR STEFANIAK (3.46): Although the Chief Minister does not like my Bill, I find a lot of merit in this amendment.

4 July 1989

Mr Moore: Shame on you!

Mr Humphries: Shame!

MR STEFANIAK: Indeed, shame, shame! As has been said, the ACT Supreme Court raised doubts about the ability to grant probate to the Public Trustee of a will made by a person where the Curator of Estates of Deceased Persons was named as executor and that person died after the commencement date of the Act.

This is a necessary and timely amendment, and I have checked to see whether anyone has any problems with it. Certainly I have received a reply from the Law Society of the ACT, and it indeed has no objections to the Public Trustee (Miscellaneous Amendments) (Amendment) Bill as presented. Accordingly, and having looked at the legislation, I feel it is a useful amendment. Certainly I am in support of it.

MR COLLAERY (3.47): My comments again mirror those of my colleague Mr Stefaniak. I wish to draw to the attention of the Chief Minister the fact that as Attorney-General she may, by notice in writing, publish in the Australian Capital Territory Gazette determined fees and charges for the purposes of the Public Trustee Ordinance 1985.

Having regard to what we see on our milk cartons - that is, the advertisements by the Public Trustee for work in drawing wills and the like - I would point out that I asked a member of my staff to let me know what the charges were currently for a will. They are: husband and wife, \$60; individually, \$40; age or invalid pensioner, no charge. The Public Trustee is to be congratulated with respect to the provision of age and invalid pensioner no-charge facilities for making wills.

Mr Speaker, it has been my view for many years as a practitioner in this Territory that there is very little education in the school system. All the teachers here, and ones missing, should hang their heads in shame that very little education is given on testamentary disposition in our schools. Very many young persons die intestate as a result, because the law is based on capacity. From 18 years of age people occasionally have, particularly through insurance claims and the like after their death, substantial property that moves into intestacy.

We do very little in our schools about encouraging young persons to make a testamentary disposition. That creates vast problems for already troubled and grieving parents. One hopes that the administrators of the Public Trustee Ordinance - I am not sure what section of the Chief Minister's department administers that - will look at a proper liaison with the Law Society of the ACT on that issue at an early date.

4 July 1989

I have one criticism of the Public Trustee function, Mr Speaker, and that is that very few people going in to make a will usually, in my experience, appoint a private executor or executrix. They tend to appoint the trustee office. One must have regard to the fact that the fee paid to the administrator of the estate at the Public Trustee Office is as follows: 4 per cent on the first \$250,000 - all but struggling, dedicated politicians such as me, Mr Speaker, have more than that type of estate usually - 3.75 per cent on the next quarter of a million dollars, 2.75 per cent on the next quarter of a million dollars, and 1.75 per cent on millionaires. Mr Speaker, 4 per cent on \$250,000 is \$10,000. This is not a plea for the private profession at all, but I want to state that a fee of \$10,000 to administer a quarter of million dollar estate - if the details given to my staff member today are correct - seems to be rather high. I ask the Chief Minister whether she could look into that matter because - as I know my colleague Mr Jensen can attest, although I do not believe he will speak to the Bill, unless he wants to - it has been the subject of complaint from time to time by persons who find themselves locked into these scales.

Finally, Mr Speaker, I have had occasion in the past to find some of the procedures of the Public Trustee Act slow and unwieldy, particularly in such decisions as renting out empty premises, at least during a period of document preparation, so that funds come into the estate. There are difficulties often in the bureaucracy of it all, and I would ask the Chief Minister to look carefully at this system to see whether funds cannot be got in on a different basis, both to get the user pays principle going at a little better pace in that area and to see that there are not too many deprecations on the estates of those persons.

MR JENSEN (3.52): Mr Speaker, I would like to speak very briefly and follow up on the comments that my colleague Mr Collaery has made. I refer specifically to a situation when a relative of mine was involved in a very tragic accident in which he was very badly injured. As a result of the compensation that was provided to him, he was awarded a considerable sum of money.

However, not that long ago his mother discovered that, if the money were to be continued to be invested through the Public Trustee who had responsibility, by the time he was 40 the money would have been gone and he would have been left without any support at all. I encourage the Chief Minister to look very carefully at that particular problem in association with the management of estates by the Public Trustee. Incidentally, that was not in the ACT; it was in another State.

Question resolved in the affirmative.

Bill agreed to in principle.

4 July 1989

Leave granted to dispense with the detail stage.

Bill agreed to.

POSTPONEMENT OF ORDERS OF THE DAY

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

That the following orders of the day, Executive Business, be postponed to the next sitting:

- No. 3 Film Classification (Amendment) Bill 1989: Agreement in principle - Resumption of debate.
- No. 4 Pesticides Bill 1989: Agreement in principle - Resumption of debate.
- No. 5 Occupational Health and Safety Bill 1989: Agreement in principle - Resumption of debate.
- No. 6 Home and community care program - Ministerial statement and paper - Resumption of debate.
- No. 7 Medicare incentive program - Ministerial statement and paper - Resumption of debate.

Sitting suspended from 3.54 to 8.00 pm

INCORPORATION OF MATERIAL IN HANSARD

MR SPEAKER: On several occasions during debate in this Assembly, members have sought leave to incorporate material in Hansard. Therefore it is important that guidelines be established. I wish members to note that the reports of the Assembly debates (Hansard) are the reports of the speeches made by members in the Assembly. In the House of Representatives, the consistent aim is to keep the Hansard as a true record of what is said in the house, the primary purpose of Hansard being to record the spoken word.

The reasons for discouraging the practice of incorporating printed material are:

that unread material may offend the rules requiring relevance and decorum of expression;

that the unread matter may contain offensive or libellous statements to which a member may have taken objection had the words been spoken;

that the member could in effect make a longer speech than the time limit allows for;

that delays, technical problems, and increased costs of production of Hansard could result;
and

4 July 1989

that printed material and public documents may be tabled and included in the papers of the Assembly for members to view.

I remind members that the budget allocated to Hansard is very limited and, whilst we are able to produce a proof issue of daily Hansard for the use of members and subsequently a final weekly Hansard, incorporation of printed material by members will create technical and production difficulties. As is the case in the Commonwealth Parliament, the Speaker will exercise final authority over the incorporation of unread matter.

Therefore, I propose to not allow the incorporation of printed material other than petitions, answers to questions on notice or other matter, such as tables and graphs, which need to be seen in visual form for comprehension. Material so presented must be of a high production standard which will permit reproduction by photocopying to the standard expected of Hansard.

The documents which Mr Duby and Mr Stefaniak sought leave to incorporate last week did not fall within the guidelines I have outlined, and therefore I have ruled that they are not to be incorporated in Hansard. However, I have taken action to ensure that copies of those documents are forwarded to all members.

In conclusion, I ask all members to consider carefully before seeking to incorporate material in Hansard as I believe that the practice generally is unsatisfactory and should be avoided.

SELF-GOVERNMENT - SELECT COMMITTEE

Debate resumed from 28 June, on motion by Mr Duby:

That:

- (1) A select committee be appointed to inquire into and report on -
 - (a) a financial agreement between the ACT and the Commonwealth Government as a result of self-government for the Territory;
 - (b) the form of government most appropriate in the ACT taking into account responsibilities of State, Territory and municipal governments;
 - (c) the method and practice of the first ACT election with particular regard to the electoral system and the election process with a view to recommending changes which might improve the process and expedite the count; and
 - (d) the reserve powers retained by the Commonwealth under the ACT self-government legislation particularly with respect to:

4 July 1989

- (i) the responsibility for future electoral arrangements;
 - (ii) the size and structure of the ACT Legislative Assembly;
 - (iii) the size of the Executive; and
 - (iv) the role and powers of the Governor-General.
- (2) The committee shall report on the first sitting day of 1990.
 - (3) The committee shall consist of 5 members.
 - (4) A majority of members constitutes a quorum of the committee.
 - (5) The committee be provided with necessary staff, facilities and resources.
 - (6) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

MS FOLLETT (Chief Minister) (8.04): Mr Speaker, although the Government welcomes the opportunity to speak to this motion, we do so with awareness of the irony of the moment. The basic issue behind the motion, of course, is not new. The debate over self-government for the ACT has continued for almost 60 years. But the forum in which the debate now occurs, this Assembly, is new and it means that for the first time the people of Canberra can be assured that locally elected representatives consider the issue of self-government in their own territorial Assembly.

Before this year, the 280,000 people who live in the ACT were treated as second-class Australians. Although we paid our taxes and we did express our will at Federal elections, we had no real control over the direction of our own community and no real say in the decisions which affect our lives.

This is an extraordinary admission in a country that has been so committed to democratic ideals. But since the establishment of the first ACT Government, on 11 May 1989, the ACT has joined the democratic tradition that Australians hold dear. In effect, we exercise legislative and executive powers equal to those possessed by the Northern Territory and the States. We participate with them on an equal footing at the Premiers Conference, the Loan Council and other important forums, and we are able to argue at those meetings for a fair go for the people of the ACT.

We determine our own budgetary allocations and indeed the appropriateness of particular programs within the budget. We can elect our own peers to this Assembly and we can determine the fitness of those people to govern. We decide our own future and the future that we leave to our children in the ACT. We have a unique and appropriate form of government which reflects the particular circumstances of the ACT - in particular, the concentration of virtually all our population in one city and the ACT's position as the national capital.

4 July 1989

The form of government is a hybrid which has not been seen before in this country, but it was developed to suit the particular geographic, political and administrative circumstances of the ACT and it offers special challenges and opportunities to the ACT Assembly.

Because we combine State and local tiers of government we can avoid some of the duplication that inevitably occurs elsewhere in Australia and we can strive for a lean and efficient model of administration. It is not widely appreciated that this model is significantly smaller than traditional administrations. In regard to the ratio of Federal, State and local elected representatives to population, in the ACT there is only one politician for every 13,041 people. This compares with the Northern Territory where there is one politician for every 1,924 people and New South Wales where the statistic is one politician for every 3,039 people.

As well as that, the ratio of State and local public servants to the population is quite low in the ACT. The ratio here is 1:16. In the Northern Territory the ratio of public servants to population is 1:9.4 and in New South Wales it is 1:13, so our figures compare very favourably there.

While we can take some pride in these figures, we cannot rest on them and we must acknowledge that the rights of self-government also include the responsibilities of management. The system of government that we have in the ACT has been radically changed over the past few years. The territorial functions of no fewer than 12 Commonwealth departments have been merged into one ACT Administration and those functions have been consolidated into a single, stand-alone ACT budget.

This system will change even further as we progress in self-government and it is our desire to make the system more responsive, more accountable, more accessible and more open to ACT citizens. I believe it would be silly to pretend that we have a perfect system - there is no such thing as a perfect system - but we do have it in our hands to develop a system that serves all of the citizens of the ACT and that all of those citizens can be proud of.

The future for the ACT is made in this Assembly and it is made by people from the ACT. Mr Speaker, I grew up in the ACT, I went to school here, I have worked here and I know that there is at least one member in this Assembly who was born here. Those sorts of statements are not the kinds of statements that any Commonwealth Minister responsible for the ACT has been able to make.

The basic provision of self-government is that it allows me, other members here, and all the people in the ACT to determine how the ACT is run. It is particularly appropriate then that this Assembly considers the form of

4 July 1989

government in the ACT, and that is basically why the Government supports Mr DUBY's motion. It is particularly appropriate that we consider the electoral system because that is what is at the heart of democracy.

I believe it would be highly irresponsible if by introducing this motion the No Self Government Party hopes to reopen the debate on whether the ACT should govern its own affairs. That debate is dead and the Government will not be sifting through those ashes. That is the reason why the Government will not be supporting Mr STEVENSON's proposed amendment which has been circulated and which, in our view, only seeks to pursue a lost cause.

Mr Speaker, I believe we must look to the future because self-government has empowered us and employed us to do just that. Much of the debate over this motion will address the electoral system given us by the Commonwealth Parliament, the electoral system that was supported by all of the parties in that parliament. For many of those opposed to self-government the modified d'Hondt system has been a handy vehicle to blame for the delays and complications that plagued the election count. But I think it is fair to say that the first election, like all first elections, should not necessarily be treated as the norm for the future. For one thing in that first election there were a very large number of parties and individuals who stood for election and the election was complicated also by opposition to the very introduction of self-government that was around at the time.

Similarly, some people say that the d'Hondt system is not understood by the people of the ACT because it is too complicated. I wonder, Mr Speaker, how many people outside these doors, or indeed even inside them, have any idea how the Senate proportional representation system works either. Some take the view that it takes too long, and compared to single-member electorates it certainly does. It takes 8 weeks to count a New South Wales Senate election with 45 candidates, and we must bear in mind that the ACT election had 117 candidates.

The Government, as you know, is not wedded to the d'Hondt system. It is no secret that the Labor Party would have preferred single-member electorates, and it is no secret, I believe, that the modified d'Hondt system was the Federal Labor Party's fourth preferred option. So we must not take our responsibilities to the people of the ACT lightly and we will not support a change to an electoral system until we have seen and given due consideration to the alternatives.

The Government will welcome improvements to the style and form of management in the ACT. We believe that many improvements can and will be made to our systems. At heart, that is what our open government processes such as the budget and our initiatives and our commitment to the people of the ACT are all about. But I would never say

4 July 1989

that the Government was the repository of all wisdom, and we do hold responsibility for stable and efficient administration of the ACT on behalf of its people. I do not believe that anybody in the ACT will see the Government shirk those responsibilities.

We therefore welcome and support this motion. We look forward to the inquiry's report and we will consider the findings of that report as part of our obligation to the people of the ACT.

MR KAINE (Leader of the Opposition) (8.14): I think it is appropriate that this Legislative Assembly should review the matters raised in this proposed reference to a committee yet to be determined. As the Chief Minister has pointed out, up until now the debate has always been carried on elsewhere. More importantly, decisions about the lives of the people who live in Canberra - and recently I saw the population figure of 293,000, so we are close to 300,000 people - have been taken elsewhere.

To me that is essentially undemocratic because on the one hand the people who live here have a right to be involved in decisions about their way of life, and on the other hand they have a responsibility to be involved in decisions about their way of life. There has never been any doubt in my mind that there should have been self-government a long time ago, and in my view it is none too soon. It is timely that some of the matters that Mr DUBY has raised be considered within the context of this organisation, an organisation consisting of members elected by the residents, electors, ratepayers and taxpayers of this Territory. To my mind there is no question whatsoever that it is an appropriate thing for these matters to be considered here in this place, so that the decisions that come from this inquiry can reasonably reflect what this community wants rather than what some Federal Minister from some remote part of Australia wants.

To address particularly the matters of reference that Mr DUBY has put forward, in my view he has correctly put as number one on his list the financial agreement between the ACT and the Commonwealth Government. There is little doubt that we have been, we are, we remain at a financial disadvantage in many ways compared to other Australians. It has long been the view of many people that we have been financially well off, that we have benefited from having the Commonwealth administer this Territory. I have never accepted that view. It has always been my view that if we could untangle the morass of public accounting relating to the Australian Capital Territory, we would have found long ago that we were supporting ourselves. We would have discovered that the mumbo-jumbo of Commonwealth accounting, public accounting, has done nothing but obscure the fact that the people of this Territory have maintained themselves in terms of the revenues that they have contributed to the operation of this Territory.

4 July 1989

It is appropriate that we now have a look at that issue because, as Mr Duby has rightly pointed out, one of the big difficulties with being granted self-government in the fashion that it came is that there has been no agreement between the Commonwealth and this community on financial matters. There have been some matters that have been determined unilaterally by the Commonwealth with Commonwealth public servants representing this community talking to other Commonwealth public servants and coming to some agreement about what the financial arrangements should have been.

We need some sort of a financial arrangement with the Commonwealth along the lines of what was agreed by the Northern Territory. I certainly do not expect to see any such agreement as that negotiated with the Northern Territory, and there are a number of reasons why that is not likely to occur. The first is that the Legislative Assembly of the Northern Territory was in place before the transition to self-government occurred. There were elected people who were able to negotiate on behalf of the residents of the Northern Territory as to what that financial agreement should have looked like. There was no such body in place here, and negotiations must now take place, after the event, to rectify the omissions of the Commonwealth in transferring self-government to us in the way that it did.

I would submit, Mr Speaker, that in the lead-up to this election the Liberal Party set down some basic principles that should govern the financial relationship between this community and the Commonwealth. I think that they are worth stating because I doubt that the Labor Party in government or any other party here could challenge the validity of these principles. I will read them; they are not very long. In general terms the first is: "The residents of the ACT should be in a position no different to taxpayers elsewhere in Australia in that they should expect to pay for services provided by government at a reasonable cost" - I believe that is a basic principle that cannot be argued; it does not matter whether you live in the ACT or Melbourne or Sydney or anywhere else - "to ensure that ACT residents and taxpayers are in no way disadvantaged financially by the granting of self-government". This, I repeat, is Liberal policy and it reads:

A liberal administration will be guided by the following principles; first, that costs and charges relating to the establishment and maintenance of the seat of government and the national capital shall be borne entirely by the Commonwealth; secondly, that residents of Canberra should not pay more for ACT works and services than is paid elsewhere for comparable services, nor should they be asked to pay for a higher standard of service than applies elsewhere, unless it is a local decision reflecting local public demand that the higher standard be provided; thirdly, that ACT

4 July 1989

public finances must operate within a known and guaranteed set of financial arrangements between the Commonwealth and the Australian Capital Territory.

That point, Mr Speaker, remains to be negotiated. Although we have self-government, there is no known and guaranteed set of financial arrangements.

Fourthly, that the newly elected ACT government should have as long a transition period following the granting of self-government during which Commonwealth financial support will be guaranteed at an agreed base level in real terms, and having regard for population increases to ensure fiscal stability.

If I may comment on that point, Mr Speaker, we had an agreement in real terms which has already been abrogated by the Commonwealth, but that agreement, as I understand it, made no provision for increasing population. In other words, we have been tied to the 1987-88 level, and even if the population were to double overnight, there would be no increased input from the Commonwealth. That matter still remains as a principle to be negotiated.

The fifth point is that:

The Commonwealth Grants Commission must be available to conduct regular reviews of the ACT financing at the request of the ACT Government.

Those principles were valid when they were written down by the Liberal Party some months ago, they remain valid today, I believe that they are valid, irrespective of which party is in office in this Territory, and they provide a basis for further negotiation and debate with the Commonwealth. That debate must take place. Without it we are like a ship at sea in a storm without a rudder. We have nothing to guide us, we have no claim that we can make on the Commonwealth. It has virtually given us no undertaking on any of those matters. Indeed, on the one matter on which it did give us an undertaking, which was an input in real dollar terms, it has already backed away and taken \$23m out of this year's budget and put it into a trust account. There is a great deal on the financial aspect on self-government that yet remains to be done.

It is worth noting that our budget is now, I submit, in the coming year approaching \$1.4 billion. That is a lot of money, it requires careful management, and it requires the Commonwealth to take its part, having regard to my earlier point that this remains the seat of government in the national capital. It is something that we cannot ignore in talking about standards of services that will be provided and maintaining what most Canberrans would like to see maintained, that is the amenity of the Canberra that exists today. Part of that stems from Commonwealth standards that have been determined long before self-government in the ACT. But we are obliged, as custodians of this Territory,

4 July 1989

to maintain those standards and to maintain the amenity of the city and its image as our national capital. But the Commonwealth cannot abdicate - it cannot be allowed to abdicate - its role in ensuring that its responsibility to this Territory is recognised and maintained.

The other day we spoke at some length about aspects of Grants Commission inquiries and the degree to which they were relevant. I think to some degree that is water under the bridge. I have already stated it as a principle that the Grants Commission should be available to conduct reviews at our request - and I repeat, at our request.

The Commonwealth, of course, will continue to conduct periodic reviews of the ACT along with the other States and the Northern Territory, but I submit that there will be times when we may want to have a special inquiry done into the continuing situation of the Australian Capital Territory in isolation from all of that and we should have the power to seek cooperation from the Commonwealth Grants Commission to perform such studies.

Mr Duby mentioned things like over-standard expenditure and I agree with the point that he was making there. All States, the Northern Territory and this Territory in some elements of public expenditure maintain their levels above the standard determined by the Grants Commission. But let us be clear that the standard determined by the Grants Commission, using their fiscal equalisation approach, is arbitrary.

No State makes its expenditures at the standard levels. That is true of whichever element of expenditure you look at. It is an arbitrary standard against which the States and the territories are compared. So it is quite wrong to argue that because in the ACT expenditure levels per capita in education and health are greater than they are anywhere else in Australia we should set about reducing those levels of expenditure. It is a decision for this community to make as to whether it wants to maintain its expenditures at a level above standard - or for that matter at a level below standard. The Grants Commission merely makes an arbitrary determination that you are or are not above or below a standard and, as I say, that is a matter of community determination.

If we cannot afford the over-standard, then we may be forced to pull our expenditures back, but it is improper for the Commonwealth, as it has done over a number of consecutive years, to make a judgment that we are over-standard and that therefore the expenditures in those areas must be reduced. The Commonwealth has attempted to do it over a two- or three-year period and we have to make sure that the standards in health and education do not decline because we are required to make reductions against this arbitrary standard.

4 July 1989

I just want to make a couple of comments on other aspects of the matters that Mr Duby has raised. I think that it would be useful to have a look at the form of government. I am not sure that the one we have got at the moment and the way that we seem to be leading are necessarily right. During the election campaign I spoke, and I meant it sincerely, about a form of cooperative government rather than the confrontationalist form that is emerging here along the Westminster lines. I think that we had an opportunity to create a different form of government. Perhaps it is not too late. Perhaps if this committee examines this matter and comes back with some resolutions about a different form of government, it will not be too late for us to implement them.

I note that Mr Duby recognises the three levels, particularly the State and the municipal level, and recognises the territorial ramifications of government. I think that it is appropriate that we look at that and perhaps rethink the direction that we are taking and consider whether a Westminster-style parliament is appropriate for this Territory.

I would say, however, with respect to Mr Stevenson, that the option of no government is not an option. That has been determined by the Commonwealth. It made up its mind that it did not want to be bothered about administering this Territory any longer. It had the power under the Constitution to make that determination, it has made it and there is no going back - there is no question of retracing our steps. I respect Mr Stevenson's view on the matter, but I think that he will find little support for the proposition that there should be no government in the ACT at this stage. However, I do not say that the committee should not perhaps look at constitutionality, even if only to assure itself that constitutionally our position is sound. And I think that, if it examines it in detail, it will discover that that is the case.

I shall not speak on the election issues. I will leave that to my colleague Mr Humphries, who is far more expert in electoral matters than I am. I conclude by saying that the inquiry that Mr Duby is requesting is within the powers of this Assembly to undertake. It is appropriate that the Assembly undertakes it and that this elected body reviews for the first time these important matters so that we can satisfy the electorate and the community at large that we are legitimately here and are moving in the right direction.

MR STEVENSON (8.30): Mr Speaker, I move as an amendment:

That the following new paragraph be inserted before paragraph 1(a):

- 1(A) the constitutional legality of establishing self-government in the ACT, with particular reference to sections 52 and 125 of the Constitution, the Seat of Government Surrender

4 July 1989

Act 1909 of New South Wales and the Seat of Government Acceptance Act 1909 of the Commonwealth.

I believe there is a need for the incorporation of constitutional considerations into the terms of reference of the proposed select committee inquiry into matters affecting self-government. This would widen the scope of the proposed inquiry into ACT self-government to include within its terms of reference an examination into the constitutional validity of three areas: firstly, whatever form of government it is proposed to examine per term of reference (1)(b), that is, the form of government most appropriate in the ACT taking into account responsibilities of State, territory, and municipal government; secondly, the concept of the reserving of powers and dispersal of powers and power sharing between the ACT Government and the Federal Government with regard to the term of reference item (1)(d), and it is important to bear in mind, and I will show this, that the constitutional reference to the exercise of powers in the ACT uses the term "exclusive"; thirdly, the long-standing concern in the minds of the community, as represented by such groups as the Referendum First Committee and others, about those constitutional issues relating to self-government within the ACT.

Mr Speaker, the proposed inquiry presents an excellent opportunity to arrive at a satisfactory determination. The relevant sections of the Constitution and the points raised are also three in number. The first refers to section 125 of the Commonwealth of Australia Constitution Act. This section begins:

The seat of Government of the Commonwealth...shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales...

Therefore, it can be viewed that, according to section 125, the Commonwealth does not have the authority to divest itself of that which constitutionally can only belong to itself.

The second point concerns section 52 of the Constitution, which states:

The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to -

(i) The seat of government of the Commonwealth...

Therefore, it can be viewed that, according to section 52, the Parliament has exclusive power to make laws for the seat of government, but cannot delegate or give away this power to a self-government.

4 July 1989

Mr Speaker, it is worth noting that "exclusive" means "to the exclusion of all others". It is understood that this exclusive power is by no means absolute but is, as the conditional clause in section 52 states, "subject to this Constitution". Therefore, such exclusive power is limited by section 125 and any other relevant sections of the Constitution.

The third point concerns the New South Wales Seat of Government Surrender Act 1909, obviously the Act under which New South Wales surrendered the Territory. There were also the Commonwealth Seat of Government Acceptance Acts 1909 and 1973. These Acts define the terms and rights under which the New South Wales Government surrendered, and the Commonwealth Government acquired, the Territory for the Australian capital in the first place. It could be viewed that these Acts suggest that under the special meaning assigned to the word "surrender" the New South Wales people should have been consulted via referendum should a change of use - for example, a Legislative Assembly State-like government - be proposed.

The essence here, as with the granting or surrendering of any land which is granted for a specific purpose in perpetuity, is that any change of use of that purpose may well invalidate the terms of the acquisition in the first place and require some form of approval from the grantor. In the context of land conveyancing the terms "grant", "surrender" and "acquisition" have individually different and specific meanings.

In addition to this point, the precise nature of the purpose as defined in the Act would preclude the use of the Territory for other purposes. Once again, I use as an example the purpose of creating a State-like government or a separate State. The definition of this purpose in the Act is as follows: "The State shall surrender to the Commonwealth and the Commonwealth shall accept for the purposes of the seat of government the territory now being part of the State described hereunder". The State described was, of course, New South Wales.

Mr Speaker, I do not ask members of this Assembly to make a determination as to the constitutional validity or otherwise of the enabling Acts. What I do ask is that they allow the matter to be looked at, for there are not one but three areas of the Australian Constitution Act that raise serious doubts, any one of which would give rise to validly asking the question.

I can understand the reluctance of some members of this Assembly in viewing the matter, but there can only really be two questions, or two answers, to look at. Firstly, there is a constitutional doubt here or, secondly, there is not. If there is not, I suggest there is no problem at all in putting the matter to a committee. I have not asked for a separate inquiry to be called to look into the matter, but simply have asked that it be included as one of the

4 July 1989

terms of reference of the committee proposed by Mr Duby. Whatever time it requires, be it short or lengthy, could well be allowed.

I commend the amendment to the house. Unfortunately, as Mr Kaine said, he feels there will be little support for the matter. Unfortunately, I feel there will be no support for the matter. And again I ask the question: If there is nothing that needs to be looked at, why? I commend the amendment to the house.

MR SPEAKER: I remind members who take part in this debate that they will be speaking to the original motion and the amendment.

MS MAHER (8.38): I speak in support of this motion and in particular I wish to address the need for a full investigation into the form of government most appropriate in the ACT and a thorough examination into the ACT electoral system. However, before I commence, I would like to refresh members' memories as to some of the matters raised by my colleague Mr Duby in his address to the Assembly last Wednesday. You will recall that Mr Duby spoke to the urgent need for this select committee to inquire into and report on a financial agreement between the ACT and the Commonwealth as a result of self-government for the Territory, because, as he said:

We are in the most imminent danger, through the passage of time, of appearing to accede to the most punitive and unjust arrangements any fledgling colony, State or territory of Australia has had imposed upon it in the history of this country.

He pointed out that since the Craig report on the implementation of ACT self-government was first brought down in 1984, the Commonwealth commitment to maintenance of funding for the ACT was cut from five years to three years, and to the fact that the Commonwealth commitment of maintenance for funding was set at 1987-88 levels. In other words, as our population grows - and it is the fastest growing population in the Federation - per capita expenditure must fall.

He pointed out how the Commonwealth guarantee was limited in the narrowest possible terms to only general purpose recurrent expenditure and that there were a range of other Commonwealth payments to which guarantee could be argued to apply, such as specific purpose payments, debt servicing, responsibility for superannuation and the establishment cost of self-government itself.

In addition, there were other matters which deserved attention, such as sales by the Commonwealth of ACT assets, the asbestos scandal, the way major public buildings such as the Royal Canberra Hospital and the Melba flats have been allowed to fall into disrepair. All of these issues point to the vital need to establish a firm contractual

4 July 1989

basis with the Commonwealth, just as the Northern Territory did when it achieved self-government, so that the Federal Government cannot renege on its responsibilities to the citizens of this Territory.

In addition, my party's call for a Grants Commission hearing so that the ACT may claim special assistance as a claimant State is especially timely, as we believe that there has been a profound misinterpretation of the Grants Commission's previous reports and that this misinterpretation is causing significant harm to the welfare of the people of this Territory.

These are all matters which require detailed investigation, and I am convinced that the only course open to this Assembly is a full and thorough inquiry so that these glaring inadequacies may be corrected. However, the matters which I wish to address in detail are the most appropriate form of government in the ACT, and the method and practice of the first ACT Assembly.

The basic issue is whether all the arrangements put forward under the ACT (Self-Government) Act are in the best interests of the ACT. How do we know that the form of government in place is the most appropriate to the good government of this Territory? When has consultation between the Commonwealth and the people of Canberra taken place? The provisions of self-government were negotiated by the Commonwealth with itself, with its own servant, the ACT Administration, which at the time of course was responsible to the Commonwealth.

What we have wound up with is not what many people thought was most appropriate, a municipal form of government, nor what others had hoped for, full State government responsibilities, but instead a peculiar amalgam of both, something which is neither fish nor fowl, which I venture to say very few people would have anticipated when self-government for this Territory was first mooted.

Now, of course, even within Australia there is a wide range of government types in operation, ranging from small local councils and municipal shire arrangements; through to extremely large city council types of the Brisbane City Council variety, a council with a budget greater than that for the whole state of Tasmania; through to territory governments like Norfolk Island, upon which some parts of our standing orders are based; to the Northern Territory, and State governments which comprise the Federation.

In each of these circumstances, I would assume that the form of government is appropriate to that polity. The question to be asked by us is: What is the most appropriate form of government for this Territory? I think it is essential that this matter be addressed and be seen to be addressed publicly. There is not one person in this house, nor I would doubt in our community at large, who does not share my desire that the ACT have a government

4 July 1989

form most appropriate to ensuring good government and serving the best interests of its citizens.

I must stress that my party's calls for an inquiry to determine the most appropriate form of government for this Territory should not be seen as a backdoor attempt to attack self-government for the ACT, nor in any way regarded as an attack or slur upon this Assembly. It is simply a recognition that consultative mechanisms were not utilised in the first place, and an acknowledgment that until such action is taken a very large proportion of the Canberra population will regard this Assembly either as an unnecessary imposition or as a toothless tiger.

So what will the inquiry achieve? This inquiry will enable the needs of government in the Territory to be identified and examined through public consultation. The inquiry will give legitimacy to government in the ACT, whatever form that may be, and provide a framework for good government which all citizens of Canberra can accept and respect.

However, whatever form of government is in place in the Territory, the existing electoral system is a matter which deserves the most urgent attention, as evidenced from our recent experience in seeking election to this place. The electoral system used in our election to this Assembly is symptomatic of the many features of self-government for Canberra, in that the people of Canberra have had no input into determining what form should be used. The system has simply been imposed upon us and is clearly inadequate.

The first ACT election set records which I can only assume none of us, nor indeed anyone in the ACT electorate, would ever want to see broken. The total number of political parties and the number of independent candidates led to the largest ballot-paper in the history of Australia. The ramifications of the modified d'Hondt system led to the most prolonged and drawn out count of vote in the history of Australia - a period of over two months.

The debacle of the ACT's first election has led to Canberra being the laughing-stock of Australia and, I would suggest, to this house being held to ridicule by many, many people within the Territory itself. It is essential therefore that this committee of inquiry be set up to examine the ACT electoral system and the election process, with a view to recommending changes to improve the process and expedite the count.

Things which need to be examined, I would suggest, include whether the definition of political parties is appropriate, whether the technical requirements for their registration is sufficient, whether deposit arrangements applying to both political parties and candidates are adequate, and whether the cut-off level for unsuccessful candidates is set at the most appropriate level. If these matters are not investigated and remedied, I am prepared to bet London to a brick on that the next Assembly election will be even more tortuous and drawn out than the first.

4 July 1989

What is more, I have heard rumours that a Federal committee will be inquiring into these matters. I look upon this almost as an insult to this Assembly; the implication being that the house is not mature enough to look after its own affairs. But it does demonstrate the need for our inquiry. If there are to be changes to the ACT electoral system, they should be based on our recommendations, as it is our electorate. Given the shambles imposed upon us first time around by the Federal Parliament, I certainly do not want it to have a second crack at it.

For these reasons, I submit it is essential that we look at the ACT electoral system and look hard. Something must be done to prevent a repeat of this fiasco. This is apparent, and the community demands it, in the same way that the community demands and expects a thorough examination of government of this Territory, one that is our responsibility to provide. Accordingly, I support the motion and recommend it to members for support.

MR WOOD (8.48): In due course, Mr Speaker, I will have every opportunity to examine this matter in the select committee that we are establishing. I will look forward to that. I understand we are going to be programming some sittings. Let me warn you that I think 5.00 am is the starting time for some of them, but we will get through them, let me assure you. In debating this proposal and the amendment, I want to concentrate on one issue, an issue that was of burning concern during, and especially after, the campaign that I hope has not been forgotten. I refer to the conduct of the election campaign by the Electoral Commission. The conduct by the commission, not by the parties, not what we did, is my focus, so I am not going to criticise anybody in this chamber. Indeed, I think we all shared a common view.

The first point I want to make is that the election was soundly done, I think would be the description. There were no mistakes. I do not think anybody was elected who should not have been, as far as the votes go, let me assure you, following what the people did on that day. Secondly, it was conducted by a committed, competent and dedicated staff. If I make some criticisms, they are in no way directed toward the people who did the counting.

What I want to comment on are the very obvious policies of the Electoral Commission, the policies which gave the direction to the way in which the count was conducted. The Electoral Commission did not like the d'Hondt system. Well, it was not alone in that, of course. It made its dislike clear often and pointed it out on many occasions.

I am not sure that it was the commission's job to do that. I am not denying its knowledge in this area - the commission's staff are a very competent group of people - but I am convinced that the role of the commission was to conduct an election campaign. It was not to undermine

4 July 1989

an electoral system. I have checked through the Electoral Commission reports, and each year it gives us the comment on what its main functions are. I do not read into any of those functions the right to criticise a system that the Government has set into place. Certainly there are requirements to report and to inform but not, once established, to criticise what the Government has done, the system that has been imposed on it - not by the Government, incidentally, but by the Parliament.

If the commission had reservations - and I can accept that it would and it is entitled to - those reservations should have been included, as I am sure they will be, in a subsequent report, the report for 1989-90. That is where the criticisms should be placed - not out in the public arena, not out there sowing some great concern amongst the community and contributing to the negative vote in that election.

Once the Parliament had established a policy and it was in place, it was the commission's role to conduct an election campaign; no more than that. The commission had to put into operation an electoral system that was admittedly complex and had to take steps to cover that, but it appears to me as a participant, along with the people here and another hundred people outside, that it set out to frustrate the system.

Look at the way the commission did the count. I will repeat that it was done fairly and accurately, carefully and slowly, at a snail's pace. Could it have been any slower? Certainly not. Okay, it was complex. I keep repeating this, and I want to make the point that there was a need for care and we accept that. There is no problem about it, but I think the way it did it also showed the commission's sheer stubbornness.

I am not aware that any overtime was ever worked. Perhaps there was, and I may catch up with that at some stage. This was also a period when I think there were three long weekends. There were a number of days in which there was a public holiday. The commission staff did not work on those days. Some of my colleagues in this chamber - perhaps the Liberals more than others, who have been involved in elections over long periods - would know that counts do take place on holidays. Counts take place on Saturdays, on Sundays, at night time, and there is nothing uncommon about that. But did that occur in this election campaign? Nowhere that I am aware of. I do not think there was any overtime. Certainly there was no significant amount of overtime.

I think the returning officer did his job well within the constraints of the policy under which he was forced to work. But what a unique situation. The returning officer lived in Sydney. I do not blame him, but I understand he went home most weekends - and why would he not? But what an outrageous situation, for a returning officer to be

4 July 1989

appointed who did not live in this town and who, quite properly, felt the need to go home at the weekends or other times. I think that was done deliberately. Why was there the need to go to Sydney to get someone to do this job?

I am not aware that any extra staff were ever appointed. I know that there were submissions from the Labor Party for that to happen; maybe the other parties did the same. Extra staff would have made a great difference and would have expedited the count.

What should have happened? The Electoral Commissioner, a very competent person, as all of our public servants perhaps are, was well aware of the complexity of the count. He should have established a clear policy from the start that he was going to do what all public servants do when they are presented with a complex task by their administration, and say, "Gosh, this is a lot to do. I am going to do it as best I can and we'll get this done".

Many public servants out there undertake tasks that they may have argued against, but they do them. So the Electoral Commissioner needed to establish that policy. Then he should have acquired the staff to do it. He should have trained the staff to do it, as he did before the election, but he should have trained a larger staff to do that job, and he should have seen to the physical resources necessary. That is what any competent, dedicated public servant would have done, but it did not happen on this occasion. Therefore, I can justly claim that the policy of the Electoral Commissioner ensured that the electoral count was not done properly. It could have been done, I believe, in two or three weeks less. Judged on the criterion of the importance of a speedy and competent count, the commission failed in its job.

I am not sure what control we will have over the matter next time. I certainly hope, and I share Ms Maher's views, that we are not going to have such a frustrating time three years down the track.

Mr Kaine: Or less.

MR WOOD: I do not imagine that at all, Mr Kaine; I cannot see that happening. I give notice that, as part of my deliberations on this select committee, I will be looking to see that the next count is done very effectively and that my colleagues and I - and I do not know what others of you people here - will be back into this Assembly much more rapidly than occurred on this occasion.

MR JENSEN (8.57): Mr Speaker, my remarks will be reasonably brief. The Rally will be supporting the motion by Mr DUBY to establish this committee. However, while acknowledging the statements by Mr Stevenson, my colleague Dr Kinloch will be speaking more directly to those particular issues. We acknowledge also the very busy program that our committees have, especially the Labor

4 July 1989

"Minister for Committees", Mr Wood, who should, I suggest, be paid an extra salary for the sterling work that he does in this very important task.

At this juncture, the Rally would like to congratulate Mr Duby and his advisers on a strong, well-reasoned speech - which happened some time ago now, as we all recall - which is a major contribution to this debate. Much effort has gone into providing the members and the people of Canberra with information on these very important issues, and I am sure that his speech will be required reading for those who seek to participate in this debate.

The Rally believes that this subject is of major importance to the future of this Assembly and the future of good government for the ACT. During the election campaign there was considerable debate on the wide range of issues that this motion canvasses. During that debate the issue of Commonwealth-ACT finance was well to the fore as we all sought to convince the voters that we must obtain the maximum amount of funds for the ACT. The Rally certainly campaigned very hard on that proposal and it was one of the major planks of our policy.

The Rally understands that there is no formal arrangement between the ACT and the Federal Parliament, as is the case between the Northern Territory and the Federal Government. We all saw the lack of such an agreement when \$22m of the money allegedly promised to the ACT was locked up into a piggy bank to which they kept the key.

I am well aware, Mr Speaker, that the No Self Government group was not keen on the form of government we have here today. However, in view of a clear realisation among all members that this task we have before us includes responsibility for State, territory and municipal governments, as the motion implies, I would suggest that all members, including Mr Duby, realise that the task we have before us is a major one. I am sure that the select committee will look very closely at this issue, resulting in recommendations which will provide an effective and efficient form of government for the residents we represent.

The next matter in the motion seeks some comment on the form and process by which we were all elected to this place. However, this also reminds us of the way in which self-government was thrust upon us, particularly the voting system that was modified by a series of amendments that had so many wrinkles in them they could have been mistaken for an African elephant - some may even call it a white elephant, and some certainly have. However, it soon became clear during the count that these amendments, agreed to in long, late night sessions in the other place, were wasted as they did not understand what they had inflicted on the voters. Even Malcolm Mackerras kept changing his mind as he realised the wrinkles that had been written into the system. The candidates and the long-suffering Electoral

4 July 1989

Commission were also part of that debate. The latter did the very best it could under very difficult circumstances despite pressure from without, a factor clearly acknowledged by the majority of us in this place when the results were finally declared. I note the comments by my colleague Mr Wood, and certainly during the campaign I had some feelings about that particular matter as well.

I understand that a statement about the impossibility of computers to count the votes was such a challenge to one computer professional that he used an existing database system to produce a method of counting the votes. I am not sure whether some members took the opportunity to look at that system at a recent display. I trust that the committee will seek to encourage this and other entrepreneurs to consider this problem. However, we must accept that further development of this work may require some financial contribution. Let us all hope for the sake of the voters and ourselves that the two-month count is a thing of the past. Even the Soviets have been able to do better than that.

The legislation which established this place has ensured that control over our future has been retained by the Federal Parliament. That Parliament and it alone has the power to change the size and structure of this Assembly, although at least it has allowed us to decide the size of the Executive.

The main aim of this motion is to provide Canberra residents with an opportunity to have a say in how they should be governed, an opportunity they did not have prior to the decisions by the Federal Parliament. I am sure that the people of Canberra will take the opportunity this motion provides to finally have some say in how we are governed. It is unfortunate that this opportunity was not given to us before that decision was taken.

In closing, I refer to the comments by Ms Maher in relation to the proposal by the Federal Parliament to examine the operation of self-government in the ACT. Like Ms Maher, the Rally considers that such a case is an insult to the people of the ACT. The quicker we take control of this important matter the better. But we should also be aware that the chairman of that committee has said that it will be doing nothing on this matter until it sees how we operate. To this end, Mr Speaker, it behoves us in this place to ensure that we are able to govern ourselves. The attitude that we take here in this Assembly and the way we operate will no doubt set the scene for the attitude by the Federal Parliament to the government of the ACT.

MR DEPUTY SPEAKER (Mr Stefaniak): I call Mr Prowse.

MR PROWSE (9.04): Mr Deputy Speaker, I speak in support of the motion. I feel this proposed inquiry addresses issues that are fundamental and intrinsic to the well-being of the Territory. You have heard my colleagues discuss matters of

4 July 1989

vital importance, the necessity for a formal financial agreement between the ACT and the Commonwealth, the desirability of determining the most appropriate form of government for this Territory and the undenied requirement to improve the electoral process in any future Assembly elections. But all these issues must be looked at in a broader view of what powers this Assembly has to implement changes for the better.

The simple fact is that, no matter what recommendations this proposed committee may make, we are reliant upon our Commonwealth masters to firstly approve and secondly implement them. This may be as it should, but even within the self-government Act certain powers which many people feel should fall under the mantle of responsibility of this Assembly are retained by the Commonwealth.

We are familiar with the Act. The self-government legislation lists in detail some matters in respect of which the Assembly has no power to make laws. These include such matters as raising our own military forces and the coining of our own money. However, some of those matters about which this Assembly may not currently make laws - for example, the establishment of courts - are due to come under its authority in a certain time frame while others will not.

Powers withheld by the Federal Parliament and transitory arrangements have been detailed. However, there seems to be a one-sided definition of what can and cannot be done by the ACT Legislative Assembly, but very sparse detail is available on the restrictions of powers of what can and cannot be done by the Minister for Territories. All details seem to be subject to the good intentions of the Minister, with few or no written guidelines and no signed memorandum of understanding.

This situation could result in total confusion, either with the new Minister for Territories within the present Government or within a change of government. Mr Deputy Speaker, we must immediately participate in the drafting of a memorandum of understanding similar to that between the Federal Parliament and the Northern Territory. This document allows forward planning on the written word, which although still subject to change cannot be unilaterally amended or ignored.

The Commonwealth has the power to change our course, our administrative direction, without consultation with us. We have the economic responsibility but we could, in effect, be prevented from passing the necessary legislation to remedy our shortcomings. My colleague Ms Maher has already outlined the problems associated with the current ACT electoral system and processes, as have many of our other speakers.

It is certain that some recommendations to improve these could be made - recommendations that I am sure would have

4 July 1989

the support of all members of this Assembly and the bulk of our electorate. Yet we are in a situation where this Assembly is unable to act upon its own recommendations, but instead has to go cap in hand to the Commonwealth. This is a situation which I find incomprehensible - a situation which I might point out did not apply even in 1854 when the colony of Victoria was granted self-government from New South Wales, but one that does occur in 1989 as in our case.

Other matters referred to in this motion are the size and structure of the Legislative Assembly and the size of the Executive itself. Because of the broad range of duties and responsibilities associated with the State and municipal-style government that has been foisted on the people of the ACT, 17 elected members cannot give in-depth consideration to all matters placed before them. Therefore, an increase in the number of members can be argued for.

However, because of the economic restraint necessary, the wages bill is an obstacle to achieving this ideal. As a generalisation the public resents paying the wages for its political representatives. Therefore, provided the Assembly attempts to manage with the minimum number of members which is recognised as acceptable to conduct the business before the Assembly, public criticism will be minimised.

One possible solution to accommodate both the preceding points of view is that a standing committee be established which comprises Assembly members and unpaid elected councillors, which committee would form a municipal council and then deal with such matters. Is such a proposal desirable or acceptable? That is just one of the many questions before us.

Mr Deputy Speaker, in regard to the size of the Executive, the Act limits the Executive to a Chief Minister plus three Ministers. One imagines that the intentions of those responsible for drafting the Act was that each Minister would nominate one or more deputies to assist with the workload. However, in our situation, with small party groupings, as long as the Government members insist on working along party lines instead of collegiate-style government the appointment of deputies is unlikely and therefore the workload for the Executive will be excessive.

Because of this workload the Ministers may be unable to gain the depth of knowledge and insight required for each facet of their portfolio. Therefore, the potential exists for them to become the rubber stamp of the public servants for whom they work. Perhaps a recognised system of junior Ministers or deputies is desirable to assist the Ministers in their tasks.

An alternative may be that the size of the Executive be increased. To what number? Any number of computations and variations are possible. However, the committee of inquiry

4 July 1989

we propose will look to the logical and workable breakdown of ministerial tasks based upon the experience gained by the Assembly and its workings, with particular reference to the suggestions of the incumbent Ministers.

Only upon critical analysis of the task aided by this new current evidence so provided will the committee be able to make a meaningful recommendation as to the size of the Executive. Based on the evidence so provided, this Assembly will be in a position to influence deliberations on this matter, will seek to amend the Act, and so change the number of Ministers required to efficiently administer the Territory, if indeed change is recommended. It may be found that the situation as decreed is the best possible and that the powers retained by the Commonwealth are best left in its hands - then so be it. At least then this Assembly will be satisfied and the issues can be put to rest.

Mr Deputy Speaker, the question regarding the role and powers of the Governor-General is in no way meant to undermine the authority of His Excellency. The role and powers of the Governor-General have been embodied in the ACT (Self-Government) Act in a unique manner. Although not stated, the inference in the Act gives the power of veto to the Commonwealth Government via, one supposes, the Minister for Territories.

In all other Australian State parliaments assent to Bills is given in most cases by the Governor, or in some cases by the Queen. In the Northern Territory, an Administrator fills the role of Governor. However, the ACT Legislative Assembly Bills are not given assent. Once passed by this Assembly, these Bills immediately or at some predetermined time become law. However, the Governor-General can disallow or amend an Act at any time within six months after it is made. What a nonsense this could make of the good government of the Territory if powerful lobby groups gain the support of the Commonwealth Government some time after an Act has been implemented and thereby orchestrate an amendment or cancellation of a Bill via the good offices of the Governor-General - not that this is likely to happen. However, can safeguards be designed?

The existing Act, the ACT (Self-Government) Act, may effectively cause a six-month delay in the implementation of any legislation which is considered to be unwarranted or unacceptable to the Commonwealth Government, because the ACT Government is unlikely to risk the new procedures being rejected within months of their being implemented. Perhaps it is preferable for this Assembly to demand assent or rejection of Bills as soon as practical after they are passed and certainly before they are implemented. The proposed committee of inquiry report on this aspect will eagerly be awaited.

Another question which must be answered is: What is the hierarchical line of communication between the Assembly and

4 July 1989

the Governor-General with respect to the retention or amendment of Bills? Does the Governor-General talk to the Chief Minister or do we receive our rebuff through the Minister for Territories? I believe that, if the latter is the case, our Assembly should strongly demand redress of this imposition. Another question: What is the order of precedence? There are many other questions that must be answered before a legal challenge occurs, not afterwards. Should there be some mechanism for the ACT Executive to offer advice to His Excellency? Without expanding, I shall simply say that I feel these questions should be closely examined.

In summary, Mr Deputy Speaker, I shall again say that I support the setting up of this proposed select committee of inquiry. Issues which it will address are, I suggest, vital to the good government and well-being of the citizens of the ACT and I commend the motion to the Assembly.

MR MOORE (9.14): I have just a few remarks on some of the comments that were made about this particular motion. The Chief Minister in particular talked about accessible, open and efficient government, and we will be very pleased to see when she has finally achieved these aims. The goals, of course, are the same goals that the Residents Rally has been interested in, and we will be looking forward to ensuring that they come about. I would like to make some comments particularly about the electoral system and the counting of our votes. Mr Wood drew attention to some of the problems with the counting that took two months. Let me remind members that we were warned about that long count by the Electoral Commission when that system was being put together, and its warning in fact came to pass.

With reference to the counting on the weekends and so forth, I understand there were a number of reasons why that was the case and I am sure that there is some truth in a general direction by the Electoral Commission. But let me say specifically that our scrutineers, particularly my wife who spent many, many hours as a scrutineer with those officers, assured us time and time again that what was being done was being done as quickly as possible and it was being done with due care. I think that this Assembly should recognise the very accurate and important job that those public servants did and ensure that they do not feel a criticism of this Assembly on them.

I would also like to support this motion in the same way my colleague Mr Jensen has and support his ideas, particularly with reference to the relationship between the Commonwealth and the ACT and the finances for that.

MR HUMPHRIES (9.16): Mr Deputy Speaker, I rise to indicate that in my view this motion is appropriate and, as Mr Kaine, the Leader of the Opposition, has indicated already, will be supported by us. I might say also I think it is appropriate that the motion does provide a reference for the committee to come back to the Assembly with a report by

4 July 1989

the first sitting day of 1990. That kind of time frame is also very appropriate, given the heavy responsibilities many of us have on committees and also, I think, given the need for this debate on the issues raised in this motion to proceed in a very calm and orderly fashion for us to give proper consideration to the many complex issues which have already been alluded to in this debate.

I rise to comment particularly on the electoral system which it is part of the terms of reference of this motion for the committee to examine. During the campaign there was little that the various candidates from the various parties agreed upon, except perhaps that the electoral system under which we were operating was a bad one. To some extent, of course, I think they were good criticisms. Certainly I fully endorse the comments of Mr Wood and Mr Moore about the time it took to get a result. When the Electoral Commission originally predicted a two-month wait for a result, I think we all probably thought that was a bit of an exaggeration and it was not likely to come about.

Mr Wood: They claim it was planned.

MR HUMPHRIES: Yes. As my friend Mr Wood says, it may well have been the case in the end that they were very well aware of how long it would take. Indeed, it was almost two months to the day, as I recall, between the election day and the final result coming in. The expediting of the count is a very important matter. I will come back to that in a moment. But the crucial question in this motion, of course, is: What is the best electoral system? Although we might all agree readily that the present system is no good, when it comes to saying what should replace it then we are all, I think, on very different ground and would all probably go in very different directions.

This afternoon the Chief Minister presented the Assembly with a self-indulgent statement on the Fitzgerald report's implications for the ACT in which she made a number of statements, including one which I think carried the implication that gerrymanders of the kind that occurred in Queensland could not possibly occur in the ACT, and she said that "a simple and plain electoral system is the key to effective and accountable government".

I submit, Mr Speaker, that that statement does not really bear close scrutiny. For "a simple and plain electoral system" read "single-member electorates". Is that sort of system for the ACT a fair one? My answer to that is no; it is not a fair one. You have to look at the environment in which such a system is going to operate. Single-member electorates work well in places like New South Wales, South Australia and Victoria and so on because of the environment of those places. Because in those States there is a wide range of socioeconomic conditions which give rise to different political points of view, people know that different sorts of socioeconomic environments create different voting patterns.

4 July 1989

Does that kind of thing occur in the ACT? I submit that it does not. Of course, we have got dichotomies like Red Hill and Narrabundah. They are fairly significantly different suburbs. It is not surprising that Narrabundah tends to vote Labor and Red Hill tends, but not exclusively, to vote Liberal. Those kinds of dichotomies do occasionally occur. But they are nothing like the range of differences which occur in places like Sydney or Melbourne or Adelaide or wherever, not what I would call the Vacluse-Redfern dichotomy. I do not know what other cities would call them.

That example I have chosen, of Narrabundah and Red Hill, is quite significant because those two suburbs fall side by side, they are adjacent to each other, which means that, if you were going to draw an electorate and try to create a safe Liberal seat centred on Red Hill or a safe Labor seat centred on Narrabundah, you probably could not do it because you would have to put both of those suburbs, both those very different suburbs, in the one electorate. I defy members of this Assembly to come back to this place and draw a map which clearly identifies a series of non-Labor seats - seats that would be, if I could put it this way, safe for non-Labor parties. It would not be possible.

That is a symptom of the homogeneity of the ACT, and for that reason, Mr Speaker, I say very squarely that single-member electorates are not appropriate for the ACT; they would not produce a fair result. If you analyse the 1982 House of Assembly election, you come to an interesting conclusion. It was, I think, a good election for non-Labor parties. After all, it resulted in the Labor Party majority being overturned in favour of a coalition non-Labor majority, but - - -

Mr Kaine: Prophetic.

MR HUMPHRIES: Prophetic, perhaps. But, if you redrew the boundaries for that election to create single-member electorates, you would find that every single electorate so drawn, no matter how you drew them, would result in a clean sweep for the ALP; every single seat would go to Labor. With even 35 per cent of the vote, theoretically it is possible for Labor to win every seat. But let us not look at what Labor would call a pessimistic result. Let us look at one where they get - - -

Mr Wood: That was theorised with the d'Hondt system, too, that we would win with this - - -

MR HUMPHRIES: Mr Speaker, I would submit that the figures produced by Senator McMullan, to which Mr Wood I think refers, need a lot more work. He made a number of assumptions in his article in the Canberra Times which I would not support. I would be very happy to raise those issues later when this committee gets down to work. Let us assume, however, that Labor had a good year, that it was a

4 July 1989

good election result for Labor and that it won 50 per cent of the popular vote in the election.

It would deserve, of course, under those circumstances to form the government. But it would get not just a government that it would be able to form in the Assembly with a majority of seats; it would clearly get all the seats in the Assembly. There would be no opposition. There would be no need for this Assembly to meet because all the seats would be occupied by Labor members.

Mr Kaine: Then the factions would take over.

MR HUMPHRIES: Indeed. It would be a question of - - -

A member: I will tell you what - we have a couple of factions, but not a full one.

MR HUMPHRIES: Indeed, this would be a Labor caucus meeting, and that would not be conducive to good government. So, when the Chief Minister says that a simple and plain electoral system is the key to effective and accountable government, I ask her to refer to places like Singapore or South Africa or even, if you like, Queensland, where the weakness of the opposition parties, by their inability to make headway against the Government, has resulted in poor government, in bad government, in authoritarian government, and that is not what the ACT needs.

We need two things: we need a system which provides for reasonably stable government, and for that reason I would not support a system which creates no possibilities of parties other than two major parties getting seats; and we also need a system which provides for changes of government where the majority party, the government party, falls somewhere below 50 per cent of the vote. If you have a system which provides both those things you have a reasonably good system, and I submit that single-member electorates would not do that.

I come back to a couple of points raised earlier in the debate. There was discussion about how one would improve the system of counting for the ACT. As I have indicated, although I do not fully support the d'Hondt system, I think that there are other directions in which we could go which would be infinitely worse than that. I think that, to some extent, the d'Hondt system has had a fairly bad press. Although it certainly was a hellishly complex system, it did, to some extent, reflect a fair amount of the state of mind of the ACT electorate, although it took a long time to reach that point of view. So, I would certainly say that it was superior to the result in the Tasmanian election, for example, where you would not say that the result really reflected the state of mind of the electorate.

But going back to the question of how to improve and expedite the count, I would honestly suggest that the

4 July 1989

committee ought to examine the question of electronic voting. I am far from convinced that this idea is without merit. I think that there is great opportunity to explore the idea of voting by punching numbers into a computer or some other electronic method. The result would be infinitely quicker; it would be almost instantaneous, and I think it is technically feasible. I certainly hope that the committee would take up that idea.

I share the concern of Ms Maher on the idea of the Federal Parliament Joint Standing Committee on Electoral Matters looking into our electoral system and making recommendations. I see it, however, as a safeguard. I would certainly not like to see, as I have said, certain electoral systems come into place in the ACT, but I hope, as Ms Maher has indicated, that we can take the initiative, that we can provide a clear and better direction for the ACT electoral system and one that will have the confidence of the people of the ACT.

DR KINLOCH (9.26): Mr Speaker, may I say how much I am impressed by the speeches tonight and the quality of what is being said. One does not have to agree with all of them, but it is a great range. May I immediately pay tribute to you, Mr Speaker, for stepping down and giving the speech you gave, setting some new initiatives. We have heard a great many initiatives here tonight, and I hope that this debate, as recorded in Hansard, will be widely read and that the committee which looks at this will come back to this issue of Hansard and see the many themes here tonight. May I be allowed, Mr Speaker, to exercise the right of rhetoric tonight, for the reason you will see.

Fellow citizens and legislators of this democratic Assembly, I thank citizen DUBY for his motion and citizen STEVENSON for his amendment, to which he has spoken so carefully and thoughtfully. Earlier this evening some of us had the pleasure of attending the opening of an exhibition at the National Library of an extraordinary collection of French revolutionary pamphlets held in the National Library collection, backed by a special display of posters provided by the Government of France. It was a great joy to me to hear my friend and colleague BERNARD COLLAERY pay tribute to Sir Harold White for the acquiring of those historic documents of *liberte, egalite, fraternite*. I commend that exhibit to all members of this Assembly. I hope to go back to it many times. It will be here until October.

What were we celebrating at that opening? We were certainly not celebrating current French policy in the Pacific. We were not celebrating French colonialism and imperialism. On 14 July I plan to oppose those policies at a public gathering, and I hope many will join me. We were, however, hailing this evening the bicentennial of the fall of the Bastille on 14 July 1789 and the events of the following weeks, including the declaration of the rights of man and the citizen. We were rejoicing in freedom of

4 July 1989

religion, freedom of assembly - I honour that word "assembly" - freedom of speech, freedom of opinion, the end of the ancien regime, the beginning of the end of government by aristocrats, the beginning of republicanism.

It was intriguing to be celebrating that revolution this evening, with many colleagues here, on this day, on which I am proud to be wearing the tie of the Australian-American Association, the day of another revolution - another republican revolution, another great event in the history of mankind - a revolution regarded, even by Marxists, as one of the many milestones of liberation in world history. In teaching the subject of American revolutionary history over many years I was always anxious for the students to read Marx and Lenin on the subject.

It was a revolution which, of course, had its effect on that subsequent revolution across the other side of the Atlantic - one thinks of the name of Lafayette - which breached the two continents. It was the emergence, then, of two great republics committed to the rule of citizens by citizens for citizens - one a brand new nation in the making; the other an ancient nation and culture in a new flowering of national life. So 4 July and 14 July today, for me, came strangely together.

Here we are on this 4 July, on this preliminary celebration of the events of le quatorze juillet, debating our own freedoms and rights, our own form of government, and our right to change that form of government. I think for the fifth time, I especially note the remarks of citizen Maher about our rights - not the rights of the Federal Government but our rights. I do thank citizen Maher for her comments. I therefore welcome citizen DUBY's - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Whalan: I require that the question be put forthwith without debate.

Question resolved in the negative.

SELF-GOVERNMENT - SELECT COMMITTEE

Debate resumed.

4 July 1989

DR KINLOCH: May I rejoice in that democratic exercise. I therefore welcome citizen DUBY's original motion. I therefore honour citizen STEVENSON's amendment, which whether seen as a noble cause or a lost cause, as citizen FOLLETT has described it, is a splendid assertion of the democratic constitutional rights of man and the citizen. I have to use the term "man" there because that is what was in the original - l'homme.

I have to say to citizen STEVENSON that I will not be voting in favour of his amendment, as the Residents Rally will not be, because I believe we must move on. But I defend to the death his right to present it and argue for it. He shows his courage and forthrightness in doing so. He properly speaks for his constituency who voted for him. I endorse the mood of his amendment. We should all think carefully about the matters he has raised, and in this committee which will, I hope, be formed I hope some of the themes that he has presented will be considered.

Citizen Kinloch wishes therefore at this time, on this date, in this mood, to add, for the first time in debates in this Assembly, a simple but always profound statement about the rationale for changing government - to raise our hopes and our standards, to heighten our democratic commitment. I regret the sexism of the statement I am about to read; especially I do so to citizen FOLLETT. It is a product of a sexist age in which neither blacks nor women had either freedom or the rights of free persons.

I am very aware of this statement today, especially to citizen KAINE. He will forgive me; I had no choice but to do that. I recognise our mutual love and affection for Jefferson. He will appreciate I do not wish to breathe a word of criticism of Thomas. Yet inherent in this magnificent statement is all that was to follow over the next 200 years for blacks, for women, for all people who at that stage, 200 years ago, were disadvantaged.

As I think of this statement which goes into our Hansard tonight for the first time, I think in particular of two photographs in the current exhibition of photographic art in our Australian National Gallery. There is one of Daniel Webster in 1851. Have a look at it - that great orator of the middle of the nineteenth century, that great democrat, a populist, my friends and colleagues.

But, above all, I think of the original photograph in that exhibit in the National Gallery of Abraham Lincoln on 10 April 1865, the month in which he was assassinated. I shivered as I saw it - that great figure who, less than two years earlier, had resolved that his nation, under God, should have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth.

Now for a statement which, fellow citizens, continues year in, year out to remind me of the central ideology of a free

4 July 1989

people, the very themes we are on about tonight, the very themes of citizen Duby's motion. On 4 July 1776, in the old State House in Philadelphia, a resolution penned by Thomas Jefferson, amended by John Adams, Benjamin Franklin and two other colleagues, passed on 2 July, was accepted on 4 July and proclaimed by the Second Continental Congress. I make no apology for reading this great passage. It means an enormous amount to me; I hope it will always mean a great deal to this Assembly. It is:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness - that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness.

MRS GRASSBY (Minister for Housing and Urban Services) (9.35): I rise also to support the motion, to support the Chief Minister and to support also Mr Wood who is, I agree, one of the hardest working members, since he seems to be on every committee, and I agree that he should be paid more. I think the Chief Minister once described him as being her entire back bench. He does such a wonderful job, and I think it is very important that it be recognised in this house just how much work he really does.

I have spent a lot of my life in and out of Canberra in the last 25 years, and I have also spent a lot of time living in other States and overseas, but it was here that I liked best. Now, following the implementation of self-government, which was a positive step in the right direction, it really is the best place for anybody to live. I have always prized the fact that I am a citizen of Australia, and until I came to Canberra I was always able to vote in State, municipal and Federal elections, thus having a say in all the levels of government.

But when I came to Canberra to live I was denied the right to a say in the way my taxes were to be spent. This made me very upset, and one of the very things for which I worked hard in the Labor Party, as did each one of the members here, was for us to have self-government and have the right to be in self-government. First of all, I want to thank the people of Canberra for voting for my party and, secondly, I wish to acknowledge the fact that many of our fellow Canberrans realised that there should be no taxation without representation. In fact, 80 per cent of the voters voted for self-government parties in the election.

4 July 1989

I have found now, not only as a member but also as a Minister in this Assembly, just how important self-government has become to us in the ACT. Not a day goes by that my staff do not get at least 20 calls on housing, garbage, barking dogs, footpaths, bus services and other municipal things. I agree with you, Mr Speaker, about having people work but not being paid. As the saying goes, if you pay peanuts you get monkeys. I do not think anybody in this house is a monkey. I think we deserve what we get, we work hard for it.

I am quite sure the Federal members now are able to get on with making Federal policies for the whole of Australia rather than for our place in this region of the world. I have been fortunate to have had a father who was in municipal government and a husband who was in both State and Federal politics. Although I have sat on the sidelines, I have always been there to see the important roles of each and every one of these governments. I believe it is the right of all taxpayers to decide who should govern them or not, as the case may be. But here in the ACT our future was decided by a Minister who did not represent, nor live in, the Territory. The closest any of these Ministers ever came to living here was when they attended Federal Parliament, and we all know that is not living in the ACT as the residents know it.

I would be the last to say that our public servants have not done a very good job; they have. The more I work with them the more I see the load they had to carry. I appreciate just how committed they were to the Territory. However, I am sure they are very happy to give up a lot of the decision making they were called upon to do and now become our advisers. Federal Ministers in the past have not only had the ACT as a single portfolio but also had other areas of responsibility covering the rest of Australia, leaving us the poorer.

In the case of the Fraser Government, I happen to know that members of the Liberal Party in the ACT called upon the Minister and told him that, if the big house on the hill was not built, the party might not have won the Senate seat at the next election. At the time, Canberra was in the middle of the biggest slump and needed an injection of a great amount of money to pull it out of the mess. We all now know how the construction of this great building made Canberra go ahead. It was the local people who took the initiative in going to the Prime Minister - the ones who live and work here and who want to ensure that we all have a future.

Of course, with the coming of the Hawke Government, we saw self-government become a reality - something which had been on the local agenda since the early 1950s.

Today, we sit in this Assembly, duly elected by our fellow Canberrans who know that they now have a say in how they are governed. This is a true democracy.

4 July 1989

MR COLLAERY (9.40): It just occurred to me that I lead four members of this Assembly. Two of us this evening seem to have holes in our shoes, and one of us is going to picket me at the French embassy next week. That truly is democracy. The comments I make will be very short. I will personalise them to some extent, because I believe this is an appropriate moment for people to commit themselves to self-government and all that it means, and to say that I spent probably 20 years of my life dealing mostly with emigre groups and refugee organisations in many parts of the world.

The quest for democracy - a desire for peace and the desire to be heard - is something that will not be quenched in any of the great societies. It is emerging in China now, and in the ACT, in a moderate form, we have achieved a voice after a period of great frustration. But, as my friend Mr Humphries has pointed out, we could have slipped into another dark age. If the Labor Government gets its way and has single-member electorates, it is possible that we could slip back into a dark age when we are not heard.

There is one aspect of Mr Duby's motion that I would enjoin him to consider, and that is clause (b), the form of government most appropriate in the ACT, taking into account responsibilities of State, territory and municipal governments. Municipal governments usually give ratepayers a say in their governance. There are large numbers of non-citizens in this Territory with no say as to the expenditure of their rate moneys.

They do not simply include the international fraternity who are here in a transient sense and who have other benefits of tax deductability and stamp duty exemption; I am speaking of the large number still in this Territory who are non-citizens for a variety of reasons. There is clearly a need for this committee to look at the present state of the art with respect to the promulgation of our citizenship laws, to determine whether they are having an appropriate effect and to determine whether it is appropriate for that committee to make any statement about the number of non-citizens in our community who might very well become voting citizens were they to avail themselves of citizenship.

Mr Speaker, the situation for the Residents Rally during the election period was one of desire for our voice to be heard against a frustrating background of being palmed off, very often by junior officials and private secretaries who would not even give us an audience on important issues in the community, from Tuggeranong to Fraser.

I could count a number of situations when good-natured people - people with Labor and Liberal outlooks - were fobbed off. It was that frustration that gave rise to the Rally, which is likely to be a permanent addition to the democratic structure of this Territory. It is likely to be

4 July 1989

a group of citizens who would amply and truly reflect the great traditions mentioned by my colleague and friend Dr Kinloch.

One incident during the election campaign also needs to be looked at in relation to the clause dealing hopefully with the responsibility for future electoral arrangements. That was when the manager of the Australian Broadcasting Corporation informed me that 10 minutes of media time, I think it was, a day could be given to established political parties. So, throughout the campaign, by virtue of a ruling that had been in the ABC for many years, added time was given to those who were fortunate enough to organise themselves.

Of course, one remembers that the ALP was formed after the great shearers strike of the 1890s, and there was A.W. Spence's great book on the formation and the right to form groups. The great shearers strike was a beacon for the Labor movement until it went out a few years ago. Of course it is an established party, but a party of self-interest now, and it had 10 minutes free time to run its own self-interested thing, above the interests of the community.

That was a very sad, very undemocratic and most frustrating time for the Residents Rally, which, at one stage, took to the footpath and demonstrated outside the National Press Club when the Press Club put on a function, to the great shame of the National Press Club, to hear a speech by the contestants in the election, ignoring again the community. Mr Speaker, today we heard elements of the Building Workers Industrial Union try to shout down me and my colleague when we sought to speak on an issue before this Assembly. Let no-one have any doubts as to where we will go in our freedom if we allow mob sentiment to prevail.

Dr Kinloch indicated that there were many ancient documents at the National Library tonight, but I pointed out to the French ambassador, to some certain slight embarrassment to him, perhaps, that one of the documents, if you read it in French, prescribed to all French persons that they could no longer use their patois and had to speak French.

We saw the russification of Poland once, and that stemmed from the great French Revolution. Revolutions and democratic movements sometimes also produce inequities and injustice. When I lived in France for five years, in the 1970s, still the Breton and other people in France were fighting to use their given names that come from their language and not all of the hyphenated French names that stem from the 13 names that people could call their children. That lived through to the 1970s in France, and of course subjugation of dialects and languages was one aspect of the so-called right to democratic protest and movement.

4 July 1989

The BWIU protested today, hypocritically, about certain proposed laws in this Assembly, Mr Speaker, ignoring the fact that some of them came from the Chinese embassy site where a fascist government is building an installation in this Territory so that it can further its aims of subjugating its people. So much for the BWIU's consistency on that issue. The fact is that the review proposed by Mr Duby should produce in the ACT a greater consciousness of where we are going democratically and a greater distribution of power, and when education spreads through the community people cannot be herded off job sites like sheep to come and grunt and make noises.

MR DUBY (9.48), in reply: I certainly shall not detain the members of the Assembly any longer this evening. I would just like to say that I am extremely gratified by the support shown by the members of this Assembly for this motion. These matters that we have raised in regard to what this inquiry shall look into are of great importance for this Territory both now and in the future. I agree wholeheartedly with what Mr Prowse said, that the issues that this inquiry will address are vital to the good government and well-being of the citizens of the ACT. Naturally I commend the motion to the Assembly, and I thank its members for their proffered support.

MR SPEAKER: That concludes the debate. The question is: That Mr Stevenson's amendment be agreed to. Those of that opinion say aye, to the contrary no. I think the noes have it.

MR STEVENSON: I request a call of the Assembly, Mr. Speaker.

MR SPEAKER: I believe that this is not required. However, it is in the standing orders that we will proceed with a vote. We will not ring the bells because all members are present.

Question put.

4 July 1989

The Assembly voted -

AYES, 1

Mr Stevenson

NOES, 16

Mr Berry
Mr Collaery
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Whalan
Mr Wood

Question resolved in the negative.

Original question resolved in the affirmative.

Motion agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Fitzgerald Report

MR WOOD (9.51): Mr Speaker, as the house adjourns I want to add another dimension to the comments made here this morning about the report of Mr Fitzgerald in relation to Queensland. The people of Queensland today will be condemning politicians, and I can understand this. They have good reason. I know; I was there. I wonder whether at the same time they will give any thought to their own connivance in their former Premier's long slide into corruption.

Examine this: The longer Joh Bjelke-Petersen was Premier, the more rotten and obvious became the gerrymander. The longer he and his Government were there, the deeper and again more obvious became the manipulation of the police force and manipulation by the police force. The longer the Government continued, the more entrenched became the scourge of cronyism - read "corruption" for that.

4 July 1989

The longer that Government went on, the greater the State became a dictatorship. In all those years, as time went on, the more blatant and obvious became the use of public position for personal gain; the more and more corrupt Queensland became. While this happened, to a large extent very, very publicly, the vote for the Queensland Premier increased and increased and increased, election after election after election. The worse he became, the greater became his vote.

It is proper now for Queenslanders to establish those procedures recommended by Fitzgerald. But I wonder whether at the same time Queensland people will review their own role in those nightmare years. My purpose for speaking is to give that same message to the people of the ACT. Why was there no outcry in Queensland when their leader accepted preferential shares from companies with which the Government was doing business at that time?

Where was the outrage when their leaders illegally traded in government-given oil prospecting shares? What did the public do when the Government boasted - yes, boasted and campaigned on the fact - of the gerrymander? What did the public do when, without justification, Bjelke-Petersen spent millions of dollars of government money on his own property? What did it do when he bribed a television magnate to fund losses in his overseas loans?

Even when two Ministers and the most senior police went in shame for their corruption, why was there no overwhelming outcry against that Government? Why was that Government not forced from office? I do not know. I was there, but I do not know. I did not come to Canberra because of circumstances in which I was involved there; I came to Canberra because I could see that the people were allowing this to happen.

As a member of the species political I am going to carry some of that odium. Our democracy carries some of it, too. Was the silence of people in Queensland - the comparative silence - just a deep cynicism expressed towards all those in parliament? I hope not. Was that just what they expected that politicians would do? Is there a message for us about that? What do people in Canberra think? Is that the measure of their thinking?

Procedures now have to be put into place in Queensland. It is urgent; it is essential; it is acknowledged. It may not happen. But let us not forget that what happened in Queensland may happen anywhere in Australia, and let the people of Queensland, the people of the ACT and the people of Australia also not forget that they have a basic responsibility to act in response to what their governments do. They must not let any government get away with such actions as they did in Queensland.

4 July 1989

Residents Rally

MR MOORE (9.56): Taking that another step further, I would like to draw attention to a situation where the public is being misled and where this Assembly could well be misled, too. The Deputy Chief Minister, Mr Speaker, referred on Wednesday last week to the Residents Rally having endorsed candidates. On that day Dr Kinloch stood and said:

I can assure you that there has been no endorsement of any candidate for any of the seats in the House of Representatives...we have made no decision on that whatever.

Yet today in a public meeting the Deputy Chief Minister, having been assured of that, misled the public into believing that we have an endorsed candidate. Let me put this to rest once and for all. At this stage there has been no preselection of any candidate for any Federal seat by the Residents Rally. When it is done it will be done in accordance with our constitution by our selection committee. It has not been done at this stage. We do not have any candidate whatsoever preselected for any Federal seat at all.

We would appreciate, therefore, members of this Assembly not misleading the public by suggesting that any of our members have been preselected. When that happens it will be done by a fair and appropriate procedure in accordance with our constitution. Should the Deputy Chief Minister wish to run for the Residents Rally, he would indeed be able to approach that selection committee to do so.

Question resolved in the affirmative.

Assembly adjourned at 9.58 pm