



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

14 December 1989

**Thursday, 14 December 1989**

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**MR SPEAKER** (Mr Prowse) took the chair at 10.30 am and read the prayer.

### **SUSPENSION OF TEMPORARY ORDER**

**MR JENSEN** (10.30): Mr Speaker, I move:

That temporary order 272 be suspended for this sitting.

Mr Speaker, the Government has not taken the decision to move the suspension of standing order 272 lightly. I will outline a number of factors which have influenced the Government in taking this action. Firstly, the behaviour of members of the opposition last Thursday, when they sought to disrupt government business, was such that it could be seen to bring the Assembly into disrepute. It would be irresponsible for the Government not to seek to prevent a repeat performance from the opposition. This applies in particular to the activities of Mr Whalan, who some may have seen described last week as the "Darth Vader of the Assembly".

Secondly, the Follett Government had the luxury of three full sitting weeks at the beginning of its term during which only Ministers could suspend standing orders. We only propose to ensure that stability and decorum are maintained in these early days of the new Government in an attempt to lift the standard of behaviour within the Assembly.

Finally, Mr Speaker, today's proceedings are intended to deal with certain necessary procedural matters. It is important that these changes take place with a minimum of disruption. However, let me say that yesterday the initial reaction by the opposition, particularly in relation to the changes to the committees required by the change of government, did not augur well. The signs were there for a possible repeat of last week's unruly behaviour by the opposition. Last week we allowed the opposition considerable leeway. However, when the opposition sought to abuse that privilege, we moved decisively to bring the Assembly to order. Members of the opposition will no doubt have noted that this motion only amends this particular standing order for today's proceedings.

Mr Speaker, the way the opposition conducts itself today and in the future will determine whether the Government will return the power to suspend standing orders only to a Minister, as was initially the case when the Assembly first sat in May this year.

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The Government is committed to a well run and stable government. It has the numbers to ensure that it is the Government and not the opposition that controls the Assembly. However, Mr Speaker, let me say that it will be up to the opposition to decide whether it wants to cooperate in the operation of an Assembly run in an orderly fashion for the benefit of the residents of the ACT.

The need by the Government to have continually to use its numbers to prevent disruption of government business is not in anyone's interests. Good government for the people of the ACT depends on a strong opposition. However, there is a difference between a strong opposition and an opposition that seeks to be disruptive all the time. We are not prepared to allow that to happen today.

I commend the motion to the house.

**MR WHALAN (10.34):** Mr Speaker, we naturally oppose this particular motion. This is, in fact, denying a right which currently exists to members of this Assembly. The whole progress of development in society is for rights to accumulate, and it is a tragic day when a right is destroyed or a right is denied. I hope that when you realise this, Mr Speaker, you will support us when we vote against this particular proposal today.

I cannot understand the motivation of the Government in relation to this. We saw froth and bubble and huff and puff from the previous speaker. There was cartoon called "Wally and the Major", and it was just that huff and puff that we have seen from the Major. It is just so clear a presentation of the man's insecurity that, even with the numbers - as he so clearly said, "We have got the numbers" - he has got to deny us rights in order to be in some way effective and in order to feel secure.

We have already seen secrecy. Yesterday, when Robyn Nolan and Norman Jensen came down to see the opposition to tell us what they were going to do in the Assembly today, they were not in a position to tell us. They were not in a position to tell us what the Government's intentions were. If they were in a position to tell us, they deliberately denied us the information. We had no idea of what was going to happen today. Contrast that with the situation that prevailed previously. When we were in government we consulted every day on the Assembly's business with the then opposition. Now a new veil of secrecy has been thrown over the operation of this Assembly. I asked Robyn Nolan three times whether the Government was going to allow the opposition to ask questions.

**Mr Jensen:** On a point of order, Mr Speaker; I seem to recall that at the last sitting you reminded the member opposite about the use of Christian names within the Assembly.

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**MR SPEAKER:** Let me clear up a point on Christian names. If the surname is also used in conjunction with it, I believe that is quite proper.

**MR WHALAN:** What happened was that Robyn Nolan, who is the whip for the Government, thrice refused my request. I asked, "Can you confirm that there will be a question time tomorrow?". She said, "I cannot". So we were left in the dark. I said, "Well, in other words, there will not be a question time?", and she said, "No, I can't say that either". So we are being kept in the dark; we are being denied information which as an opposition we are entitled to have. We are entitled to know whether we are going to have the opportunity to raise our matter of public importance, but, no, we have been denied that as well.

So what is this Government on about when it denies the right to members to suspend standing orders? Let us look at how this standing order was introduced. The original draft standing orders which this Assembly inherited were presented to us as a fait accompli and, of course, it was always the right of the Assembly to modify those standing orders. The original standing orders that we were presented with provided that a suspension of standing orders could only be moved by a Minister. We believed that that was unduly constraining on the rights of all members of the Assembly and we supported - wholeheartedly supported - the amendment of the standing orders to provide for every member of the Assembly to have the right to suspend standing orders.

**Mr Jensen:** Who moved the amendment, Mr Whalan?

**MR SPEAKER:** Order!

**MR WHALAN:** That is the current right. Every member can have the right to suspend standing orders, but now that right is being taken away; that right is being denied to us.

**Mrs Grassby:** I seek an extension of time for Mr Whalan.

Leave not granted.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (10.39): Mr Speaker, I want to speak very briefly. I will not take more than four or five minutes on this. I find the complaints of the opposition quite extraordinary, given their behaviour on this day last week. They came into this Assembly, on the first day of sitting of the new Government - a government which had been duly elected by a majority of members of this Assembly - and they ensured that the best thing that could happen on that day was that the Assembly became an object of ridicule in our community and indeed in wider Australia. That was their contribution to the democracy of the ACT. I was ashamed of their behaviour on that day, and I fully support the motion moved by Mr Jensen to ensure that the Assembly today does not

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degenerate again into that kind of mud-slinging which so tarnishes its reputation.

Mr Speaker, we gave the Follett Government due time - due latitude - in its early days to do the things it had to do as a new government in the Territory. We gave it ample time to get settled in; we gave it ample time to set its priorities and to do other things which any new government has to do. Now, within days of our taking office, this opposition decided it had to put on this - - -

**Mr Duby:** Temper tantrum.

**MR HUMPHRIES:** Yes, it has put on this temper tantrum. It was no longer the Government of the Territory; it had been deprived of its rightful place on the Government benches; and it was going to kick and scream for all it was worth. Moving the motion on the failure of the Liberal coalition parties to abide by the policies on which they were elected within days of our taking office was, I think, a gross discourtesy. It was a discourtesy which we did not extend to them when they were in government and I certainly hope that the kind of decorum and standards of opposition which we set, in our early days, are followed by this opposition henceforth.

**MS FOLLETT** (Leader of the Opposition) (10.41): Mr Speaker, I rise really to add to the comments made by my colleague Mr Whalan, who is the manager of our business in this Assembly. I believe that he has covered the majority of points but I would just like to add that, as an opposition, as members of this Assembly, we all have rights, and those rights are to participate in the full life of this Assembly.

Mr Speaker, I would ask you to contrast the current attitude of the Liberal coalition Government to the attitude of the previous Government, my own Government. In the life of that Government we consulted on a regular basis with all members of the Assembly. We made time available, out of a very busy schedule in government, on a Monday evening - every Monday evening of a sitting week - in order to discuss with all members of the Assembly what the business of the Assembly would be for the week and to give them an opportunity to put forward the business that they wished to see in the Assembly. We treated them as equals. We acknowledged their rights within this Assembly to take a full and active part in the life of the Assembly and in the debate on all of the issues.

It would never have occurred to us to suspend standing orders, as has been done today. It never would have occurred to us, Mr Speaker, to do as was done to us by the Liberal coalition Government on the committees of this Assembly. One of the most important and one of the most effective areas of the life of this Assembly has been in the committees. Last night we received an edict from on high as to how those committees would be constituted under

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this Liberal coalition Government. There will be a reduction of the size, a stacking of the numbers and a most unclear position for the members on this side of the Assembly who wished to participate in the life of this Assembly.

I would ask you to contrast the attitude here, Mr Speaker. Just because the Government opposite has the numbers, that does not give them the right to deny members on this side of the chamber full and equal participation in the life of the Assembly. I think it is a tragedy that this motion has been moved today. It must reduce the confidence of all members of our Canberra community in this Assembly's ability to debate the issues and, of course, Mr Speaker, there is absolutely no doubt that it reduces everybody's confidence in this Government's ability to face its critics, to answer for its actions and to be accountable for its decisions. It is the motion of a weak, uncertain and insecure government, and it deserves condemnation by everybody.

**MR BERRY** (10.44): I must say, Mr Speaker, that from the outset I am horrified by the attitude of the Government members opposite and I am particularly concerned about statements that were made by Mr Humphries about the confidence that the people of Canberra may or may not have in the Government. This Assembly, of course, will come in for more criticism because of the heavy-handed approach which is being taken by the Liberal coalition Government.

There are some elements of that coalition that are not going to be here after the next election, anyway, and they may not be concerned about it. Of course, the Liberals would be feeling fairly confident about this because they would expect to pick up some of the seats vacated by the oncers on the other side, and I can see why. Those oncers would not want to be put under the microscope in relation to their ability to deal with matters of government and matters which are important to the community of the ACT.

One of the things that Mr Humphries got completely wrong again was that this Assembly did not elect the Government; this Assembly only elected the Chief Minister. What you want to do is just get it right, Mr Humphries.

**Mr Jensen:** What is the difference?

**MR BERRY:** Just have a look at the legislation and you will be able to work it out, Norman Jensen.

**MR SPEAKER:** Order! The time for this debate has expired.

Question put:

That the motion be agreed to.

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The Assembly voted -

AYES, 10

Mr Collaery  
Mr Duby  
Mr Humphries  
Mr Jensen  
Mr Kaine  
Dr Kinloch  
Ms Maher  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak

NOES,

6

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Stevenson  
Mr Whalan  
Mr Wood

Question so resolved in the affirmative.

### **PETITION**

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

#### **Bus Services**

To the Speaker and Minister of transport, of the ACT Legislative Assembly in ACT Government assembled

The petition of the undersigned respectfully requests that you take urgent action to increase frequencies and lengthen timetables of the Canberra bus service Sunday nights and public holiday nights.

Your petitioners therefore humbly pray that your honourable Assembly ensures these amendments are carried out and your petitioners, as in duty bound, will ever pray.

By **Mrs Grassby** (from 303 citizens).

Petition received.

### **PUBLIC ACCOUNTS - STANDING COMMITTEE Report**

**MR WOOD**, by leave: Mr Speaker, I present the report of the Standing Committee on Public Accounts on the Independent Advisory Committee Against Corruption, together with copies of the minutes of proceedings of the committee. I move:

That the recommendations be agreed to.



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Mr Speaker, I regret that I start on a sour note. With all committee activity this year and with the 10 or 11 reports that we have tabled, committee members have observed the convention that we should not comment on the findings of the committee, on certain of the private hearings that we have had and on our deliberations. With one exception, perhaps, that has been scrupulously observed. However, it was not the case on this occasion. Following a media briefing by Mr Collaery yesterday, a comprehensive and accurate report of this was - - -

**Mr Collaery:** I have never seen this.

**MR WOOD:** Well, you did not need to see it.

**MR SPEAKER:** Order!

**MR WOOD:** It was a very careful choice of words, Mr Collaery. You did not need to see it, but that report appeared last night on television. It was accurate; it was comprehensive. I hope that that breach of the conventions of this Assembly and of the committees is not a sign of what might come with this new Government. Already there are disturbing signs. I regret that.

**Mr Whalan:** Where else would Fia get the information from?

**MR WOOD:** Where else?

**Mr Collaery:** I did not speak to her.

**MR WOOD:** Still, I am happy to have been asked to table this report. I am happy to carry on this task. But that raises an interesting question: why am I doing it? Mr Kaine, quite properly, is Chief Minister now and he passed it over. Mr DUBY is a Minister and he passed it over. Mr Jensen is an executive deputy and he passed it over. I am happy to do it.

**Mr Jensen:** So was I.

**MR WOOD:** You were happy? The Government is so lacking in knowledge of what it is doing and where it is going that it conceded that I was the only one of the committee who could now do this job.

**Mr Kaine:** I have great faith in you, Bill. That is why.

**MR WOOD:** Well, thank you. In so doing, the Government has totally demolished the argument it will shortly use to support its proposed committee structure. It shot itself, not in the foot but in the head. Mr Kaine, no doubt, has a prepared speech saying that executive deputies can serve on committees and indeed chair them, but here I am, on my feet, the only one today who can table this report. I demonstrate the falsity of any such claim.

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If we cannot have executive deputies to do the job today, if that is true today, it is true every day. The executive deputies cannot serve on committees. We will be anxious to know what Mr Kaine outlines as the role of executive deputies shortly. It may be that they have gone beyond the original claim and realised that they cannot have executive deputies - for example, Mr Humphries with health and, very clearly, Dr Kinloch with education and the arts. I wonder whether we will have this same format presented to us in a little while. It is obvious that in the haste in which all this was done and the long delay now - 10 or 11 days - without administrative arrangements, the Government has had severe difficulty in its thoughts about executive deputies.

But let me get back to the subject - the parliamentary accounts committee and its work. It worked well and I was very pleased with the work of Mr Kaine as chairman and with the composition of the committee. Let me tell you how the committee was constituted. There were, then, three opposition members - non-Government members - Mr Kaine, Mr DUBY and Mr Jensen, and there was one Government representative. Some have told me that was a very good balance. The Government had the best of it. That was the structure. But what of the structure that we have heard about through the media - not through consultation, but through the media? What is the structure we are going to have foisted on us today? It is two Government members and one opposition member. What a complete reversal, adding to the points that my two leaders have made today. What a reversal! This Government is now taking everything unto itself.

We have all agreed that the committees worked extremely well and it was due to the way in which members participated and involved themselves in policy setting and decision making. Only in one case, perhaps - the occupational health and safety matter - did the committee come off the rails. What we are getting into now, of course, is executive committees or, if you like, Government committees. That is what we are getting into.

**Mr Humphries:** It is usual in most parliaments. It is usual to have Government majorities on most committees in other parliaments.

**MR WOOD:** But wait until you see how it works. I wonder whether the senior lawyer in the place fully understands how his Rally policy is going to work. It is proposed that executive deputies, members of the Government, members of the Cabinet - - -

**Mr Humphries:** No, they are not members of the Cabinet.

**MR WOOD:** They are to chair these committees.

**Mr Humphries:** They are not members of the Cabinet.

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**MR WOOD:** Well, that is interesting. Mr Kaine might tell us that later on.

**Mr Humphries:** You are wrong, Bill.

**Mrs Nolan:** You were Cabinet secretary.

**MR WOOD:** I was not a part of Cabinet. I can tell you that.

**MR SPEAKER:** Order!

**Mr Humphries:** Well, you were more a part than the executive deputies are now.

**MR WOOD:** I administered no department.

**Mr Humphries:** Neither do they.

**Mrs Grassby:** They do.

**MR WOOD:** Now, these people - - -

**Mr Humphries:** They do not.

**MR SPEAKER:** Order!

**Mr Jensen:** On a point of order, Mr Speaker; I do not wish to be churlish but I am just wondering whether Mr Wood is speaking to the paper that he is producing or whether he is speaking to something else.

**Ms Follett:** Of course he is - committee reports.

**Mr Jensen:** He is speaking about committees, not reports.

**MR WOOD:** Mr Jensen, you do like points of order.

**MR SPEAKER:** Please stick to the point though, Mr Wood.

**MR WOOD:** Yes, indeed I will, because what is going to happen here is that the parliamentary accounts committee is going to be the committee that monitors the work of this independent commission. Now, you ask yourself that question, Mr Jensen. You think I am off the track. I am very much on the track, because we may later find - and some of this is speculation - based on what we have read in the paper, that the parliamentary accounts committee, with that structure, is going to report to the Government. Where is the authority of parliament in that committee? Am I not justified in taking this track? Surely I am.

What we have got here is the Residents Rally committee or collegiate government proposal, but we are in an Assembly that is not geared for that. We cannot go down that track. It is not a Kaine coalition; it is a Collaery coalition, with Sir Robert Sparkes pulling the strings in the background. That is what we have. If you look at the

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accord and look at certain points of that accord, and if you look at Mr Donohue's evidence to another committee you will see the heavy Residents Rally emphasis on collegiate and committee systems. Now, that might work in some - - -

**Mr Jensen:** Once again, Mr Speaker, I rise on a point of order. I believe - - -

**MR WOOD:** It is all right. I am getting off that track.

**MR SPEAKER:** Order! Resume your seat, Mr Wood. Please do not talk over Mr Jensen.

**Mr Jensen:** Mr Speaker, I was referring to what appear to be comments about a committee that is yet to bring down its report.

**MR SPEAKER:** Thank you, Mr Jensen. Please address the question, Mr Wood.

**MR WOOD:** Now let us get to this committee report.

**Mr Humphries:** About time!

**MR WOOD:** Well, I am going to touch it, you know. We did not decide whether there had to be a committee; only how it should be constituted. We were not to determine whether there was corruption or to review existing mechanisms. From the initial enthusiasm of Mr Jensen, who wanted a major body based, I think, on Hong Kong, we have settled for a sensible and reasonable model which will have one full-time employee, a desk and a telephone. It will have one part-time executive officer. It will have a part-time commission.

Now, that is the measure of the problem that we found, because, while we were not required to look at the problem, inevitably we came across the repeated comment: "Well, really, what do you want to set up a massive thing for? What is the need for it? It is clear that there is no corruption in our administration. True it is that there is some low-level crime and in a budget of one and a half billion dollars that is to be expected".

We are not to have an investigative body. It will simply receive information from the community and pass that to existing appropriate bodies for their investigation, and of course it may decide that it will do nothing. It may reject information that comes to hand. This report repudiates entirely the claims of Mr Collaery at the time the committee was established, in which he said it was urgently needed. It repudiates that entirely.

**Mr Collaery:** At what page?

**MR WOOD:** On 1 June, at page 329. I will read out what you said.

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**Mr Collaery:** But is that in your report? At what page have you refuted it?

**MR WOOD:** No; I am quoting from Hansard.

**Mr Collaery:** I want to know where you have refuted it.

**MR WOOD:** Well, have a look at the body we set up, Mr Collaery. Have a look at it.

**Mr Collaery:** I cannot find it.

**MR WOOD:** I am getting delayed here. I do not want to get involved too much in argument. What we are getting is a low-key, part-time advisory body, non-investigative, which reflects the integrity of the administration. It is one step forward in providing good government in this Territory.

**Mr Jensen:** A unanimous report.

**MR WOOD:** Unanimous, indeed. It is one good step forward. Unfortunately, today, it seems we are going to take a hundred steps backward in what the Government proposes to do with its committees. One small step forward, and you are demolishing the value of it by what you are proposing to do. Have a look at section 43 and subsequent sections of the ACT (Self-Government) Act. You will find - I am sure Mr Kaine has had advice on this from his senior officers - with your executive deputies that you cannot delegate authority to them. There is no availability of any rights for delegation of executive power.

**MR SPEAKER:** Order! Mr Wood, are you talking to the question?

**MR WOOD:** Well, Mr Speaker, let me explain this. The executive deputies are going to have a key role in the parliamentary accounts committee which is to oversee the operations of the independent commission. Now, if the parliamentary accounts committee is flawed by its construction - - -

**Mr Kaine:** And the Leader of the Opposition will chair it.

**MR SPEAKER:** Order! Please proceed to the question, Mr Wood.

**MR WOOD:** Well, thank you, Mr Speaker, for acknowledging that point. Executive deputies are a key part of this. What does section 43 say? It says:

A Minister shall administer such matters relating to the powers of the Executive as are allocated to that Minister from time to time by the Chief Minister.

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No-one else but a Minister can carry out the duties of a Minister. Look further to section 51. Only a Minister can direct a department. If we take an interpretation of this - and I am sure the senior lawyer present will understand this - a department may not advise anybody but a Minister. We are waiting with bated breath for Mr Kaine in a short time to tell us how these executive deputies are going to work. Is he going to withdraw from the claim he made and the diagram he gave us? It may be that the executive deputies will become assistants, part-time secretaries, and that may be fine; we may go along with it; but let us see whether we have a Kaine model or a Collaery model in what is going to happen.

Let us not have executive deputies leading Government dominated committees directly into the channels of government and leaving this Assembly relatively powerless. Let us not go down that path. Now, I may be proved wrong. I would be very happy for Mr Kaine to demolish my arguments when he speaks in a short time and outlines what the executive deputies are going to do. But I do want to know how this Assembly, through its committees, will scrutinise the activities of government. Will there be conflicts of interest and how will the separation of powers be maintained? These are critical questions.

**Mr Berry:** Mr Speaker, I move for an extension of time.

**MR SPEAKER:** Order! Mr Wood, the question has been posed that you be granted an extension of time. Is leave granted?

Leave granted.

**MR WOOD:** I was timing it to finish in time, Mr Speaker.

**MR SPEAKER:** Please proceed.

**MR WOOD:** Thank you for that extension. If I had known I was going to get an extension - I thought I would not, you see - I would have developed some of this argument that was coming across the chamber.

**Mr Jensen:** We know you are a reasonable man, Bill.

**Mrs Grassby:** Be careful, Bill. When they say they like you, that is when they attack. Always be careful of the enemy.

**Mr Kaine:** I offered him a portfolio, but he would not accept it.

**MR SPEAKER:** Order! Mr Wood, please proceed.

**MR WOOD:** The problem was that you offered me a portfolio, yes, indeed, but I had a better offer from Mr Humphries. He offered me the Chief Ministership, which I declined, obviously. He was happy to be deputy chief to me.

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**MR SPEAKER:** Mr Wood, there are 16 recommendations in your report. Do you think you could address some of them?

**MR WOOD:** I do not know; Mr Speaker, I do not want to lighten this. You would know that I have had a very considerable involvement in committees, and it has been a rewarding experience for me and for all of us. I am now very concerned that this excellent committee structure, via the executive deputies, is about to be demolished. I am concerned about that, and I think that my comments are valid. I do not want to express any humour, because I do not think the situation calls for that. I hope that my comments and my worries are groundless, but I fear that the situation is otherwise.

Mr Speaker, this document has proposed some very modest, sensible measures against possible corruption. It is a reasonable outcome for what little need there is in the community. Regrettably, today in this Assembly we may see measures that bring about a corruption of parliamentary authority, and we may see measures that bring about a corruption of the open scrutiny that has occurred for six and a half months in this Assembly, and we may see the corruption of an all-powerful executive, because, if we are not careful, that is the path we are going down. I left an assembly forcibly some years ago where that operated. I hope that it will never occur in this Assembly.

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

### **SELF-GOVERNMENT - SELECT COMMITTEE Resolution of Appointment**

**MR COLLAERY** (Deputy Chief Minister) (11.06), by leave: Mr Speaker, I move:

That paragraph (2) of the resolution of appointment of the Select Committee on Self-Government be amended by omitting "on the first sitting day of 1990" and substituting "by 30 April 1990".

This, quite simply, is a request of the all-party committee that is pursuing the self-government review. Mr Speaker, there is an important report of the Federal Parliament to come down on matters affecting the electoral system. There are other issues, and certainly one of those is to determine whether this Assembly can operate properly and correctly with the current opposition. Those issues, Mr Speaker, will certainly entertain the committee. There are certainly a number of submissions yet to be received. I endorse the request of the committee, made by all members of the committee on my advice, that they be given until 30 April 1990 to report.

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**MR WHALAN (11.07):** I probably would not have spoken on this except for the remarks made by Mr Collaery when he spoke on this particular matter. What Mr Collaery said, Mr Speaker, was in reference to whether the Government could work properly and correctly with the current opposition. I think that is a very important point that he has made there, because quite clearly this Government is acting improperly and incorrectly in relation to the operation of this Assembly and, therefore, by definition, it cannot act properly and correctly with the opposition. What we have seen is the unmitigated use of the gag. We have seen the destruction of democracy here today when Major Jensen moved his motion to deny members of the opposition the opportunity and removed the right to suspend standing orders.

Clearly, this is a dictatorial government. It is a dictatorial government going down the road which was so clearly demonstrated by my colleague Mr Wood. It is modelling itself on the Bjelke-Petersen Government in Queensland.

**MR SPEAKER:** Order! Mr Whalan, please address the question before the house.

**MR WHALAN:** This reporting date, Mr Speaker, was one of the issues which was raised yesterday by Mrs Nolan when she came to see me.

**Mr Kaine:** When we did not consult with you on committees?

**MR SPEAKER:** Order!

**Mrs Grassby:** You did not consult. You just handed us two pieces of paper and said, "That's it".

**MR SPEAKER:** Order!

**MR WHALAN:** Mr Collaery just interjected about consultation, Mr Speaker. Let me tell you about the discussion that took place in relation to this. Robyn Nolan and Norman Jensen arrived down on the first floor and came into my office. I said, "Now what are we going to discuss?", and Mrs Nolan said to me, "We are not going to discuss anything". I wrote this down. I have got handwritten notes. She said, "We are not going to discuss anything. I am here to tell you what the executive decision is". Her exact words were, "We are not here to discuss anything. I am here to tell you what the executive decision is". Now, if that is consultation, then pigs will fly. This is again evidence of the adoption of the Bjelke-Petersen mode of government.

Bill Wood, who has experienced the Bjelke-Petersen Government in Queensland, can clearly see the tendencies developing. Among those important tendencies is the destruction of the rights of members of the Assembly. We have seen fundamental rights destroyed by the ruthless



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application of the gag, the refusal to allow people to speak, and the ruthless removal of the right to suspend standing orders. The motivation behind that is quite clear, Mr Speaker.

**MR SPEAKER:** Order! Mr Whalan, please address the question.

**MR WHALAN:** Yes. The motivation behind this is quite clear, Mr Speaker, because I had written to Mr Jensen and Mrs Nolan seeking their support in relation to the Tuggeranong swimming centre. They clearly are embarrassed about this position, and they do not want to - - -

**Mrs Nolan:** I found out about it in the Valley View, then got the letter.

**MR SPEAKER:** Order! Mr Whalan, please address the question that is before the house.

**MR WHALAN:** Mrs Nolan just said that she did not receive the letter. The fact is that she said, "I will discuss my letter with you after we have our meeting".

**Mrs Nolan:** I did not say that.

**Mr Kaine:** Mr Speaker, I must protest.

**MR SPEAKER:** Please resume your seat, Mr Whalan.

**Mr Kaine:** If the deputy leader of the Opposition cannot stick to the point and wants to digress on his pet projects, I think I have to insist that the debate stop. We have had enough of this, Mr Speaker.

**MR SPEAKER:** Thank you, Mr Kaine. Please abide by the ruling given and please address the question before you, Mr Whalan.

**MR WHALAN:** Mr Speaker, Mr Collaery's motion about extending this date to 30 April is again a demonstration of the executive dictating to this Assembly, taking the power out of the hands of the Assembly and concentrating it in the executive of government, and this is the fundamental point which must be made in relation to this motion. It is the fundamental point which my colleague Mr Wood was making in relation to the whole committee system. What the executive is seeking to do is to make the committees not committees of the Assembly but - - -

**Mr Kaine:** I raise a point of order, Mr Speaker. I think the debate has gone far enough. I think that the deputy leader of the Opposition - perhaps the Leader of the Opposition, ipso facto - has only one question to address, and that is: does he accept the committee's recommendations? That is what we are talking about here.

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**MR SPEAKER:** Order! Chief Minister, you are debating the issue. That is not a point of order. Please address the question, Mr Whalan.

**MR WHALAN:** Mr Collaery has moved this motion to extend the date, and it is an important point to bear in mind that the appropriate person to have moved this motion would have been the chairperson of the committee, not Mr Collaery. That would then be evidence that it was the committee that was concerned - that it was a committee of this Assembly. But, clearly, this is Mr Collaery representing the intentions of the executive government to get a stranglehold on this Assembly. So what do we see as the picture? We see the ruthless use of the gag, the removal of the right to suspend standing orders, and now the strangulation of the committee system. We see the strangulation of the committee system by handing control of the committee system from this Assembly to the executive government on the fifth floor, and that is the fundamental issue which is involved.

Question resolved in the affirmative.

#### **INDEPENDENT AUDIT TO DETERMINE ASSETS TRANSFER - ORDER OF ASSEMBLY**

**MR COLLAERY** (Deputy Chief Minister) (11.15), by leave: I move:

That paragraph (2) of the order of the Assembly, of 28 September 1989, relating to the independent audit to determine assets transferred to the Territory on self-government and the public debt associated with those assets, be amended by omitting "the first sitting day of 1990" and substituting "18 May 1990".

I might remind our colleagues in the house that the former Chief Minister, Ms Follett, announced on 22 November 1989 the establishment of an independent committee to inquire into the assets and public debt of the Territory. The committee comprises the chairperson, the Hon. Mr Justice Else-Mitchell, formerly chairman of the Commonwealth Grants Commission, and two members, Mr Ian Mackintosh, a practising accountant, and Dr Brian Galligan. The request for an extension of time comes on my advice from the committee. I endorse the request simply because this committee has obvious bipartisan support in its formation, and one hopes that we will not hear 15 minutes of prolonged discussion around a point that all parties agree on.

Question resolved in the affirmative.

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**CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE**  
**Terms of Reference**

**MR COLLAERY** (Deputy Chief Minister) (11.16), by leave: I move:

That paragraph (2) of the reference of matters, concerning the integrated energy resources and environment policy, to the Standing Committee on Conservation, Heritage and Environment, be amended by omitting "first sitting day of" and substituting "1 April".

Once again, the members of that important committee have requested an extension of time. Members are aware that that committee has terms of reference dealing with a number of matters that impact throughout the Territory and may possibly put the Territory in an exemplary role in a number of areas, particularly in recycling matters, initiatives announced by the former Minister, Mrs Grassby. Just briefly, the Government endorses this request and accepts the request of the committee, and I trust that the members present will also agree to that request.

Question resolved in the affirmative.

**MINISTERS AND EXECUTIVE DEPUTIES - GUIDELINES**  
**Ministerial Statement and Paper**

**MR KAINE** (Chief Minister) (11.18): Mr Speaker, I ask leave of the Assembly - with Mrs Grassby's approval - - -

**Mrs Grassby:** Always, Trevor.

**MR SPEAKER:** Order!

**MR KAINE:** I am thinking of last week, Mr Speaker. I ask leave of the Assembly to make a ministerial statement on guidelines for the relationship between Ministers of the executive and their executive deputies.

Leave granted.

**MR KAINE:** I will present for members' information in a moment a copy of my guidelines for the relationship between Ministers and their executive deputies, and I hope this clarifies some of the concerns that have been expressed outside of this Assembly and already in it this morning. This arrangement involving executive deputies is designed primarily to provide a collegiate and cooperative government involving all members of the alliance who are participating in the majority Government of 10 elected representatives in this Assembly.

The arrangements as set out in the paper are predicated on three basic principles. The first is the overriding

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principle that Ministers will be entirely responsible for all matters in their portfolio in accordance with the self-government Act; secondly, that Ministers will be responsible in the Assembly for all matters in respect of their portfolios; and, thirdly, that the executive deputies' role is to provide an additional source of advice and assistance to Ministers in the exercise of their ministerial authority.

The schedule is a set of guidelines to the relationship between Ministers and their executive deputies. I am certain that these arrangements will facilitate all the features of Westminster ministerial responsibility whilst enabling the alliance Government to draw effectively on the particular talents and expertise of all the members involved. By this arrangement we will have a fully representative and responsive government acting for the people of the ACT. I trust, and I am sure, that these guidelines will allay the fears that Mr Wood expressed earlier. I present the following paper:

Guidelines for the relationship between Ministers (Executive Members) and Executive Deputies.

## PAPERS

**MR KAINE** (Chief Minister): I table for the information of members the following papers:

ACT Legislative Assembly - proposed sitting pattern for 1990.

ACT Gazette No. S43, 14 December 1989 - Administrative Arrangements.

Mr Speaker, those orders set out quite clearly, I think, the arrangements for government. They identify the responsibilities of the four executives of the Government. Of course, as indicated in the document that I previously tabled on the guidelines for the arrangements between Ministers and their executive deputies, it is quite clear that the responsibility of Ministers rests only in the four Ministers and in nobody else.

## SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent the Deputy Chief Minister from moving a motion to -

- (1) vary the numbers of members appointed to certain committees; and
- (2) discharge certain members from attendance on committees and appointing other members.

## COMMITTEE MEMBERSHIP

**MR COLLAERY** (Deputy Chief Minister) (11.21): I move:

That -

- (1)
  - (a) paragraph (2) of the resolution of appointment of the Standing Committee on Conservation, Heritage and Environment be amended by omitting "5" and substituting "3";
  - (b) paragraph (2) of the resolution of appointment of the Standing Committee on Planning, Development and Infrastructure be amended by omitting "4" and substituting "3";
  - (c) paragraph (2) of the resolution of appointment of the Standing Committee on Public Accounts be amended by omitting "4" and substituting "3";
  - (d) paragraph (3) of the resolution of appointment of the Select Committee on Self-Government be amended by omitting "5" and substituting "3"; and
  - (e) paragraph (3) of the resolution of appointment of the Select Committee on HIV, Illegal Drugs and Prostitution be amended by omitting "four" and substituting "three"; and
- (2)
  - (a) the following members be discharged from attending the following committees -
    - (i) Mr Humphries: Standing Committee on Administration and Procedures;
    - (ii) Mr Collaery, Mr Humphries, Ms Maher and Mr Moore: Standing Committee on Conservation, Heritage and Environment;
    - (iii) Mr Collaery, Mr DUBY and Mr Kaine: Standing Committee on Planning, Development and Infrastructure;
    - (iv) Mr DUBY and Mr Kaine: Standing Committee on Public Accounts;
    - (v) Mr Collaery: Standing Committee on Scrutiny of Bills and Subordinate Legislation;
    - (vi) Mr DUBY, Mr Humphries and Mr Moore: Select Committee on Cultural Activities and Facilities;
    - (vii) Mr DUBY and Mr Kaine: Select Committee on Self-Government; and
    - (viii) Ms Maher and Mrs Nolan: Select Committee on HIV, Illegal Drugs and Prostitution; and
  - (b) the following members be appointed to the following committees -

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- (i) Mrs Nolan: Standing Committee on Administration and Procedures;
- (ii) Dr Kinloch and Mr Stefaniak: Standing Committee on Conservation, Heritage and Environment;
- (iii) Mr Jensen and Mrs Nolan: Standing Committee on Planning, Development and Infrastructure;
- (iv) Ms Maher: Standing Committee on Public Accounts;
- (v) Mr Stefaniak and Mr Stevenson: Select Committee on Cultural Activities and Facilities; and
- (vi) Mr Stefaniak: Select Committee on HIV, Illegal Drugs and Prostitution.

Mr Speaker, contrary to press reports today, where the - - -

**Mr Whalan:** On a point of order, Mr Speaker; could you clarify under what standing order the standing orders have been suspended?

**Mr Jensen:** I think you will find it is 272, Paul.

**MR SPEAKER:** Yes. To clarify that issue, we have suspended the temporary orders, but we now obviously revert back to the original standing order 272, which says:

In cases of necessity, any standing order or orders of the Assembly may be suspended on motion, duly moved, by a Minister.

Please proceed, Mr Collaery.

**Mr Whalan:** I take a point of order, Mr Speaker. I have here the Hansard of 29 June at page 571 where we deleted from the standing orders the words "by a Minister" and replaced them with a completely new set of words. I submit to you, Mr Speaker, that there is no residual standing order which provides power to a Minister to suspend standing orders. There is no power to suspend, and I table this extract from Hansard.

**MR SPEAKER:** You will need to seek leave to table that extract.

**Mr Whalan:** I seek leave.

Leave granted.

**MR SPEAKER:** My original point on this issue was correct. The motion this morning was that temporary order 272 be suspended for this sitting. Therefore, we revert back to the original standing order 272. Please proceed, Mr Collaery.

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**Mr Whalan:** I move dissent from your ruling, Mr Speaker.

**MR SPEAKER:** There is no provision to allow that, Mr Whalan. Please proceed, Mr Collaery.

**MR COLLAERY:** Thank you, Mr Speaker. When Mrs Grassby is ready - - -

**Mrs Grassby:** No, I do not want to listen to you, Bernard. I do not have to. Seeing you is enough.

**MR COLLAERY:** Mr Speaker, for the benefit of Mrs Grassby, who does not want to listen to me  
- - -

**Mrs Grassby:** That is right.

**MR COLLAERY:** I assume, Mr Speaker, that she has plugged her ears.

Mr Speaker, the committee structure is vital, as our colleague Mr Wood said in earlier debate. We did not agree with all of them, of course, but those parts of his comments were correct. The committee structure has a long historical basis, originally in the House of Commons, and so forth. The committees are known and recognised throughout our system of parliamentary democracy to be an efficient method of discussing matters of detail outside the Assembly, but they do not replicate the Assembly. They are not meant to reflect the Assembly necessarily.

There are standing orders that oblige us to reflect as far as possible political equations in a parliamentary assembly in a committee structure, but they are not meant to be a substitute method or forum of debate. In that respect, Mr Speaker, comments attributed to the former Chief Minister in today's Canberra Times, saying, firstly, that the alliance Government was showing an aversion to open, consultative government and had made a unilateral decision - that second point I will debate - are, of course, wide of the mark for that historical reason.

The Chief Minister should understand that we are not talking about a Labor Party branch in Belconnen or somewhere but we are talking about a parliamentary structure that has - - -

**Ms Follett:** Well, ask him.

**MR COLLAERY:** The former Chief Minister; sorry.

**Mrs Grassby:** Oh, God! He can't get anything right.

**Ms Follett:** He called himself "Chief Minister" in the press.

**MR SPEAKER:** Order!

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**MR COLLAERY:** That was a Freudian slip.

Mr Speaker, this matter has been discussed at length with my leader, who has my complete confidence, and we have resolved to look at the structure of the committees to facilitate the involvement of the opposition during the recess period. My leader simply authorised me a few moments ago to say that, if members opposite want to disrupt this motion, we will put this agenda item off. It is simple. This is on for their benefit, not for ours.

The fact of the matter is that in our previous Assembly structure there was an opposition containing a number of parties. There is now an opposition which is largely composed of one party. In that respect, the reduction in some of the committees to a membership of three - of course, some of the committee structures and membership remain exactly the same, a point not drawn out, I note, in recent press - in an Assembly of 17 is hardly a reduction that affects the democratic process and puts open and consultative government at risk. Open and consultative government takes place, firstly, on this floor and in the actions of this alliance Government, and this alliance Government can be judged by its actions and its performance and not by the petty details put out, apparently, by the Leader of the Opposition.

The reconstitution of the committees will take place early next year, as you know, Mr Speaker. The fact is that today's exercise is simply an interim measure, until January, over the short period of the larger break so that the opposition can get itself organised and into the committees. As you know, Mr Speaker, Mr Bill Wood performed sterling service across a whole range of standing and select committees. Now, the problem that faces us with a situation where we are unable to secure reasoned response from the opposition is that in our proposed amendments we have left Mr Wood in a variety of committees, simply because we have not received instructions from the opposition as to whom they would prefer there. In one particular committee there is a choice between Mr Wood and Mr Moore.

Mr Speaker, the facts of the matter are that Mrs Nolan and Mr Jensen went to see Mr Whalan yesterday, and those discussions were aimed at bringing into effect a cooperative agreement on committees. I am advised that Mrs Nolan rang back and spoke to Mr Whalan, who said that he was not happy with the amendment and would not discuss it. So, Mr Speaker, I believe that a disinclination to discuss the committee structure really reflects the attitude of a sore-headed opposition who are still adjusting to being on the other side of the house.

Contrary to the Leader of the Opposition's suggestions, there are no sinister motives behind the general reduction in the numbers of the committees. The reduction is a reaction to the fact that three of the parties in the



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Assembly who had originally sought separate representation on committees have now joined in government. Claims that the effectiveness of committees will be diminished by the reduction in numbers are nonsense, Mr Speaker. The reverse in fact is the case. The opposition have more of a role to play. The committee effectiveness will be enhanced, as members will not have to spread themselves so widely across committees.

Also, Mr Speaker, as I am sure our colleague Mr Wood will attest, members will be able to master their subjects rather than having to divide their time and effort constantly across committees. This is a genuine attempt by the Chief Minister who instructed me and the party whip to try to achieve a conciliated concord on this issue. Regrettably, that is not possible.

Mr Speaker, I commend the motion particularly to the opposition because it gives them an effective role. If there are some small finetuning requirements, I am sure that the party whips, once they can get their effective communication going with Mr Whalan, can sort them out. But, broadly speaking, until the new year, we offer you a committee involvement commensurate with traditions of parliamentary assemblies. There can be no suggestion, of course, that we have made a unilateral decision. We made a suggestion. Two members of the alliance Government went to Mr Whalan's room - - -

**Mr Jensen:** Twice.

**MR COLLAERY:** Twice - and there was also other discussion. The matter did not proceed last night. We come to the floor here with an offer to the opposition. If they wish to withdraw from the committee process, they should signal that indication here on the floor. But it would be a great shame, because their most reasonable member - probably their most competent member and certainly a member who has made a great contribution - Mr Wood, would really suffer an injustice, in our view, if he were to be excluded from committee work simply because there is a sense that the opposition wishes to do its work otherwise than in the committee structure.

Mr Speaker, I endorse the proposals on which we have attempted to reach agreement and trust that the house will agree to them until you, Mr Speaker, presiding in the traditional role, assist with the reconstitution of all committees in the new year.

**MR WHALAN (11.35):** Mr Speaker, the Leader of the Opposition will be speaking to this, but I just want to establish one thing quite clearly in relation to any conversations that took place between me and Robyn Nolan and Major Jensen. The fact is, and I have got my handwritten notes here, that when Robyn - Mrs Nolan - and Norm Jensen came into my office and I said, "Now, what are we going to discuss?", Robyn Nolan said, "We are not here

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to discuss anything; we are here to tell you the executive decision".

So I just want to make that quite clear. There has been nothing in the form of consultation. There has been no opportunity for input from this side of the chamber. It is a clear demonstration of this autocratic, authoritarian, Bjelke-Petersen-type government which is being introduced here into the ACT. The point that Mr Collaery made is one which has got to be clarified in relation to the extent of consultation and with whom that consultation took place. After I had spoken to Mrs Nolan yesterday, I contacted Michael Moore, who is an independent member, who today is not sitting in the chamber because of the repressive actions of this Government, but Michael Moore received no - -

**Mr Kaine:** I take a point of order, Mr Speaker.

**MR SPEAKER:** Order! Resume your seat, Mr Whalan. I request you withdraw that. You are challenging the authority of the Chair.

**Mr Kaine:** He is reflecting on the Chair, what is more.

**MR WHALAN:** I withdraw any reflection upon the Chair, but I do claim to have the right to criticise this Government. If I am denied that right, then democracy is dead.

**MR SPEAKER:** Certainly. Your withdrawal is accepted. Thank you.

**Mr Jensen:** I raise a point of order. Mr Speaker, might I refer you to standing order 51, which deals with members referring to past votes of this Assembly. Mr Whalan was clearly referring to a past vote of the Assembly in Mr Moore being suspended from this house.

**MR SPEAKER:** Thank you for that observation, Mr Jensen. Please proceed, Mr Whalan.

**MR WHALAN:** Mr Speaker, after the last sitting members might be interested to know that the Government took professional advice on how to handle the opposition. Norm has obviously had a quick course - - -

**MR SPEAKER:** Order!

**MR WHALAN:** I mean Major Jensen has had a quick course and he has been reading up on the standing orders. Congratulations. The point is, Mr Speaker, that there was no approach made to Mr Moore by Mrs Nolan or Mr Jensen to see whether he agreed with this particular structure. There was no approach made to Dennis Stevenson, as far as I know - I tried to contact Dennis Stevenson and I could not contact Dennis to check with him - to see whether he agreed with this.

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Clearly, Mr Speaker, it is quite wrong for Mr Collaery to say that there is now an opposition which consists of one party. There are as many groupings in the opposition now as there were in the opposition previously. There are three groupings, and that was the number of groupings in the opposition previously. So it is quite clear that that is totally inaccurate.

As to the opposition's reaction to the Government's proposal on committees, Mr Speaker, I will leave those comments to be made by the Leader of the Opposition, but I just want to reiterate that there was no opportunity for consultation. It was a direct laid down misere: the executive has decided; you will cop it.

**MS FOLLETT** (Leader of the Opposition) (11.39): Mr Speaker, we in opposition do find ourselves in some difficulty with Mr Collaery's motion concerning committees because, as Mr Whalan has pointed out, we were presented with an edict yesterday of what the coalition Government believed was the most appropriate form of committee structure for this Assembly. Mr Whalan has got very precise notes of his discussion with Mrs Nolan on that occasion, and that is what we have based all our remarks upon the committee structure on.

If the motion that has been moved today is in some way different from that, or even if it is not, Mr Speaker, it is quite wrong to say that this matter has been the subject of consultation. There has been no consultation. We have not been asked at all what our view is of the committee structure, what committees we would like to participate in, and how we see the opposition contributing most usefully to this Assembly's committees. That sort of consultation has not taken place, and it is very wrong to say that it has.

I have referred previously to the excellent work that has been done by the committees of this Assembly, and I stand by that, but I believe that the reason the committees have been effective is that they have involved all of the groups in this Assembly and quite a large number of people, up to five, on some committees. The edict that we were presented with yesterday reflects a reduced membership on committees, down to three members, and on the vast majority of committees there are two Government members and only one other member.

**Mr Humphries:** That is quite standard. What is unusual about that?

**Mr Kaine:** We are two-thirds of the size of the Assembly.

**Mr Humphries:** If you were in government you would be doing the same thing.

**MR SPEAKER:** Order! Address your comments through the Chair.

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**MS FOLLETT:** I repeat, Mr Speaker, that the committee membership we were presented with yesterday quite clearly reduces the size and reduces the representativeness of those committees because there are two Government members to every one non-Government member. Mr Speaker, I really cannot believe that members opposite cannot work that out for themselves. It is blatantly apparent.

But my point, Mr Speaker, is - and I respect Mr Collaery's remarks - if it is the intention of the Government to consult upon the committee structure, why do they not do so? Why attempt today, by sheer weight of numbers, to ram through the edict that we were presented with last night? If it is their intention, as has been so piously put forward, to consult in a real way - and consultation means getting other people's views, not just putting forward your own - if they really wanted to consult, why are they ramming this through today? I cannot see any reason for it, especially as Mr Collaery has also said that the edict they are proposing is in fact a temporary measure.

I know and you know, Mr Speaker, that the committee structure has been under review. When I was Chief Minister I wrote to all parties with a proposal for a committee structure, and I believe you, Mr Speaker, were the only person who responded to that proposed structure. You put forward what I considered to be quite a constructive outline of the nature of committees and how they might perform their work in the Assembly. That review of the Assembly committee structure has not been completed. We have not heard from the members opposite as to what their view is. All we have heard is the edict from on high, that this will be the committee structure under the Liberal coalition Government. They will reduce the size, stack the numbers, and put their own people in charge.

I do not believe that that adequately reflects the excellent work that has been done by Assembly committees to date and I do not believe that it adequately reflects the composition of this Assembly, where, as Mr Whalan has pointed out, there are three groups sitting opposite the Government - not one, but three. I do not believe it is either fair or truly representative of the membership of this Assembly that the Government should have two members of every committee to one member from other groups. That is not democracy. That is not collegiate or participative style of work. That is, as I say, an edict from the Government that the committees will work the way they want them to and nobody else is to be consulted, other than to be told what their decision is. That has been the extent of consultation.

If, as Mr Collaery says, they really do want to consult, why push it through today? I cannot see any reason for this motion proceeding today, Mr Speaker, and I would urge members opposite to vote against it. There is no need to do it. If they really want to set up an effective and participative committee structure, we do not need to do it

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today under this new, authoritarian, draconian type of regime that has been foisted upon us.

**MR WOOD** (11.45): I hope that nothing happens today or in future weeks that will do anything to harm the committee system or to change the committee system. I hope that all that we do will protect and maintain the system. As I was so involved, I looked at what happened in other parliaments, and I believed that our committee structure as it was working was superior, both in the scope of what it did and I think also in the quality of much of its work, to that of any other parliament in Australia.

There was certainly much more power vested in the committees. This was truly an Assembly where the Assembly had authority, something that parliaments in recent years have lacked. So let us not say anything or take any action that will diminish the Assembly. Let us have some more consultation. I think that is important.

Mr Collaery said that he wanted our involvement during the recess period. That is all right. It is an interim measure only. But I think that the sensible thing to do, as my colleagues have suggested and in the spirit of the committee system, would be for the whips on that side of the house to come across and talk to Mr Whalan or the Labor leader and say, "This is what we are proposing to do about the structure of committees. This is what we have in mind. What do you think about it?". That is the way it used to happen, and I think it should still happen.

I have one question that Mr Collaery might clear up for me when he responds. I raise this question because, in the last 10 days, media reports led me to believe that the executive deputies would be a direct link to the Government. Mr Collaery, can you respond to that for me and outline the role that the executive deputies will have, not in relation to the form that Mr Kaine passed out but in relation to the committees? It would be a very grave and unfortunate path to follow if the executive deputies were to have any direct contact with Government as part of their committee work.

**Ms Maher:** Committees are apolitical. They are not political.

**MR WOOD:** Exactly; that is what I am saying, but I want Mr Collaery to clear that point up or Mr Kaine to make an emphatic statement if that is to be the case, that the committees will not be reporting to Government.

**Mr Collaery:** How could you suggest that?

**Mr Kaine:** Committees report to this Assembly, Bill.

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**MR WOOD:** Will you also clear up article 10?

**MR SPEAKER:** Order!

**Mr Collaery:** You are attacking the integrity of members.

**MR WOOD:** No. I hope I am not doing that. I have had some anxieties. You are telling me they are groundless, and I am pleased to hear that. Certainly, what I heard on television and what I read in the paper did lead me to believe that that may be the case. I had previously discounted article 10 of your accord, as reported in the media.

**Mr Jensen:** You do not believe everything you read in the paper, do you, Bill?

**MR WOOD:** I had previously discounted that article, which states, and I will read the full part of it because I would not want to take any part out of context:

Decision-making will be vested in the Joint Party Room. Major policy initiatives may be prepared by individual ministers or ministerial committees. The ministers or committee chairmen will prepare submissions for consideration by the Executive and subsequent Joint Party Room discussion. Implementation will be the responsibility of the Executive.

Now, I had earlier discounted that and said that those committees had nothing to do with the Assembly's committees. I believe I am right.

**Mr Kaine:** You are absolutely right.

**MR WOOD:** Thank you. I have that answer, so that allays a fear that I had. I still have a question on notice to Mr Collaery or to Mr Kaine. I expect the support of members on the other side of the house to maintain the committee structure as it was, to give due recognition to opposition parties and to consult with them, not simply on who is going to be on the committee but on the way the committees are to operate. If that happens and if we get assurances about that, whether today or further down the track as the question of executive deputies is further clarified, the committee system may still survive as it is at the moment.

I want to make some comment about the new diagrammatic sheet of administrative responsibilities. I welcome that because it is a very significant change from the one that was passed around a week or so ago. It is a more appropriate one, might I say, and I welcome the Government's changed view on this.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (11.50): Mr Speaker, I want to make a few comments on the committee arrangements. It could be that some of the criticisms that have come from members of the Opposition, former members of the Government, are predicated on their inexperience of this Assembly's committees. They operate,

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as Mr Wood has indicated, in a fairly unusual fashion and, as a result, there is some experience there which I hope the four members of the former Government will take advantage of as members of those committees in due course. I am not sure what their attitude is going to be to that. I hope they will not sit and sulk on the opposition benches but will participate in the committee system. I have yet to see whether that will be the case.

We have heard a great deal of pontification on the part of Ms Follett and Mr Whalan that there is some difference between what happens in this Assembly, what will happen in this Assembly's committee structure, and what happens elsewhere; that somehow there is some depriving of rights going on. Mr Wood, I think, referred to the fact that there was an all-powerful executive in the Queensland Parliament under Sir Joh Bjelke-Petersen and he would hate to see this happen in the context of the ACT. The fact is, Mr Speaker, that during, as I understand it, Sir Joh Bjelke-Petersen's day, members of the Government held a majority of seats on committees established in the Queensland Parliament. That was generally the case, I understand.

**Mr Wood:** No; they just did not have committees.

**MR HUMPHRIES:** Well, all right. They did have some committees, I understand.

**Mr Wood:** Eventually they formed a public accounts committee.

**MR HUMPHRIES:** Let us say that those committees that were formed held a majority of Government members, and Mr Wood might have been implying that this was all apparently a feature of the Bjelke-Petersen Government.

The fact is, Mr Speaker, that, in every parliament in this country, on the vast majority of committees established in those parliaments where governments have majorities in the parliaments, the committees reflect that majority. They reflect that majority in every parliament in this country. Ms Follett's colleagues in Queensland now, in South Australia, in Western Australia, in Tasmania and in Victoria all follow that same model. In every one of those parliaments, ALP governments ensure that a majority of members on those committees are ALP members. For her to pretend that some exception or some rort is going on in the ACT is quite hypocritical on her part.

The fact is, Mr Speaker, that we have a system of committees in this Assembly which is, as I said, unique; which is valuable; which we intend to build on in the coming years. We have no intention of jettisoning the great value and productivity of our committees. We intend to build on that. Nothing that appears in this motion is going to jeopardise that progress.

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**Mr Berry:** Rubbish!

**MR HUMPHRIES:** You may say "rubbish", Mr Berry, but nothing here is going to change that fact. Mr Wood, in particular, will recall the heavy load that he had to bear as the sole ALP member of many of those committees.

**Mr Kaine:** It looks as though they are going to leave him there, the way things are going.

**MR HUMPHRIES:** It looks as though they are, Mr Chief Minister. They are going to leave Mr Wood on them because they are not prepared, apparently, to take part in the committees' role in this Assembly. The fact is that they need to; it is part of the process of opposition that they do get involved in those committees; and I hope that they do make the effort before the end of today to nominate for those committees. The fact is that the review has been conducted into the committee system. I do not think anything that is in this is going to jeopardise that.

**Ms Follett:** It has not been. It is not finished.

**MR HUMPHRIES:** Well, it is not finished, Ms Follett, but the fact is that the committees still have to work over the summer break. You may want to go off to Queensland or somewhere and bask in the ALP sunshine up there, but the fact is that the committees of this Assembly have to continue to work over the summer break.

Now, that review has not been completed. We cannot just say, "Okay, all committees are off for the next two months until we come back for the rest of the sittings next year". The fact is that we have got to do work over the summer break, and we need to re-establish these committees for that summer break so they can be getting down to work and finishing important inquiries - inquiries such as the one into waste management and the one into an integrated energy policy for the ACT, two of which I was involved with. That work has to carry on and we have to get these committees re-established for that purpose. The fact is, Mr Speaker, that we have important work to do. The committees will facilitate that work through this motion. I warmly endorse the motion and I hope every member of the Assembly supports it.

**MR JENSEN (11.55):** Mr Speaker, I am going to rise very briefly to make some comments on the statements by the deputy leader of the Opposition, who, I see, is not currently present in the house. Mrs Nolan sought an appointment with Mr Whalan yesterday - not in the evening, as has been suggested, but in the morning. We sought that appointment for later on in the day to discuss this matter of committees and the business of government. Mr Whalan indicated to Mrs Nolan that he was about to go into a party meeting at 10 o'clock and he wanted to have this information so it could be discussed. Both Mrs Nolan and I rearranged our programs so that we could fit in with that request of the deputy leader of the Opposition.



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**Mr Berry:** So you should.

**MR JENSEN:** That is correct. We are not an unreasonable group, Mr Berry, as you will find in the future. During that meeting Mr Whalan said - and I also wrote some things in my notebook, as it is very useful to have them - "Until the role of the executive deputies is clarified, we will not participate in the proposals put forward".

Mr Speaker, the only aspect of chairmanship of committees that was discussed was the chairmanship of the Public Accounts Committee, and it was suggested during that discussion that the chairmanship of the Public Accounts Committee, in accordance with normal convention, be offered to the Leader of the Opposition. There is no problem, Mr Speaker. Mr Wood was concerned about the Public Accounts Committee having problems with the Independent Committee Against Corruption, but there is no problem. The chairman of the committee that will be overseeing that is, or should be, the Leader of the Opposition. There is no problem with that, Mr Speaker.

I heard the eloquent appeal from Mr Wood for the opposition to appoint a whip - or that is what it appeared to be to me and my colleagues. Mr Speaker, we would be quite happy to discuss with the opposition the appointment of a whip if that is what they so wish to do. We would be happy to do that. There are no problems, Mr Speaker.

Mr Wood and others have referred to concern about the role of the executive deputies. I put it to you, Mr Speaker, that it was quite clearly outlined in the guidelines that the Chief Minister put forward today. Mr Speaker, I do not think, quite frankly, that there is anything more for me to say. The Government consulted; the opposition decided. If they did not want to participate - - -

**Ms Follett:** Well, why don't you sit down?

**MR JENSEN:** I am sorry if it upsets you, Ms Follett, but those are the circumstances of the situation. That is what is going to happen. That is what will be discussed in this Assembly.

**MR KAINE** (Chief Minister) (11.58): Mr Speaker, I will be quite brief. This is an important matter. I had hoped the opposition would confront it seriously and agree on a course of action, because it was quite a reasonable proposal that we put to them. Mr Speaker, I think the debate has demonstrated quite positively that the opposition's assertion that we did not seek to consult with them is totally wrong, a total fabrication. We did, and we had hoped that we would come this morning with a solution to a problem that has to be resolved quickly.

These committees will need to meet. Because the Assembly is going to go into an adjournment now for some weeks it

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does not follow that the business of the Assembly stops. The business of the Assembly is performed very largely in these committees, and that is what we have established most conclusively over the last seven months. Yet the opposition is taking a position which will, if members persist with it, prevent that business of the Government going on. That is exactly why we put this motion forward today and it is exactly why we intended to resolve it with the opposition yesterday.

**Mr Whalan:** Let us sit again next week when we have had a chance to get legal advice.

**MR KAINÉ:** Mr Whalan wants to know why we do not meet next week. Mr Speaker, we are following the sitting pattern established by the previous Government in which today was to be the last meeting of the Assembly. We will shortly move a motion relating to the first day of sitting next year - the one that Mr Whalan agreed to and in connection with which he produced a sitting pattern for next year, the pattern which we are tentatively adopting. We are not changing anything.

All we have insisted upon is that we be given a reasonable time to form a government and get our machinery in place - exactly what we gave the Opposition when they took Government. But they have taken this dog-in-the-manger attitude, that we are not entitled to that courtesy. Well, Mr Speaker, I reaffirm that we intended to get the committee structure in place so that it could continue to work. There were some aspects of it in its present form that would have made it unworkable over the next two months.

I believe, and I think the Leader of the Opposition would agree with me, that it is inappropriate for the Chief Minister to chair the Public Accounts Committee. Now, if the Leader of the Opposition does not want to take on the role which the Leader of the Opposition traditionally takes on, that committee becomes unworkable for the next two months. Yet she sits there and refuses to participate. Mr Whalan says that we will not consult. We did consult - and we are prepared to consult. If the decision is not taken today, the committee structure ceases to work.

On the question of the membership, Mr Speaker, much has been made about our somehow trying to distort the membership. I simply refer the Leader of the Opposition, if she chooses to listen, to standing order 221 which is quite explicit on the composition of committees and the membership and the representation of members of this Assembly on the committees. We are complying with that provision. There is nothing inconsistent with it. Our intentions were honourable. Our intentions were decent. We wanted to pay the opposition the courtesy of discussing the matter with them. They refused.

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Now, let us be quite clear. If they do not choose to participate today, the business of the Assembly ceases for two months. It is on the heads of members of the opposition that they deliberately chose not to participate. I exhort the Leader of the Opposition to think about this and to support the motion so that the business of the Assembly can proceed.

**MR COLLAERY** (Deputy Chief Minister) (12.02), in reply: I will close the debate by endorsing the comments of my leader. I think no more need be said other than that we spent a considerable amount of the Assembly's time on this debate. It was brought forward in good faith to ensure that the people of the ACT receive something out of this Assembly and its committee structure over the Christmas break until January. All I can say in concluding, Mr Speaker, is that the opposition needs to appoint a whip. We endorse that comment. Clearly, in selecting a whip, the opposition must ensure that the qualities necessary to be a whip are considered in that appointment.

Question resolved in the affirmative.

### **PERSONAL EXPLANATION**

**MS FOLLETT** (12.03): I seek leave to make a very brief personal explanation.

Leave granted.

**MS FOLLETT**: It is not the one you might be thinking of. In the debate on that issue, Mr Humphries, Mr Kaine and Mr Jensen all indicated, and in fact said, that I had refused to participate in the committees of this Assembly. That is quite untrue. I have not done any such thing.

### **PETITION**

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

#### **Pearce Primary School**

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

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the proposal by the Interim Territory Planning Authority of the Australian Capital Territory to redevelop the former Pearce Primary School site for medium density housing.

Your petitioners therefore request the Assembly to:

- (1) oppose the redevelopment of the Pearce Primary School site for medium density housing;
- (2) retain the present parklands which surround the former Pearce Primary School buildings;
- (3) and for the benefit of all citizens of the Australian Capital Territory support the retention of the former Pearce Primary School buildings for use as an Arts centre and other community activities.

By **Mr Jensen** (from 1,299 citizens)

Petition received.

**MR COLLAERY** (Deputy Chief Minister) (12.04): Mr Speaker, I move:

That the Assembly, at its rising, adjourn until Tuesday, 13 February 1990, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members.

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

**MR COLLAERY:** I withdraw the motion. I understand the former Chief Minister wishes to make a statement.

### **ALLIANCE GOVERNMENT'S OBJECTIVES AND PROGRAM**

Debate resumed from 7 December, on motion by **Mr Collaery**.

That the Assembly takes note of the paper.

**MS FOLLETT** (Leader of the Opposition) (12.04): I seek leave to make a statement in response to Mr Kaine's statement as Chief Minister.

**MR SPEAKER:** Leave is granted.

**MS FOLLETT:** I thank members for their courtesy in allowing me to respond.

**Mr Kaine:** You just have to get to your feet fast in opposition.

**MS FOLLETT:** I will not be here long enough to get the hang of it, Mr Kaine.

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On 7 December the new Liberal Chief Minister of the ACT, Mr Kaine, addressed this Assembly. He described the making of his statement as an historic occasion, and indeed it was, an occasion when he could set out his Liberal coalition Government's vision for Canberra. After 20 minutes of waiting, however, the Assembly saw no vision. All that the people of Canberra and this Assembly were treated to was 20 minutes of no doubt well intentioned rhetoric. But there was nothing of substance and no sign either of practical solutions to the issues facing us as a territory.

This lack of a coherent strategy should not have come as any surprise, for the formation of this Liberal coalition was not based on a firm commitment by those involved to a consistent agenda for Canberra. The new ACT Government grew out of nothing more than a cynical power grab. Indeed, its very formation relies upon a certain vagueness, if not downright ambiguity, about crucial issues.

Show me the Liberal in this coalition who is game to say, as their principles and their stated policy dictate, the casino will go ahead on section 19. Show me the Rally member who is game to say, as their principles and their stated policy dictate, there will be no casino on section 19. Mr Kaine in his address on 7 December fudged this issue. He did say, "This matter must be resolved quickly". But resolved which way? What is the coalition's policy? Is all of the coalition's policy, all of their vision, to be decided in the marketplace? Is it to be decided on the basis of whether a project is good for Canberra? Does it fit the much-vaunted vision only if the price is right?

Turning to the ACT's most significant community asset, its land, Mr Kaine said, "Where circumstances require a change of leasing purpose, a betterment tax will be levied". Again this is hardly a surprising statement as provision for betterment taxes has long existed and betterment taxes have been levied, if not always in a consistent fashion or in a way which provided for maximum return to the Canberra community. What Mr Kaine did not say, of course, was what rate of tax the coalition had in mind. Will it be 100 per cent, as is the Rally's policy? Again he has fudged the issue saying:

Depending on the degree of the change, this tax will be set at a level which balances the interests of the community and those committing their financial and other resources to the particular project.

Presumably this means less than 100 per cent. I ask, what is the view of the Minister for Finance and Urban Services, Mr DUBY, on this important revenue issue? If we heard it, who would believe it?

Mr Kaine made much of his commitment on 7 December to alleviate the difficulties faced by Canberra's ageing

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people. In particular, he pledged to review existing arrangements for nursing homes, hostels and convalescent and hospice care, to ensure adequacy of facilities. Facilities, of course, are not the only requirement of ageing people or indeed of anyone, and I do not for one moment believe Mr Kaine thinks so either. Human dignity, self-respect and maximum independence are the right of all in our society.

I deplore the action this week of the Liberal Party in the Federal Senate in voting to block legislation which would have provided a charter of rights for patients in nursing homes or hostels. The charter would have allowed all patients to have their own bank accounts, their own clothing, their own religion, their self-respect and dignity. It is now up to the new Chief Minister, Mr Kaine, to put into practice his much-voiced concern for the aged. He should act swiftly to introduce legislative protection for the ACT's elderly patients which his Federal counterparts have denied the rest of Australia.

In areas of health and education, Mr Kaine indicated his intention of handing over administrative responsibility to boards of management. Mr Kaine has nine Ministers, yet he seeks to ask part-time and presumably voluntary board members to do the hard work, to take the hard decisions. Again, we should not be too surprised. On 7 December, Mr Kaine spoke of maintaining excellence in these areas. Yet on 27 July, in commenting on proposed budget cuts in health and education, he dismissed my modest efficiency measures as merely nibbling at the edges. It is worth quoting in full Mr Kaine's remarks at that time. He said:

Turning to specific cost cutting proposals in education and health - operations identified by the Commonwealth Grants Commission as attracting expenditure significantly above standard, I am compelled to observe that the Government -

that was my Government -

has not bitten the bullet. The reductions proposed are, in general terms, only nibbling around the edges of the problem.

Mr Speaker, on that occasion, of course, Mr Collaery proposed a large injection of funds to these areas. I ask: how can the Canberra community know what is the current coalition policy? Which of these conflicting views will prevail? The Liberals have also thrown the whole ACT public service into turmoil. The administrative arrangements being put in place must either carve up every department or have public servants reporting to a plethora of Ministers and executive deputies.

Mr Speaker, this new Government has a great deal of work to do to convince the Canberra community that they are capable of delivering consistent and coherent policies in the best

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interests of our community. They have not convinced me or my colleagues.

The Labor Party, on the other hand, does have a clear agenda for Canberra, an agenda which we were implementing in government. It is an agenda which is based on caring for the people of Canberra. Our policies, Labor's policies, will maintain Canberra's lifestyle. We have been involving, and we will continue to involve, the people of Canberra. I admit, Mr Speaker, that ours is not a radical agenda. I do not support change for the sake of change. Change must have an objective, and our objective is to keep Canberra the great place it is.

Mr Speaker, the people of Canberra do not want a climate of uncertainty. They want a government which will provide stability and a clearly stated direction. It is time for the Liberal coalition Government to come clean on its policies, if indeed it has any. Their Government must have direction. It must have consistency. It must be united. We have not seen those characteristics yet.

In opposition, Mr Speaker, I will be leading a united Labor Party, a Labor Party with a clearly stated agenda for the people of Canberra. Our policy direction was made clear during our term in government, a direction which I set out again on 5 December. My Labor colleagues and I will be working for the people of Canberra and in close personal touch with them. We will be pursuing constructive opportunities in opposition, rather than merely reacting to Government proposals.

Mr Speaker, when I was Chief Minister I announced a detailed proposal for antidiscrimination legislation. It is my intention to introduce this legislation in the new year. Effective antidiscrimination arrangements are a crucial part of our social justice agenda. They are critical to the development of a fairer society. Discrimination on the basis of race, sex, marital status, parenthood, religious conviction, political belief or disability is not simply a social outrage; it is also an economic outrage. We simply cannot afford to have the abilities of large sections of our community ignored. It is a waste which has been condoned consistently by conservative groups in our community.

Mr Speaker, some time ago I indicated also my intention to introduce legislation to control the use of dangerous weapons. I intend to proceed with this legislation. The measure is particularly relevant at this time of year when we often see an increase in violent crime. We are lucky in Canberra that we have not developed as lawless a character as many other communities. We have, however, seen an increase in violent crime. This must be prevented and the most stringent control on the use of firearms must be put in place to protect our community. The proposals which I will put to this Assembly will provide for much stronger controls over the issuing of gun licences and will restrict

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or ban the availability of automatic and semiautomatic weapons. It will be effective legislation, and I trust that all members of this Assembly will support it.

Similarly, Mr Speaker, I have already put in train the drafting of amendments to the ACT Domestic Violence Act. A great many of Canberra's violent crimes are committed in the home. These amendments will extend protection to family or household based relationships and they will enable children to apply for protection against domestic violence. I believe these changes are fundamental to the development of a more caring society, a society, Mr Speaker, where no-one need live in fear.

There are many other legislative reforms which we, the Labor Party, will be pursuing in opposition. It is not our intention to be a classical opposition. We will not simply be negative. Mr Speaker, I do have an agenda for Canberra and I will be pursuing that agenda for the people of Canberra, be it in government or in opposition.

Mr Speaker, the people of Canberra know what the Labor Party agenda is about. It is not an extravagant one, but it is based on maintaining Canberra as the great place it is, maintaining our environment, maintaining our sense of community, and increasing equality and equity in the life of our community - whether we are in government or in opposition. Mr Speaker, it is time for this ramshackle Liberal coalition to come clean on what they are on about.

#### **DAY OF NEXT MEETING**

**MR COLLAERY** (Deputy Chief Minister) (12.17): Mr Speaker, I move:

That the Assembly, at its rising, adjourn until Tuesday, 13 February 1990, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of members.

Mr Speaker, much has been said this morning about the perceived inadequacies of the alliance Government. I doubt, Mr Speaker, whether the persons who spoke opposite us have seen our joint policies yet.

**Ms Follett:** Has anyone?

**MR COLLAERY:** I doubt whether they addressed betterment taxes and other issues. They have been distributed to anyone who requested them, but such is the opposition's disinterest, Mr Speaker, in participating in this chamber that they have not approached us for our policies. It is extraordinary.



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Mr Speaker, the alliance Government, on the admission of the Chief Minister, needs sufficient time to restructure a number of matters in government. There is not, as was suggested, a great number of fractious and unnecessary changes taking place in government service. The proof of the pudding will be in the eating. I suggest that any people interested in that proposition make the relevant inquiries because they will find that community groups, particularly in the area of welfare and community services, are ecstatic at now having line command, line control, of a number of issues in the social equity and social policy areas - a line command structure that the previous Government was not able to get.

So we have, particularly in my ministry, Mr Speaker, the law and justice aspects of welfare, community services and housing, together with the ancillary functions that go with it. It is a very exciting prospect for the people of the ACT, Mr Speaker. It is an excellent chance for this Assembly to settle down with a public service that feels positively involved in government.

Mr Speaker, I quite properly reject the notion that there is some confusion in government. Those of us who served for long periods in government know that there is always a change of emphasis, a change of policies, largely when there is a change of government. In fact, this Government is going to proceed with a number of sensible policies of the previous Government. Indeed, the former Chief Minister has made comments about antidiscrimination legislation, dangerous weapons legislation and necessary amendments to the Domestic Violence Act. I only wish that those matters had come forward earlier.

So, Mr Speaker, the prospect is that this alliance Government will go away and will work hard over this break to get a governing structure for the Territory. I do understand the sense of bitterness, perhaps, on the other side of the house of some individuals with what has transpired. But I think we can go away for a short period and come to terms with what Canberra needs at this stage in its history - a strong and forceful government. In fact, comments made that we were forceful, that we intended to go about our affairs in a forceful manner, are probably merited, because we will.

We are united on this side of the house. This is the beginning of self-government. This is the beginning of a stable chamber. You have it, and the fact is that, if you do not wish to participate, you have got two or three months to apply for a job somewhere, perhaps in one of our ministries. But the fact is that you need to sort yourselves out as well, I suggest to the opposition. You need to appoint a whip with whom we can arrange affairs with the proper expedition that the public expect of this Assembly. We also need to see that the fractious debates of old and certainly some of the personality issues do not come back into this chamber.

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**Mr Whalan:** This man, this defamatory person - - -

**MR SPEAKER:** Order!

**Mr Whalan:** He would blacken the name of anybody.

**MR COLLAERY:** The last time we were here, Mr Speaker, I held an olive branch out to the former Deputy Chief Minister. That has not been taken up. That is regrettable. Of course, it is the public who will suffer big problems. The fact of the matter is, Mr Speaker - - -

**Mr Whalan:** You did not withdraw your lies. Why didn't you withdraw your lies?

**MR SPEAKER:** Order! Mr Whalan, I request that you withdraw those comments.

**Mr Whalan:** Just so that it is in the Hansard as to what I am withdrawing, I interjected and said to Mr Collaery, "Why didn't you withdraw your lies?". I now withdraw that interjection.

**MR SPEAKER:** Thank you, Mr Whalan. Please proceed, Mr Collaery.

**MR COLLAERY:** Thank you, Mr Speaker. No doubt the adjournment debate will be another chance - certainly for one member of this Assembly - to pursue an agenda that is becoming more and more evident to the people of Canberra. It is regrettable. All I say is that we had a chance to make by-gones be by-gones. It has not been accepted. This Government will simply move on. It will not be deflected by that level of debate in future in this Assembly.

Mr Speaker, there are a number of issues raised in the Leader of the Opposition's speech, particularly on issues such as the casino, the funding structure of the Territory and other matters. We, of course, on this side of the house, have discussed all those issues in our joint party room at length. In this Government, everyone participates.

It was a great regret to many of us on this side of the house that one of your Labor Party members, Mr Wood, was not given the opportunity to contribute, to give his maturity, certainly his experience in another difficult parliament, to this Assembly. We wait with interest to see what role you will give Mr Wood now in opposition because I see that gentleman as having a linchpin role in determining whether we get an effective opposition.

**Mr Wood:** Mr Collaery, I am shadowing you in many of your areas.

**MR COLLAERY:** I welcome working in tandem with Mr Wood. Of course, Mr Speaker, I am anxious to ensure that the putative member for Tuggeranong sitting opposite me also

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contributes in the best possible way. No doubt, at our MLAs' dinner tonight Mr Whalan can indicate to me what his real concerns are about government and what he feels he can contribute to.

**Mr Kaine:** They are boycotting that too.

**MR COLLAERY:** Are they? Mr Speaker, the adjournment is sought to enable effective government to start to take place in this Territory.

**MR WHALAN (12.24):** Mr Speaker, this is a motion in which Mr Collaery has taken the opportunity to canvass the whole range of issues of government. I assume that that is a right which will be available to other members. I hope that, when Major Jensen jumps to his feet seeking to constrain remarks that I wish to make, you will bear in mind, Mr Speaker, the latitude which you gave to Mr Collaery when he was making his speech.

This is an interesting day. This is the day when we have come together to adjourn the Assembly for a couple of months. It has been suggested by way of interjection that we have had the opportunity for debate; that we have stuck to the program of the previous Government. That is not correct. This was supposed to be a full week of sittings. We were denied the opportunity to sit on three days this week. Last week was supposed to be a full week of sittings. Yet again we were denied the opportunity to sit. So clearly we have not adhered to the previous Government's program of sittings. What is more sinister, though, Mr Speaker, is the avoidance of Wednesday - sitting today rather than Wednesday.

**Ms Follett:** An afternoon sitting, Paul.

**MR WHALAN:** Yes, because Wednesday would have been the day when there would have been the opportunity for private members' business. We know why they are terrified about private members' business. They are terrified to discuss the casino. I have been approached by business people in this community over the last 24 hours who are desperately concerned about the casino project. They have indicated to me that they have pleaded with the Chief Minister to make a clear, definitive statement in support of the casino. He has refused. He has refused to come out and make a clear, definitive statement in support of the casino. They have told me that the rumour around Canberra is that no-one is prepared to spend the money on the preparation of a tender for the casino project, given the uncertainty of this Government. So clearly we are facing a situation here where the Government is in disarray on this fundamental issue. That is the reason why they avoided debating this in private members' time yesterday.

Then we have got the contradiction of the two Government members who live in Tuggeranong. They were asked by me to support my campaign to have constructed in Tuggeranong a

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swimming complex. They have refused to support that. Do not worry, the people of Tuggeranong will be informed about their position. They will not support this particular proposal, and the people in Tuggeranong will learn about it.

Then the rumours start flying. You know, Mr Deputy Speaker, one of the really interesting rumours which is doing the rounds is that on the very first day of briefing of the new Minister for Finance and Urban Services, Mr Duby canvassed the fact that he had never had an overseas trip. He has discussed the possibility - - -

**Ms Maher:** That is lies.

**Mr Duby:** That is simply not true.

**Mr Humphries:** You are getting desperate.

**MR WHALAN:** That is the information that I have. Then, when we look at the performance of Mr Humphries, we see that the very first thing Mr Humphries does as Minister for Health is to indicate his intention to slash expenditure on health and on the hospital system. We see his commitment to slashing expenditure on the hospital system, with the clear result, the inevitable result, being the closure of Royal Canberra Hospital. There can be no possible alternative to that. Then we have an Attorney-General who is viewed with derision by the legal fraternity of Canberra. When you talk to them, you find he is viewed with derision by the legal community of Canberra.

**Mr Humphries:** I take a point of order. This is a motion dealing with the special adjournment of the Assembly. It has nothing to do with any of the things that Mr Whalan has so far discussed. I ask you to bring him to order and to discuss matters of relevance only to the adjournment.

**MR DEPUTY SPEAKER:** Thank you, Mr Humphries. Continue, Mr Whalan. I think you were starting to stray from the adjournment motion.

**MR WHALAN:** Thank you, Mr Deputy Speaker. I would draw to your attention - as I mentioned to the Speaker - the latitude which was given to Mr Collaery when he moved the motion. He was given absolute latitude to canvass any issue that related to the Government and next year. I submit that I should be entitled to the same latitude and I would ask you to rule on that point.

**MR DEPUTY SPEAKER:** We are discussing the adjournment debate, Mr Whalan. I think you could try to confine your remarks to that as closely as possible.

**MR WHALAN:** Well, it is obvious that there is a rule for the goose over there and then there is another rule for the opposition.

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**Mr Kaine:** Mr Deputy Speaker, the speaker is clearly reflecting on your decision and I think he should be brought to order.

**MR DEPUTY SPEAKER:** Yes, thank you, Chief Minister. Just continue your speech, Mr Whalan.

**MR WHALAN:** Thank you, Mr Deputy Speaker. I was saying that in the legal profession the Attorney-General is viewed with derision. They laugh. They laugh at your Attorney-General. That is the confidence that they have in the Attorney-General. They said to me, "Even Bill Stefaniak would be better". I find that an interesting comment.

Then Mr Collaery discussed the question of the public service. Now, in relation to the public service it is clear that there is a desperate problem of morale. The public service has been dismantled, shaken up and put in the most extraordinary pattern of responsibilities that you can imagine, as seen by this.

We are waiting. It is obvious that the publicity related to the clear early intentions of these people to sack public servants has embarrassed them and they have deferred. They are embarrassed by the publicity associated with their early intentions to sack people, and that has caused them to withdraw and back away from that particular proposal. But it will be interesting to see what time does reveal because in that context, when time passes, that is when we will see the orgy of sackings.

The sackings will not be overt but rather people will be forced to resign. People will leave in despair of the maladministration. People's morale will be so deliberately undermined that they will see no future in the service of this ACT Government. Already we see a flood of people away from the public service of the ACT. Some of the best officers are leaving the public service of the ACT because of the arrival of this Government.

**Mr Humphries:** Name one.

**Mr Jensen:** Give us one.

**MR WHALAN:** They are people - - -

**Mr Jensen:** Just name one.

**Mr Humphries:** Name one.

**MR WHALAN:** Dr Robert Care, a very senior public servant. I must say, and I take this opportunity of placing it on record, that he is one of the most excellent public servants that we have had in the service of the ACT Administration. One of the things which distinguishes the service in the ACT is the very high quality of the public servants and the commitment that they gave under the Follett Government.

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But the crisis of morale which now exists within the public service serves to undermine the whole effectiveness. The dislocation inevitably resulting from this restructuring will not add only to the morale problems but, of course, also adversely affect the budget. That is the big worry.

Now, what have we heard about? We have heard that we are clearing out the fifth floor and the people who are on the fifth floor go to the third floor or the fourth floor. The people who are on the fourth floor have got to be moved. The people that they will be replacing will have to be moved to make way for the people from the Chief Minister's office who currently occupy space on the fifth floor. So what is going to be the cost to the community of that sort of relocation? What is the cost to the community of nine Ministers? We do know that they are intending to open up individual offices. It is impossible to constrain expenditures when you add five additional Ministers to the payroll of that - - -

**Mr Humphries:** You do not.

**Ms Maher:** We are not getting any extra, Paul. We are not getting any extra pay.

**MR WHALAN:** You have said it; it is here. There are five additional Ministers being replaced.

**Ms Maher:** There is no additional benefit.

**MR WHALAN:** Well, is Bill Stefaniak going to have his own office as Minister for sport, recreation and racing? Is he or is he not, Mr Speaker? That is the question which he has to answer.

**Mr Jensen:** He has his own office now.

**MR WHALAN:** So Bill Stefaniak is going to remain on the first floor?

**Mr Jensen:** He has his own office now, Mr Whalan.

**MR WHALAN:** Is that the undertaking that we are getting, that Bill Stefaniak will remain on the first floor and will operate the office of sport, recreation and racing from the first floor? That question has not been answered. In all these administrative arrangements and in the speeches which have been made by the Chief Minister there has been no indication of the cost that results from this.

There is substantial cost. If there had been proper consultation with the opposition in relation to the committee system, there would have been the opportunity to ensure that there was a committee of some sort that was not dominated by the executive and subject to the manipulation of the executive and which would have the opportunity to examine precisely the costs that are involved in this

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extravaganza of nine Ministers to run the Territory - nine Ministers to replace the four Ministers of the Follett Government.

Clearly this extravaganza, this MGM production - it is a bit of a horror movie, I must say, Mr Speaker, but even so it is on the wide screen in technicolour - will result in a cost accruing to the people of the ACT which is catastrophic. It is inevitable, Mr Speaker, that the cost of this change alone is going to blow out the budget. It is the cost of this alone and it is this sort - - -

**Mr Humphries:** You are fantasising, Paul Whalan.

**MR WHALAN:** This is the sort of reason why the hatchet man, Mr Humphries, has been sent to cut costs in the hospitals - to provide money to pay for the nine new Ministers. This is the rationale behind the expenditure savings in the hospitals. He is going in there to slash and save money in the hospital system, to close Royal Canberra Hospital, and in so doing to make funds available to provide for the extravaganza of all these additional offices and the additional staff which will be made available to the five extra Ministers.

One of the things which I believe the Assembly and the people of the ACT are entitled to know, Mr Speaker, is precisely the costs that are involved in reaccommodating the Ministers from the first floor and how they are going to be serviced in terms of staff, because quite clearly, to take on the responsibilities which they have, they are going to require that extra staff.

But the other aspect, Mr Speaker, which I think we have not had the opportunity to have discussed today, so far anyway, is the relationships that exist. I understand that there is enormous tension already between Mr Duby and Mrs Nolan in relation to tourism. I understand that Mrs Nolan wants absolute and total control of the Tourist Bureau and that Mr Duby is resisting that particular situation. So we have already got a position of tension which will inevitably have its effect on the tourist industry, which has recently been brought together as a united organisation.

**MR SPEAKER:** Order! Your time has expired, Mr Whalan. Mr Whalan, during your speech, while I was temporarily out of the chamber, you made imputations of improper motives against Mr Duby with regard to overseas travel. I request that you withdraw those comments.

**Mr Whalan:** There is nothing improper, Mr Speaker - - -

**Mr Duby:** There was.

**Mr Whalan:** There is nothing improper about Mr Duby wanting to go overseas.

**Mr Duby:** Mr Speaker, I claim to have been misrepresented.

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**MR SPEAKER:** Order! Mr Whalan, I do take the point that there was an imputation made and I request you to withdraw it.

**Mr Whalan:** Mr Speaker, if you think that there is something improper about Mr DUBY wanting to go overseas, then I withdraw the imputation.

**Mr Jensen:** On a point of order, Mr Speaker; that is qualified.

**MR SPEAKER:** Thank you, Mr Whalan.

**Mr DUBY:** Mr Speaker, that is a qualified withdrawal. The imputation that Mr Whalan is giving in his withdrawal is that I have some desire to go overseas. Such is not the case and I would ask him to withdraw completely.

**MR SPEAKER:** Order, I believe that the withdrawal will show in the Hansard. I believe that probably is covered, Mr DUBY.

**MR KAINE** (Chief Minister) (12.40): I just want to make a comment on some of the matters that Mr Whalan raised during his tirade. I once before raised the question of whether Mr Whalan had been using some hallucinogenic material, and I have to perhaps ask the same question again.

**MR SPEAKER:** I would ask you to withdraw that comment, Chief Minister.

**MR KAINE:** I withdraw that comment, Mr Speaker, although I thought Mr Whalan might see the humour in it.

**Mr Whalan:** On a point of order, Mr Speaker; sometimes, when I look across there, I do think I have had some hallucinogenic material.

**MR SPEAKER:** That was not a point of order. Please proceed, Chief Minister.

**MR KAINE:** Mr Whalan made much of the fact that he would like to have met yesterday so that he could address some private members' business. I would just like to comment, Mr Speaker, that on the notice paper about a week or 10 days ago there appeared 13 private members' motions from Mr Whalan. He was seven months a Minister, and the day after he got deposed, 13 private members' motions appeared on the notice paper. What did he do while he was the Minister? These include, Mr Speaker, this swimming pool for Tuggeranong which has now become the first thing on Mr Whalan's agenda. Where was the swimming pool for the last seven months? It did not even get a mention. Now the swimming pool is the No. 1 item on the agenda. So much for Mr Whalan's private members' business!



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Mr Whalan talked about rumours. The only rumours that I know about, Mr Speaker, are the ones started by the Labor Party maliciously and vexatiously. If they would stop the rumour mill, then the morale of the public service would be a lot better than it is today. I ask them to stop doing it.

Mr Speaker, he set about denigrating individual members of the Government. He ripped into Mr DUBY; he ripped into Mr COLLAERY. I am surprised he did not try to rip into me, but then he knows that I am above reproach. That is the kind of debate, Mr Speaker, that brings disrepute onto this house.

**MR SPEAKER:** Order! Chief Minister, I request you to withdraw the comment. You imputed that Mr DUBY and Mr COLLAERY were not beyond reproach.

**MR KAINE:** I withdraw that. In connection with the public service, Mr Speaker, Mr Whalan clearly did not want to listen. He did not want to hear, when I tabled the administrative arrangements this morning, about what is happening in the public service. He did not read them or he does not want to read them or he does not understand them. We are not making very many changes in the public service and those that we are making are thoroughly endorsed by the members of the public service. They welcome them, they greet them and they are anxious to get on with the job and to achieve some of the things that they could not do under the last Government because the proper administrative arrangements were not there to allow them to do them.

Mr Whalan brings up again this question of sacking people. I only know of one sacking from the public service, Mr Speaker, and it is rather ironic that the Deputy Chief Minister, as he then was, was the one who did it. We have not fired anybody; we do not intend to fire anybody. He well knows that the departure of the one remaining member, or the second last remaining member, of the NCDC senior staff who left the other day had nothing to do with this Government. He clearly had a job to go to, and that decision was taken under Mr Whalan's patronage, not ours. These assertions are sheer fabrications, and Mr Whalan is an expert at it.

He talked about the commitment of the public service to the Follett Government. Of course they were committed to the Follett Government, and they are now committed to the Kaine Government because they are professional public servants. Their commitment is to the government of the day. Any notion that they were somehow a bunch of Labor lackeys who were faithful to your Government and who have withdrawn their support from ours is a total denigration of those public servants, and I submit that the member should withdraw it. It is totally unacceptable.

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Finally, Mr Speaker, there was Mr Whalan's reference to the nine ministries. He will know that there are not nine ministries if he has read the information that I put out this morning. If he stopped suffering from and listening to his own delusions and listened to what we say, instead of what he dreams up, he would know that there is no truth to it whatsoever. In terms of individual offices, there will only be the individual offices that people sit in, in this building. They will not have individual offices, I say to the deputy leader of the Opposition, in Tuggeranong. I think he knows what I mean without any further elaboration.

Mr Whalan's distortions are so absurd that they do nothing but make him look foolish. He really does need to wake up to himself and settle down to do some reasonable work in this Assembly.

**MS FOLLETT** (Leader of the Opposition) (12.46): Mr Speaker, the motion that we have before us is to adjourn the Assembly until 13 February. There are a couple of things that I would like to say about it to underline the significance of this act by the Government. First of all it, in effect, postpones the fateful hour when this Government must face its critics. They have managed to skate through in the past couple of weeks without a question time, without a matter of public importance being able to be put up, and indeed without any private members' business, but they will not be able to do so forever.

Sooner or later they are going to have to account for themselves. Of course, Mr Speaker, they seek to do it as late as possible, preferably next year. I have no doubt they would put it off till the year after if they could, but it is 13 February next year. I say, as I said in the first debate this morning, that all members of this Assembly have rights. The rights of private members are as legitimate as your rights in government. The rights of members to ask questions of Ministers are legitimate, and sooner or later, as I say, Mr Speaker, this Government will have to face the fact that we on this side will be seeking to exercise our rights. They cannot postpone it indefinitely. They should have got on with it already.

Mr Speaker, there is a further consequence of this adjournment that has been moved by the Government although I do recognise that they need some breathing space to organise what at this point is an extremely disorganised and ramshackle government. I am prepared to give them some breathing space, but I think three months is frankly a bit over the odds. By going away until February next year they are assuming that the Assembly has very little business to do. I hope that they will also take full responsibility for the impact of this decision.

I speak in particular of the impact upon the budget. The Liberal coalition Government has inherited a balanced budget and a budget which represents a responsible approach

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to the issues facing the ACT. Through their actions, the strategy upon which the budget was developed is being destroyed. It is being undermined on a daily basis.

My approach in developing the budget was to include a mixture of increased revenue and some expenditure reductions through efficiency gains. I took that approach with a view to spreading the burden of financial adjustment as equitably as possible across the various sectors of the ACT community. But that basis, the basis for that budget, is being undermined. The Government must understand that although they have passed the Appropriation Bill without a murmur and we have the money cleared for use by the Administration, some of that money has not yet been raised. You have to go on with the job. There are a number of budget related revenue initiatives that must be introduced into the Assembly in order to balance the level of expenditure in the Appropriation Bill.

I know you did not take much notice of the budget at the time it was passed. I am giving you the opportunity now to understand that the work involved in that budget has to go on. To put it simply, the money to implement the budget which was approved in this Assembly has not yet all been raised. We have got to keep working on it. On the revenue side of the equation, the budget is already in deficit to the tune of \$2m following the actions of some members of this Assembly to defeat the Government's tax initiative, and a very good initiative it was, too. You will live to regret your decision on this. The tax initiative was to impose a business franchise on the adult video industry. So you are \$2m behind at the start.

This is further compounded by the fact that my Government's proposal to introduce legislation to tighten up existing anti-avoidance provisions concerning stamp duty liability and to strengthen further the tax base which was due to be introduced into this Assembly last week will now be deferred for several months; that is, if they intend to go ahead and introduce it at all, given the views of the Liberal coalition Government. A similar situation exists with my Government's intentions to introduce new ambulance financing arrangements. The delay in introducing legislation to replace the present subscription scheme will again have an impact on the budget and will result in the loss of the levy proposed for health funds.

So, by seeking this long delay in the business of this Assembly, you are incurring quite an impact upon the budget which you passed with very little of a murmur. I await, with something approaching trepidation, to see what alternatives Mr Kaine's coalition might spring upon the ACT community. You might remember that the budget which I proposed and which you passed had been the subject of a lengthy consultation process. The community knew what was in it, knew what to expect, knew where revenue was to be raised, knew where expenditure was to be reduced. The impact of this three-month delay means that that budget is almost impossible to deliver. What is your alternative?

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If his mini-budget in February is to restore a balanced budget, that will only be achieved by, I believe, a dramatic increase in taxes and charges for the few remaining months of this financial year. You really should be listening to me over there. I am giving you some good advice on the budget.

**Mr Kaine:** I am listening to this little lecture, thank you.

**MS FOLLETT:** Good; thank you, Mr Kaine. I am prepared to give you a little lecture any time I feel you need it. I do not have to wait until you ask me for it, as I do apparently, for the Liberal coalition's policies.

I believe that this Government does owe the people of Canberra an explanation for what they propose to do about their budget strategy. With every passing day the budget deficit is growing. Nevertheless, we are all going off for Christmas for three months. The Assembly will not be meeting, yet the legislation that would rectify that problem is ready and waiting and has been for some time.

I would call upon the new Chief Minister and Treasurer to make clear to the community what his intentions are because the actions of this Government have already put the budget significantly into deficit. That deficit must be made up, and I call upon the Government to advise the community and this Assembly what their intentions are in that respect.

Question resolved in the affirmative.

### **PERSONAL EXPLANATION**

**MR WHALAN:** I claim to have been misrepresented. In the Assembly on 5 December, Mr Collaery said words to this effect:

What faith can we have in a Deputy Chief Minister who told us on 19 October 1989 that no Minister will have access to, among other things, the identity of casino tenderers, when a few days ago he inadvertently revealed, under media questioning, that he had spoken to a tenderer? What faith can we have in a Deputy Chief Minister who has spoken at length about a casino tendering process at arm's length, of decisions not taken on the required premium for the site or the construction phase ...

That was raised on 5 December. The tantalising reference to the events raised inadvertently by the media was, in fact, a detailed explanation to the media of the circumstances which I now wish to place on record. When Mr Collaery made this statement he was in full knowledge of

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the true facts, and I would now wish to place on record the circumstances. On 1 December, Mr Collaery wrote to me and raised this issue. He said:

I should be quite happy to debate the casino issue on - - -

**Mr Collaery:** You wrote to me.

**MR WHALAN:** Yes, but then you responded, remember?

**Mr Collaery:** Well, say that.

**MR WHALAN:** Sorry. I wrote to Mr Collaery and challenged him to debate the casino.

**Mr Collaery:** Are you going to table the correspondence?

**MR WHALAN:** Yes.

**Mr Collaery:** Good, and the white feather.

**MR WHALAN:** You are in possession of the white feather, Bernard.

The first letter was when I wrote to Mr Collaery challenging him to debate the casino issue and he declined that invitation. Then in his letter to me of 1 December he said:

I should be quite happy to debate the casino issue on December 5th and I fully expect that at that time, you will be able to explain the report in today's Canberra Times indicating that you had spoken -

and he then quoted the Canberra Times -

with one of the people involved in the tendering for the casino.

I responded the same day to that letter to Mr Collaery. I seek leave to table that letter.

Leave granted.

**MR WHALAN:** The first one I do not seem to have here, but I will be quite happy to make it available after question time this afternoon. I will bring my first letter to Mr Collaery back after lunch, after the MPI. I wrote back that same day to Mr Collaery, and I said:

Dear Mr Collaery

Thank you for your letter concerning the coalition policy on the casino.

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I note that you are afraid to debate with me the details of the coalition's casino policy before the Assembly meets on 5 December.

Please find enclosed a white feather which comprises my comment on your pusillanimity -  
not cowardice -

I note that your letter does not attempt in any way to clarify the clear and fundamental division between your party and the Liberal Party on the future of the casino project.

Given that major elements of the business community appear to have accepted from the Liberals assurances that the project will proceed, I can only assume that you have agreed to some kind of deal on the matter. I think that you owe it to the community to reveal that arrangement prior to the meeting of your Party on 4 December.

In your letter you referred to a newspaper report which claimed that I had spoken to one of the groups involved in the casino tendering process.

The government and each Minister in the government has scrupulously observed the standards which it established to ensure probity in the tendering process. For your information the circumstances surrounding the newspaper report are as follows:

On the morning of Thursday, 30 November, there was the scheduled meeting between the BWIU and AFCC to discuss, and have the government endorse, a building industry industrial agreement. AFCC was represented by Mr Phil Garling of Civil and Civic.

I asked Mr Garling what was the AFCC view of the lack of commitment by the coalition to the casino project. Mr Garling said the AFCC was quite relaxed. He said that they had had boardroom lunches with both the Residents Rally Party and the Liberal Party in recent weeks.

When I produced transcripts of news reports which proved that there was no agreement, and that there was much uncertainty about the future of the project under a coalition government, Mr Garling was quite startled.

Mr Garling himself drew particular attention to the words -

and this is quoting the news report -

"They've agreed to put off the final decision until they know what the tenders offer". He was

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also concerned about Fia Cumming's report concerning your view that, even if the premium was adequate, the issue could not be settled before a Party Room debate.

Mr Garling then said, "It will take over half a million dollars to prepare a casino tender. Civil and Civic would not be prepared to spend half a million dollars on the basis of such uncertainty".

Based on these remarks it is not unreasonable to assume that Civil and Civic are engaged in the casino tendering process. Mr Garling volunteered his remarks in the context of a conversation. These remarks were not sought or solicited by me.

I seek leave to table that letter.

Leave granted.

**MR WHALAN:** I wish to place on record a response and an explanation of the statement in the Hansard of 5 December and just state on record that Mr Collaery knew at the time that there was a reasonable explanation of that situation.

## ADJOURNMENT

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

That the Assembly do now adjourn.

## Valedictory

**MR SPEAKER:** This is our last sitting day for the year, so, before proposing the question that the Assembly do now adjourn, I would like to take a few moments to express my appreciation, as Speaker, to those people who have assisted the Assembly through its first year of operation.

I would like to thank you, the members, for the support you have given the Chair during this past year. To you and your families may I sincerely express the greetings of the season. I would like to place on record the debt the Assembly owes to the clerks at the table and their staff and the former clerk for their dedicated service and sound procedural advice throughout this turbulent year.

To the senior committee clerk and the editor of debates, who are leaving us this month, I would also like to express my thanks. I would also be remiss if I did not offer the thanks of the Assembly to the head of administration, Mr Harris, and his staff for the assistance that he and they have given to the Assembly and its committees.

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### **Alliance Government**

**MR BERRY** (1.01): In the adjournment debate I would like to raise a few issues which are of concern, I am sure, to the people of Canberra. They relate to the new Government opposite and the way that it performs its government functions.

We have all seen the number crunching which was associated with the formation of this Government and we all know from the polls that many of them will not be here next time. There will be many more Liberal Party people in the Assembly and many more Labor Party people but very few of the people who have swept aside the policies of the parties under which they were elected.

A few very important issues which I should deal with in this short debate, Mr Speaker, relate to some of the policies of the new Government and, in particular, where they impact on health. Some of the lies that have been told, of course, need to be refuted and the record put straight. I think one thing that needs to be put straight is the alliance Government's position in relation to the board which I had announced before the Liberal coalition took over. That board, of course, was to report directly to the Minister, not as has been said in the Liberal-Rally alliance announcement in relation to health, dated 29 November. There the coalition said that it would sweep aside the board and consultative arrangements which I had announced just a few days before.

Of course, the Residents Rally party have always said - they used it in their election program, anyway - that consultation would be a strong part of their role in government. Now they have joined with the Liberal Party it will be the end of them, I suggest. They have joined with the Liberal Party in sweeping aside the consultative bodies which had been announced by the Labor Party in relation to community services and health policy.

**Mr Collaery:** What are you talking about?

**MR BERRY:** Well, you have not even been following the program in the parliament.

**Mr Collaery:** Name one of the committees we have stopped?

**MR BERRY:** Well, I will tell you the one they have swept aside. It is called the community services and health council.

**Mr Collaery:** And we stopped that - - -

**MR BERRY:** Yes, it says here that you have swept it aside; too cumbersome.

**Mrs Grassby:** That is the thing you put out.



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**MR BERRY:** See, you have swept it aside.

**Mr Jensen:** Who wrote that? Did you write that, Mr Berry?

**MR BERRY:** No. It is headed "the Liberal-Rally alliance". You swept it aside. The great division between your policies and those of the Liberal Party, of course, is clear, but I do not think that is going to affect the way that you behave in government. I am quite certain that you will turn your back on your policies if it suits your position.

I would like to touch on one other issue, Mr Speaker, before closing. It is something that happened today, which I think has been a very dark day in the life of this first Assembly. That was the issue in relation to standing order 272 where you ruled that the standing order had not been suspended by the - - -

**Mr Jensen:** On a point of order, Mr Speaker; I believe Mr Berry is reflecting on a ruling that you have made.

**MR SPEAKER:** Please proceed away from that point, Mr Berry.

**MR BERRY:** Well, Mr Speaker, I think that, as a member of this Assembly, one of the rights one has is to reflect upon issues of concern and I think - - -

**Mr Jensen:** On a point of order, Mr Speaker - - -

**MR BERRY:** And, of course, you would not like it, Mr Jensen but - - -

**MR SPEAKER:** Order! Mr Berry, please resume your seat.

**Mr Jensen:** Once again, Mr Speaker, I would suggest that Mr Berry is reflecting on a previous vote of the Government in contravention of standing order 51.

**MR BERRY:** There was no vote, Mr Speaker, as you will recall. I have run out of time, but I think the issue demonstrated that unfortunately the Chair is not as independent as this Assembly deserves, and I think - - -

**MR SPEAKER:** Order! I request you to withdraw that immediately, Mr Berry.

**MR BERRY:** I have run out of time.

**MR SPEAKER:** Order! Mr Berry, I asked you to withdraw that statement.

**MR BERRY:** Well, Mr Speaker, if you think that what I have said is unfair, then I must say that I am prepared to say that, in the handling of Assembly matters, the Speaker's independence has been generally proper but I am - - -

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**Mr Jensen:** I rise on a point of order, Mr Speaker.

**MR SPEAKER:** Mr Berry, I asked you to withdraw that reflection on the Chair.

**Mr Jensen:** An unqualified withdrawal.

**MR SPEAKER:** I ask for an unqualified withdrawal of the reflection you made on the authority of the Chair.

**MR BERRY:** I have the view that your actions in this matter were not unbiased. I cannot change that view, but I am prepared to withdraw my statement.

### **Private Members' Rights**

**MR STEVENSON (1.07):** Mr Speaker, I rise with the opportunity of the last five minutes of the year to speak on an important matter. I would like to mention a point to do with opposition. I do not wish to be in the opposition. I never have considered myself to have been. I am not in opposition to anything in general. I am not in favour of anything in general. I think it is important to look at individual matters.

Private members in this Assembly have three major rights. There is the right to introduce private members' business. There is the right to suspend standing orders and have matters debated. There is also the right, as the former Chief Minister mentioned, to ask Ministers questions. It is unfortunate that all these rights have recently been suspended, for there is an important issue that should have been introduced. That is the Bill to ban X-rated videos, which I gave notice of presenting.

Why was the matter important? The matter was important for two reasons. This is the last opportunity we have to table anything. The Bill could then have been debated in public over the next two months. Nothing more needed to be done. It only needed to be introduced. I was quite prepared not even to make a speech on the matter, and I mentioned that; but, instead, I was not given leave today to do that, and both the opportunities we would have had on the last two Wednesdays were taken away by using, as it is called, the numbers.

What I wanted to do was to take the opportunity to present the valid reasons why the introduction of the Bill should have been allowed, and I did not have that opportunity. There was no discussion with me during the week since our last sitting day on Thursday last week. I mentioned on the Thursday that I implored the members who now control the Assembly to allow the introduction of the Bill. It is an important matter. There is clear statistical evidence that pornography increases sexual and physical violence against women and children. It is a matter, like many others of importance, that we should attend to in this Assembly.

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There is another point. The sword of Damocles is currently being held above the people that work within the area of pornographic videos and, if not the people of Canberra, then certainly the people that are involved in that business should have the opportunity to gain certainty as soon as possible in what is going to happen to the business they are involved in. They made it well known that these things were not allowed.

In addition, there were changes made to the committee structure, which we all agree has been workable. Whether the changes are good or bad, I make no comment. They may be quite reasonable. The point I do comment on is that I did not know about them because I had no consultation on the matter.

I note, in looking through the information, that I have been nominated for a committee. Nobody asked me. Nobody wondered whether or not I was interested, whether that was where I felt my abilities would be best used. Many a time I have stood up in this Assembly and campaigned with members opposite for rights, for valid consultation, and I will continue to do so in the future. I hope that what has happened in the past week is not a portent of what might happen in the future.

### **Alliance Government**

**MR WHALAN (1.12):** It is a tragedy; it is a further demonstration of the ruthless use of the numbers to deny members of the Assembly their rights. As a result of this motion to adjourn the proceedings, the opposition is prevented from raising in question time issues which are very, very important to the people of the ACT. It prevents the opposition from raising a matter of public importance when we have put it on notice. They are frightened, they are afraid, they are a terrified group of people. They are not prepared to allow themselves to be exposed to the proper scrutiny that is available to all parliaments in every democracy.

I think particularly important is the duplicity of Mrs Nolan when she refused to either confirm or deny - - -

**Mr Collaery:** On a point of order, Mr Speaker; I ask that the member withdraw the word "duplicity" in reference to Mrs Nolan.

**MR SPEAKER:** I am afraid I did not hear the comment made. I would request the member to enlighten me as to just what was said.

**MR WHALAN:** Well, what Mrs Nolan had said, of course, was that she refused thrice before the cock crew.

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**MR SPEAKER:** Order! I would just like to hear the actual words you spoke prior to the objection.

**MR WHALAN:** I said "the duplicity of Mrs Nolan". It is not unparliamentary language, Mr Speaker. Just because Bernard stamps his feet on the table and has a tantrum does not mean that it automatically is.

**MR SPEAKER:** Order! My interpretation of "duplicity" is "lying" and therefore I would request that you withdraw it.

**MR WHALAN:** No, it means "double standards", Mr Speaker. On the one hand she says one thing and means another, and that is the duplicity of it. She did not tell a lie. There is no suggestion at all - - -

**MR SPEAKER:** Thank you, Mr Whalan. Under the explanation given, I accept that that is acceptable language.

**MR WHALAN:** But, you see, what it meant was that we could not get any undertaking. This is the process of consultation that they talk about. They would not tell us. We asked, asked, asked, whether there was going to be a question time and they refused to admit the fact that there would be no question time. They refused to admit the fact that they were cutting the ground from under democracy in this chamber.

The sort of question that I wanted to ask in question time was to ask the Chief Minister, for example, about a statement Mrs Nolan made on Sunday. Members of the ACT community will be aware that on Sunday Mrs Nolan announced that the Government had a policy to reduce the blood alcohol level for breath tests. There are some of us that are quite interested in this subject. Mrs Nolan announced that the Government would be reducing that level from 0.08 to 0.05.

Now, I wish to ask the Chief Minister what consultation process had taken place with the ACT community before that decision was made. I do not believe that there would have been sufficient time for them to speak to the Licensed Clubs Association, for example, or to the Australian Hotels Association, which would have views on this particular matter. I know there are other community groups which have legitimate views, and are entitled to have views, on this particular matter.

I would also like to know how to explain the differences between Trevor Kaine and Craig DUBY and Major Jensen. We got Trevor Kaine on television last night saying, "There will be no increase in the Ministry". Then they wheeled in Craig DUBY, and Craig DUBY said, "Oh, yes, we could have an increase and what we would do is divvy the money up between us. It would not cost any more. We would sort of divide it up". Then, of course, Norman Jensen was interviewed and he said, "We would increase it to six".

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**MR SPEAKER:** Order! The member's time has expired.

### Members' Titles

**MR JENSEN** (1.17): I was not proposing to comment on this matter but I think it appropriate to do so at this time. For some reason or other, Mr Whalan has taken to referring to me as "Major". I have no problem with that. However, might I draw the attention of members of the house to your own statement, Mr Speaker. You said, "A member may refer to a member by title such as Minister, Chief Minister or the Leader of the Opposition or may use the prefix of Mr, Mrs or Miss. Where a member is entitled" - and I repeat entitled - "to use a substantive military, academic or professional title, this title will be used if the member so wishes".

Mr Speaker, I might inform the house that, although I was a serving member of the Australian Military Forces until 22 April last year, I am not entitled to use the title "Major" because I was not retired by age. Only a member of the armed forces who retires by age is entitled to use the military title. On that basis, Mr Speaker, all I am saying is that I am not entitled to use the title and I do not propose to use it.

Question put.

The Assembly voted -

AYES, 9

Mr Collaery  
Mr Duby  
Mr Humphries  
Mr Jensen  
Dr Kinloch  
Ms Maher  
Mrs Nolan  
Mr Prowse  
Mr Stevenson

NOES, 6

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Moore  
Mr Whalan  
Mr Wood

Question so resolved in the affirmative.

**Assembly adjourned at 1.26 pm until Tuesday, 13 February 1990.**