



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

15 August 1990

## Wednesday, 15 August 1990

Standing orders 200 and 201 .....	2837
Schools Authority (Amendment) Bill 1990 .....	2854
Distinguished visitor .....	2876
Schools Authority (Amendment) Bill 1990 .....	2876
Questions without notice:	
School closures .....	2877
School closures .....	2877
Public hospital redevelopment .....	2878
School closures .....	2879
Costs of Ministers .....	2880
Winchester inquest .....	2882
Weetangera Primary School .....	2883
School closures .....	2884
Cancer patient .....	2884
Acton Peninsula site .....	2885
Methadone program .....	2887
School closures .....	2888
Costs of Ministers .....	2889
Building industry inquiry .....	2889
Treasurer's Advance (Ministerial statement) .....	2890
Planning and land use - public consultation on draft legislation (Ministerial statement) .....	2891
Police services (Ministerial statement) .....	2893
Legislative process (Matter of public importance) .....	2901
Domestic Violence (Amendment) Bill (No 2) 1990 .....	2915
Door-to-Door Trading Bill 1990 .....	2917
Ministers - number appointed .....	2919

**Wednesday, 15 August 1990**

---

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

**STANDING ORDERS 200 AND 201**  
**Proposed Amendments**

**MR BERRY** (10.31): I move:

That the following amendments be made to the standing orders:

Delete existing 200 and replace with -

"No proposal for the appropriation of any public moneys shall be proposed in the Assembly except by a Minister. Such proposals may be introduced by a Minister without notice.

Amend 201 by deleting from the first line "a money" and inserting "an appropriation".

The motion arises in the wake of what many will describe as a political atrocity by the government members. As is a matter of record, this Government has set out to prevent debate and, more particularly, prevent some of its members being put in the limelight as to their vote on particular issues concerning schools and hospitals.

I need to talk about the Residents Rally party and its members in particular in the course of this debate. I need also to talk about No Self Government members and their expected actions on the basis of past performance. Dr Kinloch, whom I just noticed welcoming the youngsters from Lyons Primary School, would have been asked to cross the floor on whether that school should close.

This Government has set out to ensure that the likes of Dr Kinloch are not put in the limelight on the subject. If Dr Kinloch lived by his longstanding public position - that is, support for public education - if he is as honourable as he likes to portray, one would expect that he would cross the floor. This Government has set out to ensure that no such pressure is put on him and, similarly, that no such pressure is put on the likes of Minister Collaery or expectant Minister Jensen. They deserve to have that sort of pressure put on them because they have ratted on the people who elected them. That is why Labor has proposed this motion. The Government has made it clear that it does not want that sort of pressure put on its members because it would be embarrassing. It would further wreck, I must emphasise, the chances of re-election of these people who committed electoral fraud.

15 August 1990

**Mr Kaine:** No worse than people ratting on their mates in the annual convention.

**MR BERRY:** I hear the Chief Minister talking about matters which were discussed in the meeting of the Standing Committee on Administration and Procedures last night. The Government has tried to shift the focus of the debate by introducing legal technicalities into the argument. One of the difficulties that arise in this debate is the behaviour of the No Self Government people. However difficult it might be to gauge from time to time, the No Self Government people, early in the piece - very early, I should add - demonstrated some sort of eagerness to ensure that public facilities remain in public hands and that public services are maintained at given levels. They have turned 180 degrees on that position.

**Mr Moore:** Again.

**MR BERRY:** Again, as Mr Moore says. They have said that they will now agree to the guts being ripped out of our education system. All the schools will be closed and they will not be called to task on the issue because they will not be put in the limelight because of Mr Collaery's action in relation to the technical legal position that he has raised. We would have preferred this motion to be voted on, on the floor.

We recognise that the Government has the numbers and that the Labor Opposition would have been done like a dinner on the basis of numbers. We wanted to focus on these people opposite, to ensure that every person in the electorate knows how every member votes on the closure of hospitals and how some people will have ratted on their electoral promise. We could focus attention on that, on each and every one of you. You can hold your head down, Dr Kinloch, because your name would be foremost.

**Dr Kinloch:** May I ask that that be withdrawn?

**MR SPEAKER:** Order! A point of order, Dr Kinloch? Resume your seat, Mr Berry.

**Dr Kinloch:** I do not know whether it is a point of order, but I am perfectly happy to hold my head up. I was writing on a pad of paper.

**MR SPEAKER:** That is not a point of order. Please proceed, Mr Berry.

**MR BERRY:** Mr Speaker, the motion that I have proposed today seeks to amend the standing orders so that there will be no further confusion in the mind of anybody; neither will the standing orders be able to be used by the likes of Mr Collaery and his mates, however few there are, in an attempt to confuse the public. If my motion is successful the standing orders will be very clear and they can then be

read the way they ought to have been read in the first place.

Mr Speaker, I turn to page 549 of House of Representatives Practice. I think that clearly sets out the tradition of the financial initiative of the Crown where it says:

A private Member may not initiate a bill imposing or varying a tax or requiring the appropriation of revenue or moneys as this would be contrary to the constitutional and parliamentary principle of the financial initiative of the Crown, that is, that no public charge can be incurred except on the initiative of the Government.

The Labor Opposition did not set out to impose any charges. That initiative was clearly left to the Government. The Labor Opposition set out to make it unlawful to close schools or the hospital. What the Government would do in relation to the funding of those facilities when they remain open would be a political question for the Government to address. It has tried to turn this around, but it has failed. It has been exposed.

**Mr Collaery:** You are tedious and repetitious.

**MR BERRY:** If I were you, I would be getting twitchy too, Mr Collaery, because you are the one who has tried to distort the facts. We have set out to ensure that private members can move worthwhile private members' Bills in this Assembly and that they can do it very clearly in accordance with the standing orders. With my motion we have set out to ensure that there can be no further confusion on the matter. Mr Speaker, the Australian Constitution bears me out in relation to the motion that I have proposed. It reads:

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

The first words are the important ones - "A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed". We did not set out to appropriate moneys. What we have set out to do - I will repeat it in case it was not clear to Mr Collaery - is to make it unlawful for the Government to close schools, the hospital or the Ainslie Transfer Station. What we wanted to do - we will do it anyway - is put the finger on those government members who ratted on their electoral promises and on previous public positions in relation to those facilities. How those people stand on those particular issues would have been on record in this place.

15 August 1990

Mr Speaker, the importance of this motion needs to be emphasised over and over again because it goes to the heart of parliamentary democracy and the rightful position of oppositions in the delivery of government in any place. It is particularly relevant in the ACT at this time because of the style of government which we have had imposed on us by the collective opposite. It means that if we allow this Government to continue on its present tack the Opposition will be manacled and will not be able to move any private members' legislation which would have any effect on the community, and the Government will never be placed in the limelight because it will never be called on to vote on important issues which might be enshrined in legislation.

Mr Speaker, this motion is an important one. It needs to be made clear that it, too, will identify where the Government stands on the issue of private members' legislation. If it opposes this motion I am quite certain that we will be able to focus on it again for attempting to ensure that no worthwhile private members' legislation will come forward and for attempting to ensure that the limelight will not be focused on it for its autocratic style and, I should add, its behind closed doors style of government.

With this motion we set out to open up government and open up the debate in this place and to ensure that those who have been elected with particular election promises are called to task and identified when votes on particular and important issues are taken in this place.

**MR COLLAERY** (Attorney-General) (10.44): Mr Speaker, I do not wish to debate the legal advice from the Government Law Office which has already been tendered to the chamber by the Acting Speaker. I do not think that is appropriate. But Mr Berry, clearly, is trying to contest that advice as to what section 65 of the Australian Capital Territory (Self-Government) Act means by, in effect, putting forward a standing order that has the effect of changing that section. That proposal to substitute a provision, which reads the way he wants it to read, in standing order 200 would have the effect of removing the current provision in standing order 200 which is that legislation, the object or effect of which is to dispose of or charge public money of the Territory - that is, to keep schools open - may be introduced only by a Minister. That standing order is expressed in identical terms to section 65 of the self-government Act.

Mr Berry's proposed amendment to the standing orders seeks to allow Bills which have the object or effect of disposing of or charging public money of the Territory to be introduced contrary to the terms of section 65 of the self-government Act. So he wants a restriction on who can initiate legislation to be confined to Bills which appropriate public moneys. Mr Speaker, people should get clear the distinction between Bills that appropriate moneys and Bills that have the effect of charging the public

purse. Clearly, an appropriation Bill appropriates money for a cause. Mr Berry is quite happy; he will allow the standing orders for that. But he also wants to take out of the current standing orders that part of section 65 which does not allow anyone but a Minister to bring in a Bill that has the effect of charging the public purse.

Outside the statutory framework of the Federal Parliament, which is the only body that can constitutionally alter that Act, he wants to put forward an amendment to standing order 200. The amendment of standing orders to allow something which is not permitted by the Commonwealth Act will be ineffective anyway. You can have standing order 200 the way Mr Berry wants it, but you still cannot introduce a Bill, on the current ruling of the Chair, which is contrary to section 65. This is a wasted debate. It anticipates discussion on any ruling which you, Mr Speaker, may be bringing forward on this issue, and it anticipates discussion in the Federal Parliament on the pros and cons of amending section 65.

It also anticipates, for grandstanding purposes, I suspect, the deliberations of the Standing Committee on Administration and Procedures to which this Assembly referred this issue some days ago. Mr Berry will not get his motion through. This is a wasted debate, Mr Speaker.

**Mr Berry:** Why don't you sit down, then?

**Mrs Grassby:** Why are you wasting our time, then, if you are going to gag it?

**MR COLLAERY:** You are wasting your time.

**Mr DUBY:** Put a motion, not a Bill.

**MR COLLAERY:** Put the motion on the floor.

**Mr Berry:** We want you to vote.

**MR COLLAERY:** You would not debate it last week, and you do not really want to debate it. You do not want to debate your own Bill; we know that. Were we to pass the Bill, Mr Speaker, we would, in my respectful opinion, be acting contrary to section 65 of the Act; we would be acting improperly, and that is one of the grounds upon which the Governor-General could dismiss this Assembly. You well know that, and we are not falling for that kind of undergraduate trick. Mr Speaker, this Assembly will not run the risk of passing invalid laws. It ignores the effect of section 65.

**Mrs Grassby:** God, the senior lawyer in the house does not even know the Act.

**MR COLLAERY:** And we cannot simply change it. Through you, Mr Speaker: you would be better off, Mrs Grassby, if you had a senior lawyer on your front bench. I cannot think of how excruciating this must be for Mr Connolly.

15 August 1990

**Ms Follett:** On a point of order, Mr Speaker: what is the relevance of his remarks?

**MR COLLAERY:** Joan of Arc gets to her feet, Mr Speaker, to defend her troops.

**MR SPEAKER:** Order! Mr Collaery, please do not speak over me. Now proceed.

**Ms Follett:** Have you ruled on my point of order?

**MR SPEAKER:** I believe that was not a valid point of order. Please proceed, Mr Collaery.

**MR COLLAERY:** Mr Berry's proposed amendments are merely an attempt to make section 65 mean what he wants it to mean. Mr Speaker, as we have noticed in recent times, he ignores facts. He has no knowledge of fact or veracity on any number of issues. He simply wants a standing order to do what he says it should do. Heaven forbid, if this Stalinist group were in power at the moment! The responsible course of action for the Assembly is not to expose itself to the risk of our laws being passed contrary to the Federal law but rather to seek a consensus as to what the law should say.

We on this side of the house have indicated that we are prepared to accept arguments for the amendment of section 65, and we are prepared, subject to the Administration and Procedures Committee's deliberations, to see whether section 65 should be amended to make it more in line with section 56 of the Commonwealth Constitution and, I believe, standing orders of the House of Representatives.

Mr Speaker, clearly, the energies of this Assembly would be better placed debating the substance of the Bill, but Opposition members have not wanted to debate it yet. They declined the opportunity when they introduced the Bill. They did not want to debate it then, and they really do not want to debate their Bill today. They are desperate.

Last night, Mr Speaker - you were not here - we heard the Leader of the Opposition say to Mr Wood when he walked in, "You are going to speak on this". Mr Wood was ordered to speak on education, and up he jumped, and out the torrent fell.

**Mr Berry:** He could just stick to the issues that are under debate.

**MR SPEAKER:** Please remain relevant, Mr Collaery.

**MR COLLAERY:** I thank Mr Berry for the break. Mr Speaker, there is a clear difference between the wording of a similar provision in the Federal Constitution, section 56, and that in, for example, section 11 of the Northern Territory (Self-Government) Act. It is this difference



which was commented on by the Government Law Office in providing the ruling to your deputy some days ago.

Mr Berry and his colleagues know full well that the self-government Act takes precedence over our standing orders. To do otherwise would clearly act outside the law and be open to challenge. I have no doubt, Mr Speaker, that there are some people out there who would take the opportunity to seek to halt these proceedings legally.

In summary, Mr Berry and those who are with him on this issue have created a great furphy. They have made no attempt during the debate on the standing orders or their proposed Bill to make any constructive suggestions to the Government as to what it should do to return economic rationality to the Territory. They have fallen like vultures on every issue to do with education.

**Mr Berry:** Relevance, again. Relevance, Mr Speaker.

**MR SPEAKER:** I overrule that objection. Please proceed, Mr Collaery.

**MR COLLAERY:** In introducing these proposed amendments to standing orders, the Labor Party members have never revealed their policy for school closures. They have never got on the band wagon and explained their policy for school closures.

**Mr Berry:** Relevance.

**MR SPEAKER:** Order! A point of order from Mr Berry on relevance. Please get to the point, Mr Collaery.

**Mr Kaine:** That is quite relevant. He talked about making it unlawful to close a school. He raised the question of schools. It is therefore relevant.

**MR SPEAKER:** Order! Please proceed, Mr Collaery.

**MR COLLAERY:** Mr Speaker, I have made clear to the Assembly the legal points of which I have been advised by the Law Office. It would clearly be improper to pass this standing order. It would breach section 65 of the self-government Act. This is a waste of time, and I look forward to debate on the real substance of the matter, if they let us debate school closures; they have not been game, to date.

**MR CONNOLLY (10.54):** I will be brief in this debate. The Opposition is very keen to debate the Bill on school closures because it is very keen to see how government members will vote. I am sure that those present in the gallery from, I believe, the Holder school are also interested to see how members will vote on closing their school. I welcome them here this morning.

The motion before the house is to change the standing orders. This is a very important and substantive motion.

15 August 1990

It is an opportunity for this house to assert its view of its supremacy and its legislative powers. The Attorney-General, in his refutation of this motion, suggests that any standing order would be ineffective because it is contrary to section 65 of the self-government Act.

We do not accept the opinion that has been tendered before this house on the effect of section 65 of that Act. We have repeatedly said that this is an issue of such fundamental significance to this house that before we would accept a definitive legal view it is necessary to obtain the views of senior independent counsel. On an issue on which the Attorney-General has previously clearly expressed himself, we are not prepared, despite the learning and standing of the law officer concerned, to accept that the view of an officer of the Executive Government ought to determine the future course of this Assembly.

We are standing in the tradition of the parliament. Members opposite have, on a number of occasions, expressed opinions that this Assembly is continuing a parliamentary tradition. You, Mr Speaker, have recently returned from a Commonwealth Parliamentary Association function where the traditions of Commonwealth parliaments are always to the fore. We are standing in the tradition for which our English parliamentary forebears fought a revolution and executed a king - that is, that the parliament has control of the business of the state, that the parliament determines its procedure, that the parliament is the forum at which public debate occurs, and that public debate occurs through the forums of the parliament, through Bills and motions.

The reading of section 65 of the self-government Act, coincidentally, was introduced at the time of the health and education Bills but was not used to block the private member's Bill of Mr Kaine, when he was Leader of the Opposition, to reverse the rather strange and erratic decision on fluoride. It was not used in relation to Mr Stefaniak's motions on the move-on powers. It had not previously been hinted at by any person in this parliament. What an extraordinary tactic to block debate on a fundamental question that is before the Canberra community - the schools issue. Mr Berry very clearly pointed out the political motives behind this attempt to gag debate.

We in the Opposition are putting forward an opportunity for this Assembly to assert its view of its ability to pass laws in the ordinary tradition of parliamentary government. We are quite confident that the proper interpretation of section 65 of the self-government Act is that it would be read down to be consistent with this clearer ruling in the standing orders.

We are quite confident that, should the Government accept the view that senior counsel's advice needs to be sought, it will back that view up. But of fundamental importance

is the question of who is to be master in this Territory - the elected members of the Assembly or a view of the Executive Government on powers of the Assembly? All members of this Assembly, particularly those who take an interest in the history and background of parliamentary institutions - again Dr Kinloch is a person to whom we would be looking for support on this - should support these proposed amendments to the standing orders to assert the ability of this parliament to debate in the proper forum the fundamental issue that is before the Territory.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (10.58): I think we should very clearly indicate, for the sake of the Hansard record, just what is happening this morning in this place. Members opposite are grandstanding. They are stating a position for the sake of their public image, for the sake of the members of the media, who stand outside, and for the sake of the gallery.

**Mr Kaine:** They will mail the transcript out to all their mates.

**MR HUMPHRIES:** They will mail the transcript to everybody whom they want to see it, to show that they have been doing the right thing by schools, that they have been flying the flag.

**Mr Collaery:** Yes, they will print their inside lies.

**MR SPEAKER:** Order, Mr Collaery!

**MR HUMPHRIES:** To preserve the integrity that they think they have. We know that the argument is not of that nature. We know that it is essentially a legal one, which undoubtedly the Australian Labor Party - - -

**Mr Berry:** On a point of order: Mr Collaery interjected across the floor that the Labor Party would print its inside lies. I would like him to withdraw that.

**MR SPEAKER:** To print what?

**Mr Berry:** He said "print their inside lies". I would like him to withdraw that.

**Mr Collaery:** Mr Speaker, there is no imputation to any person in that. I am quite entitled to say that the ALP as a party tells lies which, indeed, it does, constantly.

**MR SPEAKER:** Order! Your objection is overruled on that issue, Mr Berry. Please proceed, Mr Humphries.

**Mr Berry:** On a point of order, Mr Speaker: in the past you have ruled upon points of order in relation to which you have said that the collective could not be criticised in such a way.

15 August 1990

**MR SPEAKER:** I did not hear the full context of the point made by Mr Collaery. It has been raised. Mr Collaery, please withdraw that comment.

**Mr Collaery:** Mr Speaker, I unconditionally withdraw that comment.

**MR SPEAKER:** Thank you. Mr Humphries, please proceed.

**MR HUMPHRIES:** Mr Speaker, it is perfectly obvious that the argument with respect to this debate is a legal one. The basic problem is not standing order 200 and how it might read; it is section 65 of the self-government Act. I want to remind the house, in case anybody has forgotten, that that Act was not passed by members of this chamber; it was passed through the Federal Parliament under the auspices of a Labor Government, and it put in place certain restrictions and controls on the granting of self-government to the ACT.

It is worth referring to, and explaining, those circumstances. It was obviously the view of those who passed the self-government Act that, at that time, the ACT should not have been trusted with all the attributes of democracy that are enjoyed in other States and territories.

For example, the ACT was not to have immediate control over things like police, the courts and corporate law because it was felt that it ought to acquire the full attributes and qualities of self-government progressively over a period. It was also obviously felt by the Federal Parliament that the restrictions that apply to oppositions in other States, with respect to the moving and passage of money Bills, appropriation Bills, ought to be strengthened in the case of the ACT Assembly, at least in the short term. We cannot say whether the Federal Government intended to change that position at some future point. Certainly the provisions that affect the ACT Legislative Assembly, as indicated in section 65, are very different from the requirements that bind oppositions in other States and territories. The ACT has a very severe limitation placed on it with respect to section 65.

The evidence of that fact is that the wording used in that section is quite different from that used in the Federal Constitution and other documents setting up those restrictions in other jurisdictions - the constitutions of other States and so on. The wording is quite expressly different, and it is obvious to everybody who looks at it very carefully that it is different.

Mr Connolly has put forward the most extraordinary argument that I have ever heard any lawyer put forward; that if we were to change standing orders 200 and 201, which are subordinate to section 65, somehow section 65, the superior piece of legislation, would be read down in accordance with our amendment to standing order 200. What an extraordinary argument!

**Mr DUBY:** Piffle!

**MR HUMPHRIES:** What an extraordinary piece of piffle! To suggest that we, a subordinate body, can effectively amend the self-government Act passed by the superior legislature, the Federal Parliament, by changing our standing orders is nothing short of ludicrous. I am sure that Mr Connolly would not have dreamt of rolling into the Supreme Court, the Federal Court or the High Court and putting up an argument as weak and unsustainable as that.

I think it is quite obvious that restrictions have been placed on the ACT. I personally cannot say that I fully accept and appreciate that. I think we have demonstrated in the last 14 or 15 months of self-government that we are capable of handling ourselves in much the same way as other parliaments and that we ought to have the same environment generally as other parliaments. However, that is not the position that the Federal Parliament took, and it is not open to us to amend that position at this point. Mr Berry said that we would remove confusion concerning the operation of section 65 by passing these proposed amendments. But, on the contrary, we would increase that confusion. We would exacerbate the problem by putting standing orders directly in contradiction to section 65.

**Mr Berry:** You want to dodge crossing the floor by some of your members.

**MR HUMPHRIES:** Mr Berry interjects about dodging and about ratting on people. Ratting on people comes very easily to Mr Berry. He knows all about that from his dealings with the Right of the Labor Party.

**Mrs Grassby:** Mr Speaker, on a point of order: I object to that.

**MR HUMPHRIES:** Mrs Grassby objects to being ratted upon.

**MR SPEAKER:** Order, Mr Humphries! Please resume your chair.

**Mrs Grassby:** I object to that comment about my colleague Mr Berry. I object to it, and I ask that it be withdrawn.

**MR SPEAKER:** Mrs Grassby, I cannot talk over both of you. What is your point of order?

**Mrs Grassby:** I object to that comment that Mr Humphries made about my colleague, and I ask that it be withdrawn.

**Mr Kaine:** You can make a personal explanation later. It is not a point of order.

**MR SPEAKER:** Please raise that as an order.

15 August 1990

**Mr Berry:** I will raise a point of order. He said that ratting would come easily to me. It is a bit over the top.

**MR SPEAKER:** Order! Mr Humphries, I did not hear the comment. Are you prepared to withdraw it?

**MR HUMPHRIES:** I am absolutely not prepared to withdraw it, Mr Speaker. I would like to quote from the Canberra Times of 6 August, according to which Mr Connolly said - - -

**MR SPEAKER:** Order! Mr Berry, are you raising a point of order? If not, please resume your seat.

**Mr Berry:** I just raise it to assist you, standing order 55. I think it is not open to Mr Humphries to debate the issue.

**Mr Humphries:** On the point of order, Mr Speaker - - -

**MR SPEAKER:** Order! Mr Humphries, I ask you to withdraw it, under standing order 55.

**MR HUMPHRIES:** Mr Speaker, before you make that ruling I seek your leave to make a submission to you on your ruling.

**MR SPEAKER:** Order! Mr Humphries, please just withdraw it so that we can get on with it.

**MR HUMPHRIES:** Mr Speaker, I am entitled to put to you an alternative view on that ruling, and I seek your leave to put that submission to you on your ruling.

**Mr Berry:** On a point of order: it is not open to Mr Humphries to debate this issue. You have made a ruling.

**MR SPEAKER:** Thank you for that observation, Mr Berry.

**Mr Moore:** On a point of order, Mr Speaker: 202(e) - persistently and wilfully disregarding the authority of the Chair. He should be named.

**MR SPEAKER:** Thank you, Mr Moore. Mr Humphries, standing order 55 puts forward the view that imputations are improper. I believe there was an imputation, regardless of press reports.

**MR HUMPHRIES:** Mr Speaker, I want to argue that it is not an imputation. I should have the right to explain to you why I feel it is not an imputation rather than have you ruling without having heard my case.

**MR SPEAKER:** Order! Under the circumstances of the debate before the house it was improper. Please just withdraw it.

**Mr Kaine:** Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Humphries from explaining his comments.

**MR SPEAKER:** Order! Mr Humphries, I have given a ruling.

**Mr Kaine:** Mr Speaker, I have a motion before the house.

**MR SPEAKER:** Order! Mr Kaine, you are attempting to usurp the power of the Chair.

**Mr Kaine:** Mr Speaker, on a point of order: I am not doing anything of the kind. I am moving the suspension of so much of standing orders as would prevent Mr Humphries from putting his case to you. He sought leave to do so; he is entitled to do so.

**Mr Moore:** Name the Chief Minister. He will not sit down when you tell him.

**Mr Kaine:** Nobody has told me to sit down.

**MR SPEAKER:** Order, Chief Minister! Please! Mr Moore, please resume your seat. Mr Humphries, to provide a method of getting past this impasse, would you please withdraw your comment and then make your explanation.

**MR HUMPHRIES:** It is ridiculous. If I make my explanation after I have withdrawn - - -

**Mr Berry:** On a point of order, Mr Speaker: I draw your attention to 202(e), and I call on you to name Mr Humphries for persistently and wilfully disregarding the authority of the Chair.

**MR SPEAKER:** Thank you, Mr Berry, for your observation.

**Mr Duby:** Perhaps the Speaker has had too much sun.

**MR SPEAKER:** Thank you, Mr Duby. This is absolutely ridiculous. The debate is going on over some small issue that is easily resolved by withdrawal of the statement. I ask you once more and for the last time: Please, Mr Humphries, withdraw the statement.

**Mr Connolly:** The Speaker is speaking to you, Mr Humphries.

**MR SPEAKER:** Order! Mr Humphries?

**MR HUMPHRIES:** What is the question, Mr Speaker?

**Mr Berry:** Now that he has been named.

**MR SPEAKER:** Order! Mr Berry, please resume your seat. Mr Humphries, I have asked you to withdraw the comment.

**MR HUMPHRIES:** Mr Speaker, I withdraw, and I seek an extension of time. I move:

That so much of standing and temporary orders be suspended as would prevent Mr Humphries speaking for a further 10 minutes.

15 August 1990

**MR SPEAKER:** A straight motion is all that is required.

**MR MOORE** (11.10): I will speak to the suspension of standing orders, Mr Speaker. Mr Humphries clearly has brought this waste of time on himself. There is absolutely no point in giving him an extension of time. It is much more important to get this part of the debate out of the way and give these people what they have asked for time and again - the opportunity to get on with the debate of the Bill.

Motion (by **Mr Kaine**) put:

That the question be now put.

The bells having been rung -

**MR SPEAKER:** The question before the house is that the question be put. There are two motions also before the house. I ask that we deal firstly with Mr Kaine's motion for suspension of standing orders and then with Mr Humphries' motion for an extension of time. The first question to be put is Mr Kaine's motion to allow Mr Humphries to give an explanation.

**Mr Kaine:** On a point of order, Mr Speaker: there appears to be some confusion. When I moved that the question be put, the question to which I was referring concerned the granting of an extension of time for Mr Humphries. I had put my other motion earlier, and you set it aside, presumably.

**MR SPEAKER:** Thank you for your observation, Chief Minister. The question is that the question that the extension of time be granted to Mr Humphries be put.

**Mr Berry:** That is the motion on the suspension of standing orders?

**MR SPEAKER:** To allow an extension of time.

**Mr Berry:** My understanding, Mr Speaker, is that the motion that is before the house, as far as the count is concerned, is the suspension of standing orders.

**MR SPEAKER:** That the motion be put.

**Mr Humphries:** No, it is a suspension of standing orders to give me an extension of time.

**Mr Jensen:** We have to vote to put the motion first.

**MR SPEAKER:** Let us put the question that the extension of time be granted. To resolve the issue, I withdraw the motion that the question be put and put the original motion: That standing orders be suspended to allow Mr Humphries an extension of time.



Question resolved in the affirmative.

**MR SPEAKER:** Please proceed, Mr Humphries.

**MR HUMPHRIES:** Quite frankly, I do not think people have come here to listen to the rubbish that is coming from the Opposition in this regard.

**Mr Moore:** On a point of order, Mr Speaker: in the interests of getting to the Bill that we want to debate, I will move closure in accordance with standing order 70. I move:

That the question be now put.

Question put.

The Assembly voted -

AYES, 7

Mr Berry  
Mr Connolly  
Ms Follett  
Mrs Grassby  
Mr Moore  
Mr Stevenson  
Mr Wood

NOES, 10

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

Question so resolved in the negative.

**MR SPEAKER:** Please proceed, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I note that I was given 10 minutes by the passing of the motion for the suspension of standing orders, but the clock showed only five minutes. The motion to suspend standing orders was to allow me to speak for a further 10 minutes.

**MR SPEAKER:** The motion was for an extension of time.

**MR HUMPHRIES:** It was for an extension of time of 10 minutes.

**MR SPEAKER:** I am afraid I did not hear that, but if it is so recorded - - -

**Mr Duby:** Everyone else did, Mr Speaker.

**MR SPEAKER:** There is so much noise. Order! Is it the will of the house to allow Mr Humphries to speak for a further 10 minutes?

15 August 1990

**Mr Collaery:** Mr Speaker, there is no debate on this. The motion is passed, and he has 10 minutes. He has not had a chance to speak yet.

**MR SPEAKER:** Order! I will take advice. I did not hear that. The Speaker and the Clerk heard the motion as an extension of time. We did not hear that it was for a further 10 minutes. Please proceed.

**Mr Connolly:** You have 45 seconds, Gary. Go for it.

**MR HUMPHRIES:** I am not going to sit down without having said anything, Mr Speaker. I move the suspension of so much of standing orders - - -

**Mr Moore:** Seek leave first.

**MR HUMPHRIES:** You are going to refuse it, aren't you? I seek leave to speak for a further 10 minutes.

Leave granted.

**MR HUMPHRIES:** I am not going back to some of the debate which others have raised in this place. I will go straight to an issue which I think will show the sheer hypocrisy of those opposite. I intend to prove that their stand now, in saying that section 65 should not shield a government, is totally in contradiction to what they said when they were in government. I refer members to the debate in the Legislative Assembly on 2 November last year in respect of an amendment moved by Mr Stevenson to the Bill that affected the staffing of members of the Assembly, the Legislative Assembly (Members' Staff) Bill.

**Mr Duby:** The LA(MS) Bill.

**MR HUMPHRIES:** The LA(MS) Bill. There was debate at that time, and Mr Stevenson moved an amendment which had the effect of permitting private members the right to engage consultants. Debate ensued about whether that amendment could be carried to the Bill which was put forward by the Government in the house. The question was raised as to whether section 65 of the Federal self-government Act would prevent Mr Stevenson's amendment. Ms Follett, the Chief Minister at the time, said, about section 65:

Mr Speaker, I support totally the comments made by the acting deputy legislative counsel and, in order to clarify the reason why I support his view, I would like to read to the Assembly the appropriate part of the Australian Capital Territory (Self-Government) Act 1988. In section 65(1) it says -

Then she quoted it. She went on to say:

Now, quite clearly, for the acting - - -

**Mr Berry:** Read it all. Read everything that she said. Come on, read it all.

**MR HUMPHRIES:** I will read everything she said. She quoted the section of the Act:

An enactment, vote, resolution or question (any of which is in this section called a "proposal") the object or effect of which is to dispose of or charge any public money of the Territory shall not be proposed in the Assembly except by a Minister.

Ms Follett then went on to say:

Now, quite clearly for the acting deputy legislative counsel to have drafted Mr Stevenson's proposed amendments, it would have meant his condoning a member of the Assembly putting up a proposal to dispose of or charge public money of the Territory. The Act is quite clear. If you want to do that, you have to get a Minister to do it for you.

That is what Ms Follett said then. She was saying that only Ministers can move Bills or appropriations or motions of that kind. That is what Ms Follett said last year when she was in the same position. She shielded herself and her Government behind section 65, but now she says that this Government may not shield behind section 65. That is nothing more nor less than hypocrisy. If section 65 was good enough for you, it is good enough for us.

**MR SPEAKER:** Order! I take it that leave has been given for Mr Kaine to withdraw his motion.

Question put:

That the motion to amend standing orders be agreed to.

The Assembly voted -

AYES, 7

Mr Berry  
Mr Connolly  
Ms Follett  
Mrs Grassby  
Mr Moore  
Mr Stevenson  
Mr Wood

NOES, 10

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

Question so resolved in the negative.

15 August 1990

## **SCHOOLS AUTHORITY (AMENDMENT) BILL 1990**

Debate resumed from 8 August 1990, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR SPEAKER:** I wish to make a statement on this matter. When this Bill was introduced on 8 August a point of order was raised by the Attorney-General when he drew the Acting Speaker's attention to the fact that, in his opinion, the Bill contravened standing order 200 and section 65 of the self-government Act. Mr Collaery asked the Acting Speaker to take the point of order on notice and give a determination in relation to the Bill at a future time.

Advice has been sought as to whether the object or effect of the Bill would be to dispose of or charge any public money of the Territory. That advice has been received, with effect from 15 August 1990, and I hereby table that report:

Schools Authority (Amendment) Bill 1990 - Opinion by the Government Law Office, on the application of section 65 of the Australian Capital Territory (Self-Government) Act 1988, dated 15 August 1990.

The amendment to the principal Act proposed by Ms Follett seeks to insert a provision which will provide that the Schools Authority shall not close any primary school, high school or secondary college established or conducted in accordance with paragraph 1(a) of the Act. The Bill also seeks to amend subsection 6(3) by inserting words which declare that the Minister's power of direction is subject to the new proposed subsection.

Having considered the advice given on the matter, I must conclude that the Bill does contravene the provisions of standing order 200 as, if agreed to, it would have the direct effect of charging the Schools Authority to continue to operate existing schools and would commit the Territory to spending public money on the subjects provided for by the Bill.

I remind members that the question of standing orders 200 and 201 and their application is one currently before the Administration and Procedures Committee, and it is hoped that the committee will make recommendations to the Assembly on the matter before the next sittings.

As the Bill has not been prepared in accordance with standing orders, I therefore reluctantly call on the Attorney-General to move the appropriate motion under standing order 170.

**MR COLLAERY** (Attorney-General) (11.30): Mr Speaker, I move:

That the Bill be withdrawn.

In so moving, I move in the tradition of the house that the leader of business of the house should support the rulings of the Speaker or otherwise move dissent. I have complete confidence in the ruling that you, Mr Speaker, have delivered and the advice that you have received from the Government Law Office.

I note, and have taken advice, that the tradition in the other house of parliament is to seek advice from the relevant law office, and invariably that ruling of the Federal law office is accepted on the hill without the seeking of alternative opinions.

**MR MOORE** (11.31): In speaking to the motion that Mr Collaery has put, Mr Speaker, I draw attention to a comment that Mr Berry made about the 180-degree turn of members of the Government. It is not a 180-degree turn; it is a turn of 360, 540, 720 or 900 degrees, and it goes on and on. They keep spinning, turning one way or the other. What we have seen here, as on many other occasions, is a series of runs of straight hypocrisy. In the debate earlier this morning we heard them say that they wanted to debate the education Bill, but what they wanted to do was avoid debating the education Bill. That is exactly what we have here. We have somebody like Dr Kinloch who last night told a parent from - - -

**MR SPEAKER:** Order! Relevance, Mr Moore.

**MR MOORE:** Thank you, Mr Speaker. He told a parent from Higgins Primary School - it is relevant, Mr Speaker, and I am leading to the relevance - that what they need to do is turn somebody from within that party so that the vote can be taken in the party room. The relevance of this is that we are talking about where priority lies, with the parliament or with the party room, and how that impacts on decisions made by the Speaker. With reference to the illegal advice that Mr Collaery has proffered to you and with relevance to hypocrisy - - -

**Mr Jensen:** Illegal? Withdraw. Shameful!

**Mr Collaery:** Shame!

**MR MOORE:** I will withdraw it, Mr Speaker. With reference to the legal advice that Mr Collaery has got from his department and tendered to you, as Speaker - - -

**Mr Collaery:** On a point of order, Mr Speaker: this is a reflection on the Chair. I have not tendered to you any advice on this matter.

15 August 1990

**MR SPEAKER:** Order! Thank you. I will explain, to clarify that issue. The Clerk has asked for the advice, not through the Attorney-General.

**MR MOORE:** That certainly was my misunderstanding which I am now quite happy to withdraw. The legal advice from Mr Collaery's department went through the Clerk to you, Mr Speaker. I remind Mr Collaery and you, Mr Speaker, that when he was in the same situation, sitting in opposition, and he objected to the way the debate was carried out in terms of the election of the Leader of the Opposition he went to you and said that it was entirely inadequate legal advice that came from the department and that he wanted independent legal advice.

It is not that he considered the officers providing the advice illegal - I have no objection to the officers who I consider are quite competent - but Mr Collaery was unhappy that that was not independent legal advice. Why else would he have gone to you and sought independent legal advice? This is a matter that is even more serious than what Mr Collaery has spoken about.

So what we have here is hypocrisy from Mr Collaery who now stands up and says, "We cannot have independent legal advice". The reason for it is quite straightforward - he does not want members of his Government to stand up - - -

**Mr Kaine:** On a point of order, Mr Speaker: Mr Moore is attributing to the Attorney-General comments that he has not made.

**Mr Berry:** That is not a point of order.

**MR SPEAKER:** Thank you. That is not - - -

**Mr Kaine:** It is a point of order. He is being misrepresented.

**MR MOORE:** The point that I am making, Mr Speaker, is that Mr Collaery is a hypocrite because he went to you on that matter and said that he needed independent legal advice on such a matter. It should have been independent legal advice on this matter as well. Instead, we closed the debate on the Ainslie Transfer Station, the Royal Canberra Hospital and schools, which are all of primary interest to the people of Canberra, because he does not want members of his Government to stand up and be counted. He knows that the people who keep saying to everybody, "I am against school closures", as Hector Kinloch keeps telling everybody - and he tells them that Carmel Maher is against school closures - do not want to be counted because they do not have the guts to cross the floor.

They have the power to stop school closures. They have the power to put a motion if they feel strongly enough about it. We have a Bill here. It is quite clear about school closures that they do not want to be counted because they

do not have the guts to stand up for it; they have no intention of stopping the school closures. Mr Stevenson will propose a motion shortly, so they will have another chance to be counted.

What we have is a case of Mr Collaery's interpretation of the standing orders. We have heard the debate about the Government's interpretation of the self-government Act, but what we really need is an independent interpretation. What we have is a gutless mob over here, who simply are not prepared to act in accordance with what they say. If you do not act in accordance with what you say, Dr Kinloch, that is called hypocrisy, and it is of the highest order because you are dealing with schools, the future of our children, and it is something with which you will have to live.

**MR KAINÉ** (Chief Minister) (11.37): Mr Speaker, that outburst was totally irrational, intemperate and, to say the least, unconscionable. That was an attack on the Attorney-General over a matter in which the Attorney-General is not involved.

**Mr Moore:** He was before - of course, he was.

**MR KAINÉ:** I remind Mr Moore that the Speaker sought legal advice, and that advice has been given. It was not determined or provided by the Attorney-General. I think Mr Moore is letting his commonsense and normal rationality escape him for the time being. He should address the real issue. Indeed, I recall that on a previous occasion the Attorney-General, when he was in opposition, asked for a separate opinion. But that is open to the opposition to do the same.

**Mr Connolly:** We did - last week.

**MR KAINÉ:** If they want a separate opinion, Mr Speaker, they have to ask you to seek it. I know of no request to the Speaker to seek independent legal advice on this matter. It is totally irrational, totally misrepresenting the situation, and it is because you, in opposition, have failed to do what you are now advocating. There is no separate advice here. If you want independent and separate advice that does not come from the law office - - -

**Mrs Grassby:** We have done it.

**Mr Moore:** They have done it. You are trying to mislead the house.

**Mrs Grassby:** We did it last week, on this issue.

**MR KAINÉ:** Where is your request to the Speaker to get independent and separate advice on this matter?

**Mr Connolly:** In Hansard.

15 August 1990

**MR KAINÉ:** I am quite sure that if it is in the Hansard and if a request has been made to the Speaker he will act upon it.

**Mrs Grassby:** To the Acting Speaker; the Speaker was not here.

**Mr Connolly:** We also met with the Acting Speaker last week.

**Mrs Grassby:** You ought to check with him, Chief Minister.

**MR KAINÉ:** Mr Speaker, I do not think I should have to engage in a three-way conversation in a debate.

**Mr Moore:** You are a psychological projectionist, Bernard. That is what you are. You project your own psychological problems on to everybody else, starting with Wayne Berry and his height.

**MR SPEAKER:** Order, Mr Moore, please!

**MR KAINÉ:** I listened very carefully to Mr Moore's irrational and intemperate attack, and I listened quietly, but he is not prepared to do the same for me; he has to argue with me about every word or every phrase that I use. The proper way is to approach you, as the Speaker, to have separate and independent legal advice provided if he requires it; not to attack the Attorney-General or a member of the Government.

**Mr Moore:** Of course it is my job; that is the Opposition's job.

**MR SPEAKER:** Order! Please desist.

**MR KAINÉ:** If you want to do so, ask the Speaker to do what you would like him to do.

**Mr Moore:** It was done.

**MR SPEAKER:** Order, Mr Moore! Do it through me.

**MR KAINÉ:** The Attorney-General was in no way involved with this advice which was sought by the Speaker and which was provided to him. To make this attack is quite unreasonable, intemperate and irrational. I think Mr Moore would do better to go about his business in a more rational way and not deal with it in this fashion on the floor of the house because he has an audience to play to.

**MR WOOD (11.40):** Mr Speaker, I am dismayed at the actions of the Government in seeking to have this Bill withdrawn. To me, it is a very clear avoidance of the issue. If I could explain to the people in the gallery, who may be bemused by the proceedings here, the Labor Party Bill, which was to prevent school closures by writing a piece into the legislation, has been claimed by the Government



not to have legal standing, and it simply will not allow us to proceed with the Bill.

**Mr Collaery:** On a point of order, Mr Speaker: this should not go in the record. It is not claimed by the Government; it is ruled by you as Speaker and, in my duty as leader of the house, I have accepted your ruling.

**MR SPEAKER:** Mr Wood, I would put to you again the fact that this was my decision, taken on legal advice. I reluctantly brought down the ruling because I recognise the limitations that it puts on debate. However, there is another course of action, and it will be taken. Please understand that it was of my volition that this was taken.

**Mr Collaery:** Read his lips.

**MR WOOD:** We can read your lips over there, but unfortunately they are not consistent. They tend to change from time to time, especially in the case of school closures. I take your point, Mr Speaker, and I accept then that this was never discussed at the joint party meeting or anything of that nature. It has never been part of your discussions generally; is that what you are also telling me? I doubt that. Mr Collaery did not stand up last week somewhere and say that we should not discuss this. I did not hear you a week ago in private members' business.

**Mr Collaery:** You wanted to bring it on.

**MR WOOD:** No, it was the Chief Minister who wanted to bring it on.

**Mr Kaine:** Yes, I did, and I would still like to. If you would sit down for five minutes, we could make arrangements for you to do so.

**MR WOOD:** I will do that. Mr Speaker, the community looked to this parliament for protection for its schools. It was, as it were, the last chance that the community saw to save its schools from the arbitrary and senseless actions of the Minister for Education and the Government which supports him. It is a great disappointment to it to learn that this matter is not to be given the legislative protection that it desperately needed. In response to the suggestions from the members across the road, I would like to propose a second-phase motion. I seek leave of the Assembly, Mr Speaker, to propose a motion that this Assembly opposes the closure of any school.

Leave granted.

**MR WOOD:** It is much less desirable than we would like. We would much prefer to be discussing a more substantive issue that would afford the protection of the legislation of this Assembly. Mr Speaker, it is clear that the community opposes the closure of any school.

15 August 1990

**MR SPEAKER:** You have sought leave to move a motion. Would you please formally move that motion so that we can vote.

**MR WOOD:** I thought that by reading it I had done so. I will do it formally for you. I move:

That the Assembly opposes the closure of any school.

**Mr Collaery:** Mr Speaker, there is a subsisting motion before the house, that the Bill be withdrawn.

**MR WOOD:** This takes precedence over that.

**MR SPEAKER:** Order! The point is that, by the Assembly giving leave to Mr Wood, his motion takes precedence. We will deal with that issue first. The question before the house is:

That the Assembly opposes the closure of any school.

**MR WOOD:** I was saying that the community very clearly opposes the closure of its schools. The community is focused now very much on the actions and the votes of the people in this Assembly. The proposal that first came up was that made by Mr Humphries when he dropped - almost out of the blue - a proposal to close 15 to 25 schools. It was an ill-considered idea. It came, I suppose, within two or three months of his accession to the position of education Minister. At that stage, and even more clearly since, it became quite clear that it was ill conceived, ill thought out and ill prepared, and it had no foundation in sound data or sound consideration. That has been amply demonstrated by the debate in this parliament and in the community.

I was saying yesterday, only too briefly because of the nature of the debate, that the Minister's tactic throughout has been to rely on two arguments - firstly, that we have to save a lot of money, and indeed we concede that financial circumstances are tight. His second argument has been that he will tell us all the information when we know which schools are to close, though that argument has subsequently been amended, and he will tell us all his reasons and his arguments, his rationale, when the budget is presented. I doubt that we will see it in the budget because it hardly exists.

With the lack of evidence that the Minister has been able to bring out, it is no wonder that school after school has been able to demonstrate how foolish, wrong and incomplete his data is. Not one school has been able to say, "He has given us good and sound reasons. He has given us something we cannot contest". Every school has come back to members on that side, as they have to members on this side, with sound evidence to retain their schools. They have been able to demolish the arguments of the Minister, yet he persists.

He goes on. He said, "We will have a review of Weetangera Primary School". We do not know what the extent or the scope of that review is. I do not know whether it has started or finished, or whether it even occurred. Time and time again with other schools people here know that the arguments put forward are inconsistent. If people had been in the gallery for months as we asked questions they would have heard the answers that we get. Those two answers, as I said, have been, "We have to save money. I will tell you later". What are the justifications? I do not think we will ever get them because they are not there.

Let us get the members of this Government out in front today. This is a crunch time because there are good reasons for many in the community to believe that not all members on that side of the house agree with Mr Humphries. They have been told many times by some members on that side of the house that they do not want to close schools. The sympathetic expressions are there. We had hoped to get their signatures, but it seems that we cannot do that. We can, nevertheless, get their votes. This is the time when some people have to put up or shut up.

**Dr Kinloch:** Agreed.

**MR WOOD:** Agreed? Thank you. This is the time when I hope we can still get this Bill on to the statute books in the future. But today let us end any hope that people in the community may have that they have the support of some people in the Government. Let us come down now to the realisation of where people really stand.

Mr Speaker, I will not take up the full time available to me because there are other motions that people want to discuss today. We want this out and settled now. I invite members on this side and, particularly, members opposite to state where they stand.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (11.50): Mr Speaker, we have once again the trotting out of the tired old arguments in this place and I really wonder when we are going to get something new, something original from the Opposition about this matter.

**Mr Wood:** You are talking! He is talking! The cheek of him!

**MR SPEAKER:** Order, Mr Wood!

**Mr Wood:** You have been away. You have not heard this week after week.

**MR HUMPHRIES:** We have been sitting for only four days before today, so it hardly amounts to months of debate, as Mr Wood has suggested.

**Mr Wood:** We started this in March, you may remember.

15 August 1990

**MR SPEAKER:** Order, Mr Wood!

**Mr Wood:** He invited it.

**MR SPEAKER:** Order, Mr Wood! Please direct comments through the Chair.

**MR HUMPHRIES:** I can see that the Opposition's tactic again is to waste my time so that I cannot put these points and make the references that I have been trying to make all morning. That is obviously their tactic. They do not want to hear these arguments, and that is not to be considered a surprising kind of development, given the way in which their arguments are so weak.

I think that the first thing to which we really should address our minds, and it is something that the Opposition has not faced up to fairly and squarely in the course of this debate, is its role as a political party in the past with respect to the issue of school closures.

**Mr Connolly:** You sent troops to Vietnam, but that was 20 years ago. Talk about current issues.

**MR HUMPHRIES:** Mr Connolly is bored by that. He does not even think it is terribly important. Those closures, I might remind him, occurred not much more than 18 months ago. They are hardly ancient history.

**Mr Wood:** Who closed the schools? Tell us that.

**MR HUMPHRIES:** The schools were closed by the Federal Labor Government. What is the position of the members opposite in regard to that issue? They have consistently supported a party which has made those decisions.

**Mrs Grassby:** Justify your decision, Gary. Do not worry about ours; just justify yours.

**Mr Jensen:** No, you are talking about hypocrisy.

**Mrs Grassby:** No, it is your hypocrisy.

**MR HUMPHRIES:** It is painfully obvious to anybody looking at the facts that those opposite are as much part of a program, and have as much been part of a program in the past, to close schools - -  
-

**Mrs Grassby:** Particularly you. You went into government lying to people - the Residents Rally.

**Mr Jensen:** On a point of order, Mr Speaker: Mrs Grassby, in an interjection, accused me of going into government lying to people. I request that that be withdrawn.

**Mrs Grassby:** I was talking about the Residents Rally. I withdraw it, and add that the Residents Rally went into government lying to people.

**Mr Jensen:** On a point of order, Mr Speaker: that is a collective which I understand is not allowed either.

**MR SPEAKER:** Make an unconditional withdrawal, please, Mrs Grassby, and save my voice.

**Mrs Grassby:** I unconditionally withdraw it. They deceived the people of Canberra.

**Mr Jensen:** Oh, Mr Speaker!

**MR SPEAKER:** Come on, please, Mr Jensen. Please proceed, Mr Humphries.

**MR HUMPHRIES:** You know all about deception, Mrs Grassby. You were deceived apparently a few weeks ago, were you not?

**Mrs Grassby:** No, I have never been deceived.

**MR HUMPHRIES:** That is what Mr Connolly said. I have the quote here.

**Mrs Grassby:** No, no, I have never been deceived.

**MR HUMPHRIES:** I see; you were in the know but Mr Connolly was not? I understand. There are interfactional splits as well.

**Mrs Grassby:** I always take my hat off to somebody who is just a little bit smarter than I am. I was not deceived.

**MR HUMPHRIES:** Yes, interfactional splits; I understand that. He is only new, so he has not fully caught on to all the things that go on. That is fair enough. I have indicated pretty clearly that those opposite are hypocrites. They are indicating very clearly that they are prepared to back up the Federal Labor Government when it closes schools, and I say that because they were at the last election handing out how-to-vote cards. They stayed silent, except perhaps in internal party circles, when that Government closed schools. They accepted that that Government had to close schools, by implication, but they now say that we are not entitled to close them. I want to know something from the Opposition.

**Mrs Grassby:** Mr Speaker, on a point of order: it is irrelevant to the debate. It has nothing to do with what the Federal Government did 18 months or two or three years ago. It is what they are doing now.

**MR SPEAKER:** Order! Mrs Grassby, please! Relevance, please, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I argue that it is entirely relevant to suggest that the ALP, the Australian Labor Party, will close schools and that, therefore, it is hypocritical of its members to come forward today and say

15 August 1990

that this Government should not close schools. What was good enough for them, only 18 months ago, is good enough for this Government. The reason it is good enough is that the issues have not changed in that time. There has not been a resurgence in the ACT's birthrate. There has not been a surge in the school-age population of this Territory. The same issues that prompted the Federal Government to close schools 18 months ago are still prompting this Government. The same forces, the same issues, are there. The reason that this decision has been made, both by this Government and by previous governments, is that it makes sense.

I will not talk any more about what happened in the past. I will talk about what will be happening in the future elsewhere with Labor Party governments. Is that any more relevant, I wonder? I think it is. Let us look at what ALP governments are doing elsewhere in this country.

**Mrs Grassby:** It is not relevant. Stop trying to run Canberra by the rest of Australia. It has nothing to do with it.

**MR HUMPHRIES:** Mrs Grassby is embarrassed. Of course, she is.

**Mrs Grassby:** No, I am not embarrassed. I can get up and talk about what Greiner is doing in New South Wales.

**MR HUMPHRIES:** It is not just Mr Greiner, Mrs Grassby - - -

**Mrs Grassby:** Oh, come on!

**MR HUMPHRIES:** It is not just Mr Greiner; it is Mrs Kirner. Mrs Kirner, the Premier of Victoria, announced the closure of 300 schools in Victoria.

**Mrs Grassby:** Mr Speaker, on a point of order: this is irrelevant to the debate. It is about what is happening in the rest of Australia. It is what is happening in Canberra that is important. They are closing schools in Canberra. We do not want to know what is happening anywhere else.

**MR SPEAKER:** Order! Do not debate the issue, please, Mrs Grassby. Mr Humphries, please remain relevant to this issue.

**MR HUMPHRIES:** I will continue to remain as relevant as I have been all along, Mr Speaker. The fact of life is that governments elsewhere in this country realise that closing schools is an important step in a shrinking resource environment; it is an important step for ensuring that schools do not lose important resources elsewhere.

**Mr Doby:** The baby boom is over.

**MR HUMPHRIES:** Let us face it, the baby boom is over. We cannot sustain the level of infrastructure that we built for the baby boom - - -

**Mrs Grassby:** I am sorry it was not over before your parents got married.

**MR HUMPHRIES:** It is perfectly obvious that those opposite are not prepared to accept the facts. As far as they are concerned, we can provide the same infrastructure that we needed 15 or 10 years ago for a much larger school-age population and somehow experience no difficulty in doing that. Never mind the fact that many resources are being ploughed into schools which are half empty. Never mind the fact that we have many schools in this Territory which are underresourced because the student numbers are so low that the same range of resources available to other schools with larger enrolments cannot be sustained. Never mind about that; that is apparently not very important.

**Mr Connolly:** My desk is as wet as your argument, Gary; I am sorry.

**MR HUMPHRIES:** Mr Connolly has been so upset by this that he has been crying all over his desk. But I am afraid that his tears will not change the fact that we have to make hard decisions. He and his colleagues might weep their hearts out about the fact that governments have to close schools, but if Ms Follett, Mrs Grassby, Mr Connolly and so on were members of the Australian Labor Party governments in other States they would be doing the same things that they are now attacking us for having done.

**Ms Follett:** Rubbish!

**MR HUMPHRIES:** Ms Follett says, "Rubbish". She is a member of the socialist left faction of the ALP. Mrs Kirner is, or at least was, a member of the socialist left faction in Victoria. She is prepared, as a former Minister for Education, to get out there and say that the only alternative for a responsible government is to close schools. Why will not those opposite say that? It is because they are in opposition. It is because they can run lines in opposition that they cannot run in government.

**Mr Berry:** Relevance to the ACT closures, Mr Speaker.

**MR SPEAKER:** There is a point of order. Thank you, Mr Berry, for your observation. Please proceed, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I think we all realise that the ACT faces difficult times. Mr Wood says that the Opposition would like to see this Bill in place sooner or later, but I wonder whether it would support it when it is back in government, whenever that might be. I wonder whether it would restrict its own controls on the operation of microeconomic factors such as that.

I predict that the Opposition members would not do that, that if they were in government they would say, "Oh, the protection against schools closing is the fact that we are

15 August 1990

in government. You do not need to move this Bill now. We are all right. You do not have to worry about that". They would also say that if they did move such a Bill they would exclude preschools. This Opposition realises that it has already been compromised; it has already had its hand in the till with respect to preschools. Even with the effrontery that is common to its members, they simply could not sustain the level of hypocrisy that would be required to move a Bill banning the closure of preschools because they announced that they were going to do so when they were in government last year.

What is the difference between preschools and ordinary schools? Apparently it is the fact that they are non-compulsory. I wonder whether Opposition members would accept in those circumstances that it is all right for governments to close secondary colleges which are also not compulsory. That is the only distinction that I can see. That is not reflected in their Bill. It says that governments will not close primary schools or high schools or secondary colleges. So why is it that it is all right to close preschools but not all right to close secondary colleges? There is clearly no reason for that distinction.

The reason is simply politics. The ALP members have already expressed their intention to close preschools, which they would have done had they had the time. Therefore, they cannot logically be seen to say now that they would not have closed any preschools. We all know that the Opposition realises that the closure of schools will produce significant economic benefits for the Territory and that when the time comes it will not be reopening any schools that might have been closed.

Mr Berry, I understand, has already spoken on this matter and has very heavily qualified the promises made to the community. It was not a case of saying, "We will reopen all the schools which have been closed but which have not been bulldozed". It was a case of saying, "We will see whether we can reopen schools if the circumstances permit". That is the qualification that Mr Berry has put on it. We know full well that not one school will be reopened because that is what Mr Berry and his colleagues want. They know that it makes sense, and they know that they cannot afford to undo that.

Mr Wood and others have made a great show of saying that the Government has not done its homework. They keep referring to the fact that figures are not available at this stage on the savings that are to be made from school closures, and they say that this proves that the Government has not done its homework. They continue to refuse to acknowledge what has already been done, and it leads me to believe that, even if those figures were produced and when they are produced, irrespective of what those figures show, the argument will still be that we should not be closing schools. Let us be honest about this: the savings figures are irrelevant. If we could show here and now that we



could save the \$2m that we claim we could save by closing schools, it would not alter by one iota the position taken by those opposite. They would continue to say that we should not close schools, even though clear economic benefits would flow to the people of the Territory by doing so.

**Mr Moore:** The figures would be challenged - that is right - because you cannot show what the economic benefit will be.

**MR HUMPHRIES:** We will show that in the course of time, and when we do you will have to eat your words if that is the crux of your argument. But of course you will not say that because it is not. Closures are being opposed for political reasons.

**Mr Moore:** It has never been shown to work.

**MR HUMPHRIES:** They are being shown to work all over this country, Mr Moore. If you do not realise that, you are more of an economic troglodyte than I thought you were.

We know that decisions of this kind have to be made. We face the alternatives that were faced by the previous Government. We could have been cutting teacher numbers. We could have been increasing class sizes as our response to these problems. But we are not going to do that. We are going to maintain teacher numbers. We are not going to increase class sizes. We are going to sustain those things because they are important to education. That is what matters to education in this Territory, not the buildings from which education is conducted. The particular locations of schools is not a critical factor in the way in which education is provided. It is the quality of classroom teaching that really matters. That is what this Government wants to preserve and protect, and that is what we will protect by taking these steps.

If those opposite want to say that we should not close schools, it is up to them to spell out the alternatives, and they have utterly and completely failed to do so. They have not once entered in this debate a single argument as to what they would do if they were in the same position. The reason is very simple.

**Mr Berry:** You have not given us the reasons yet. Give us the reasons. Give us the figures, the hidden figures.

**MR HUMPHRIES:** Mr Berry is twitching over there. The reason is very simple: they cannot. They simply do not know what the arguments are. Even Mr Moore has put forward an alternative argument as to how we might make some money. At least he has some integrity. I give 9 out of 10 for integrity for Mr Moore.

**Mr Duby:** No, 6.

15 August 1990

**MR HUMPHRIES:** All right, 6 out of 10 for Mr Moore for integrity. He said that the ACT should borrow whatever it needs to provide the extra money. He gets 6 out of 10 for integrity, but only about 2 out of 10 for financial good sense. Borrowing today is borrowing from tomorrow.

**Mr Moore:** I certainly did not. That is not what I said at all. I have never said that at all.

**MR HUMPHRIES:** Mr Moore is changing his mind. In that case, he has not put forward any alternatives. They do not suggest in public that we should be closing schools.

**Mr Moore:** On a point of order, Mr Speaker: I think the imputation is quite clear that, if somebody suggests 6 out of 10 for integrity, there is no integrity; even 9 out of 10 for integrity is inappropriate. I ask him to withdraw it. I go for 10 out of 10 for integrity - nothing else.

**MR SPEAKER:** Order! You are able to make a personal explanation on that, if you wish, Mr Moore.

**Mr Moore:** No, Mr Speaker. I did it as an imputation of an improper motive, under standing order 55.

**MR SPEAKER:** I have overruled it, Mr Moore. Please proceed, Mr Humphries.

**MR HUMPHRIES:** You want to take up my speaking time, do you not? I seek an extension of time.

Leave not granted.

**Mr Moore:** On a point of order, Mr Speaker: under standing order 70, I move:

That the question be now put.

**Dr Kinloch:** Mr Speaker, I well understand that such a motion must be put, but I really would like to have a chance to speak, and Mr Moore is gagging me.

**MR SPEAKER:** Order, Dr Kinloch! You cannot bring in debate when the question is to be put.

Question resolved in the negative.

**MR HUMPHRIES:** Mr Speaker, I seek - - -

**Mr Moore:** You were not given leave. No.

**MR HUMPHRIES:** Then I will move:

That so much of standing and temporary orders be suspended as would prevent me having an extension of time of -

whatever it is -

seven and a half minutes.

**MR SPEAKER:** Order! The Assembly will come to order. Mr Humphries is quite entitled to move that he be given an extension of time.

**MR HUMPHRIES:** Of three minutes, Mr Speaker.

**MR SPEAKER:** The question is that Mr Humphries be given an extension of time.

Question resolved in the affirmative.

**MR HUMPHRIES:** Mr Speaker, I think it is worth reflecting on the sorts of implications that would flow on to the education budget if it were not possible to achieve these savings of between \$2m and \$3m a year by closing schools. I think it is worth tabling in the Assembly a rough idea of what we would be looking at if we were to find ourselves having to make those cuts elsewhere. I think it is fair enough to attribute those cuts equally to all the programs in the education department to see what kinds of implications they would have. I want to refer to some of those figures.

To make a saving of \$3m in a full year, for example, we would be looking at cutting about \$1.04m out of primary schools, about \$800,000 out of high schools and about \$483,000 out of secondary colleges.

**Mr Moore:** Why? You can do it in a different way. You do not have to do it that way.

**MR HUMPHRIES:** Because, Mr Moore, the alternatives are not there.

**Mr Moore:** The alternatives are there. I told you what they are, but you did not take any notice.

**MR HUMPHRIES:** You tell me when you speak in this debate what the alternatives are. That equates in teaching numbers to something like 15 secondary college teachers, 25 high school teachers, 33 primary school teachers and a number of other positions elsewhere - a total of 93 teachers across the system. That is the alternative to making a saving of \$3m.

**Ms Follett:** Table the document.

**MR HUMPHRIES:** I intend to table the document. Those are the alternatives. I challenge those opposite to spell out the alternatives. What are they going to do? I know what their answer would be. It would be, "Oh, we would not cut education at all. We would find savings elsewhere". If you ask them where they are going to make the savings they cannot tell you.

15 August 1990

**Mr Wood:** Look at our budget last year.

**Mr Moore:** Have a look at the roads around the place.

**MR HUMPHRIES:** You did not make enough saving there to sustain this problem, Mr Wood.

**Mr Duby:** We are spending less this year than we did last year.

**MR HUMPHRIES:** That is right. So where does the solution come? It has not been shown. The alternatives are not there. I table the following paper:

Schools program - Table of budget estimates for Government Schooling.

I think, Mr Speaker, it is obvious that those opposite will continue to play to their audience that wants to hear them say that we do not need to close schools, but they know in their heart of hearts that the alternatives just are not there and that this Government is taking a sensible economic decision in line with previous governments in this Territory and governments elsewhere in this country. Until they show otherwise, I think that the onus should be on the Government to continue its program.

**MR STEVENSON (12.10):** Mr Speaker, the citizens of Canberra have the right and the great desire to have an inquiry held into school closures. It has been on the notice paper. I have implored all members of this Assembly to allow the matter to proceed, and it is unfortunate that we are nearly running out of time for that to happen. To allow some time for the matter to be debated, I move:

That the question be now put.

Question resolved in the negative.

**DR KINLOCH (12.11):** Mr Speaker, may I welcome you back. If the original motion on the green paper had been put up, I would have voted no. Why? Because the Bill had internal political and constitutional problems - the same ones that were debated in the Parliament of Tasmania. So I would not have been in favour of that. It has nothing to do with schools. It would have been about the internal nature of the Bill. Mr Wood's present motion, however, is much simpler and more direct. Bill, would you mind restating it quickly for me?

**Mr Wood:** That this Assembly asserts that no schools should close.

**DR KINLOCH:** There are obvious problems with such a sweeping motion that no schools should close. When? 2050, et cetera? But I do not wish to engage in rhetorical debate. I would like to accept the motion as given from

the heart rather than from the head. I would now like to address myself in general to the problem that faces us.

As I have pondered this matter now for many weeks and as I have been to many meetings and met many students and parents, I have gradually come to a series of conclusions. They are my conclusions; they are not conclusions in relation to which I have been pressured. Indeed, may I say that a weeping mother over the Vocaphone, although moving, is not helpful. A little girl saying over the Vocaphone, "Hector, you will make enemies", is not helpful. I have not found some of my friends, who have put to me that there are certain religious responsibilities, helpful.

I want to come to this matter, as we all should come to it, with very great concern for a whole range of agendas. I wish to say what some of those agendas are, and I honour them. I very much honour the Chief Minister's agenda - - -

**Mr Moore:** When did you sell your soul?

**DR KINLOCH:** Michael, look, do you want me to speak or not?

**Mr Collaery:** On a point of order, Mr Speaker: I ask that you name that thing next to the pillar.

**MR SPEAKER:** Order! Mr Collaery, please withdraw that.

**Mr Collaery:** I withdraw the word "thing". I ask that you name Mr Moore next to the pillar and strap him to it or something.

**MR SPEAKER:** Mr Moore, you are running on very thin ice. Dr Kinloch does not interject when you speak. Please give him the same response.

**Mr Moore:** I seem to remember that we had a debate on this matter for quite some time. We referred to the House of Representatives practice. It is normal practice for interjections within the debate in the Assembly, especially on such an emotional matter.

**MR SPEAKER:** Thank you, Mr Moore. Please proceed, Dr Kinloch.

**DR KINLOCH:** May I say that I have not mainly been affected by a range of phone calls, et cetera, nor am I affected one way or the other by Mr Moore's interjections. It is just that sometimes one feels the need to speak clearly and steadily, and perhaps after 35 years of academic life one has a bad habit of lecturing. Forgive me. So, in coming to this, I recognise, with honour, the Chief Minister's agenda of getting a balanced budget for this Territory and making sure that the finances of this Territory are in good order. I honour that. I also honour the views represented by Mr Humphries over some considerable time while he has tried to carry out that agenda in his portfolio. I assure you that in the very long, difficult and often tense

15 August 1990

discussions in the joint party room that has been made clear. We on this side of the house may have very great disagreements, but we have them in terms of issues, not personalities.

When I come to look at the nature of Canberra I see a very special city. Forgive me, but I put it in the same category as the question of the casino and pornographic videos. This city has a very special role in terms of the entire nation; it has a very special role as a model city. Those who have read Hugh Stretton's book on the nature of Australian cities will recognise the very special place that this is.

So I believe that the principles of neighbourhood schools and neighbourhood communities are intimately linked. The particular two criteria that I was most keen to establish, as the committee of five looked at all the submissions, were quality and social context. I recognise all the other criteria - the demographic problem, the economic problem and the problem of falling numbers - and I am sure that Mr Wood also recognises that there has to come a point at which, if you have zero students or five or 10 or 15 or 20, obviously a school cannot continue.

But I say that I am answering this matter from the heart, not the head. I want to say that what is critical for me came about in the debate over Weetangera. Much of this debate took place after we had made a decision in the joint party room. If there is to be any change in what we do it will have to be made in the joint party room as well, because there is a majority which is a government, which has a responsibility, and that Government must govern.

Let me come to the Weetangera example. I am using it only as an example. I am not either defending or attacking or commenting on or judging the school Weetangera or the community Weetangera, but let me give you the example. Weetangera has eight, nine or 10 reasons why it should not be closed, but the one which particularly affected me and which I believe has affected others on this side of the house as well as your side of the house, Mr Wood, in relation to your motion, is the interrelationship between community, neighbourhood and school.

I have no doubt at all that, in some other agenda of logicity, schools of 100 to 150 can produce some kinds of cost savings, although I also believe that there are great costs to be incurred when institutions and activities, which are in those schools, have to be moved. There are costs to be saved and costs to be incurred. But I am trying to come to all this now in saying what I am seeing as a group of residents rallying around Canberra in at least seven - you could say eight, nine, 10 or 11 - communities. I am not talking about just kilometreage or the numbers of students or the cost of the watering of the grounds and all that; all that has certainly been looked at. What they are saying, and what I am hearing, and what

I particularly noticed in the case of Weetangera, was a tremendously loving and caring community which was determined to save not merely a school but a community. In a way, I wish Mr Wood's motion were that no communities be closed.

I know that some of you will be distressed by me - I appreciate that - but in relation to this particular motion I am going to paraphrase for myself Mr Wood's motion and I am going to vote for myself on the notion that if you close schools you close communities. I am going to vote yes with Mr Wood's motion.

**Mr Collaery:** Mr Speaker, I move:

That the question be now put.

I now accede to the Opposition's wishes.

**Mr Wood:** I forgo my right of reply. I am prepared to do that.

Question resolved in the affirmative.

Question put:

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

The Assembly voted -

AYES, 8

Mr Berry  
Mr Connolly  
Ms Follett  
Mrs Grassby  
Dr Kinloch  
Mr Moore  
Mr Stevenson  
Mr Wood

NOES, 9

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

Question so resolved in the negative.

**MR SPEAKER:** The question now before the house is that the motion under standing order 170 be agreed to.

**MR WOOD (12.23):** I am still talking on that - I am not sure for how long, but I had the floor. I hope we will extend private members' time - I am sure the Government will agree - so that we can debate Mr Stevenson's motion because that should be debated - - -

**Mr Stevenson:** It could have been debated earlier.

**MR WOOD:** It would be better being debated here than being returned to the Social Policy Committee for debate there. I will use this occasion to make some comments on the

15 August 1990

debate that has ensued. I will take up the point that Mr Humphries made, that he could point to clear economic benefits of school closures. We are still to learn what those clear economic benefits will be. It is the point in relation to which we have been pressing him for some considerable time now, and it is the one that he keeps deferring because he is, as yet, unable to demonstrate those clear economic benefits.

The clear fact is that there are no significant savings to be made from school closures. There is no dispute about that. There was some conventional wisdom years ago that you saved money by closing schools. Indeed, that may be the case in the large States where there are a great number of very small schools in rural areas. Indeed, you can save money by consolidating those schools and using bus services.

**Mr Collaery:** On a point of order, Mr Speaker: this debate is to my motion that the Bill be withdrawn, because of its - - -

**MR SPEAKER:** Relevance? Thank you, Mr Collaery. Please remain relevant, Mr Wood.

**MR WOOD:** That is right, and I am trying to show you how relevant that Bill would be.

**Mr Collaery:** On a point of order, Mr Speaker: that is sophistry at its extreme.

**MR SPEAKER:** Thank you. Do not debate the - - -

**Mr Collaery:** It is irrelevant to discuss other than standing orders and the legal issues relating to the matter before you.

**MR SPEAKER:** Thank you, Mr Collaery. Please proceed to the point, Mr Wood.

**MR WOOD:** I suppose it is not surprising that we have a lawyer wanting to resort to the sophistry of legal arguments to constrain debate. But we wait for the day, and we hope to get it through the manner of this Bill, when we can debate in this house in full those clear economic benefits about which Mr Humphries so often talks but which he never demonstrates.

Since he asked the question, I refer him to a paper by Helen Szuty and Graeme Evans who detailed, in some considerable degree, the way to provide funds, or the way to make savings in other areas. I could suggest to Mr Jensen that we do not need a fifth ministry.

**MR SPEAKER:** Relevance.

**MR WOOD:** Yes, Mr Speaker. We could keep a school open for a full year with the cost that is incurred for each year



that there is an additional Minister. There is a vast range of areas in relation to which I could suggest to you we could save money, and indeed I have, rather than close schools.

I value Dr Kinloch's statement about the way he voted. I do not know the full ramifications of that. I will have to read it more carefully. It suggests to me that he may also be taking other action in support of the way he voted just a moment ago. Mr Speaker, this Bill ought to come up. I reject the view of the leader of the house that it has no relevance and the legalistic arguments on which he falls. I believe this matter should proceed, and I urge members to allow it to do so.

**MR KAINÉ** (Chief Minister) (12.27): Mr Speaker, I will be brief, unlike some who seem to be as longwinded as the time permits. This question is one of who represents the Government. We have an ineffective former government - - -

**Mr Berry:** On a point of order: that is not relevant, Mr Speaker - 62.

**MR KAINÉ:** If you listen, I will explain its relevance, but you do not want to hear it. You use up my time, as you always do.

**MR SPEAKER:** Order, Mr Berry! Chief Minister, please proceed.

**MR KAINÉ:** We had an ineffective former government that is now an ineffective opposition, and it seeks to curtail what the Government may do.

**Mr Berry:** On a point of order: it is all right for him to stand there having a shot at the Opposition, but he is supposed to be debating the question that is before the house, Mr Speaker.

**MR KAINÉ:** I am, Mr Speaker.

**MR SPEAKER:** Thank you. Please proceed to the point, Chief Minister.

**MR KAINÉ:** The Opposition, with this kind of motion, seeks to curtail what the Government may do.

**Mr Berry:** Yes, stop you shutting schools.

**MR KAINÉ:** Mr Berry put it quite well in the earlier debate, Mr Speaker.

**Mr Berry:** We want to stop you from shutting schools.

**MR KAINÉ:** Mr Speaker, may I be protected from the constant interjections of this lunatic.

15 August 1990

**MR SPEAKER:** Order! Chief Minister, please withdraw the last comment.

**MR KAINE:** I withdraw the comment. But you can understand why I get a bit testy; he constantly talks over me.

**MR SPEAKER:** Order, Chief Minister! Please do not talk over me.

**Mr Wood:** Well said.

**MR SPEAKER:** Order, Mr Wood!

Debate interrupted.

### **DISTINGUISHED VISITOR**

**MR SPEAKER:** I wish to inform members of the presence in the gallery of the Honourable Mr Clive Griffiths, MLC, President of the Legislative Council of Western Australia and regional representative of the Australasian and Pacific Region of the Commonwealth Parliamentary Association. Sir, on behalf of all members, I bid you a warm welcome.

### **SCHOOLS AUTHORITY (AMENDMENT) BILL 1990**

Debate resumed.

**MR KAINE:** Mr Speaker, Mr Berry earlier put it quite succinctly: the Opposition wants to make it unlawful for the Government to close a school or a hospital. In other words, Mr Speaker, it wants to make it unlawful for the Government to do what it must do to run this Territory properly. Why do you not put a motion on the books which would make it unlawful for us to change the scheduling of the ACTION buses?

**Mr Berry:** Mr Speaker, on a point of order: the point at issue, which led to the motion by Mr Collaery under standing order 170, was the cause and effect of standing order 200. Mr Kaine has got completely off the track in talking about - - -

**MR SPEAKER:** Thank you. Are you asking for a ruling on relevance?

**Mr Berry:** Yes, that is right.

**MR SPEAKER:** Thank you. Please get to your point, Chief Minister.

**MR KAINE:** The relevance, Mr Speaker, is based on the statements that Mr Berry made in the earlier debate, before we moved on to the other motion. He introduced the fact

that he wanted to make it unlawful for the Government to close a school or a hospital. He introduced it. How can he now say that it is irrelevant?

**MR SPEAKER:** Order, Chief Minister! As the time for private members' business has expired, debate is interrupted in accordance with standing order 77, as amended by temporary order. The member speaking has leave to continue his remarks when the debate is resumed.

**Sitting suspended from 12.30 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **School Closures**

**MS FOLLETT:** Mr Speaker, my question is to the Treasurer, Mr Kaine, and it relates to Mr Humphries' often repeated assertion that all the details on school closures will be contained in the budget. I ask you, Mr Kaine: will your budget papers provide full details on anticipated costs and savings arising from school closures, including such matters as bussing costs, refurbishment, transportables, traffic measures and so on?

**MR KAINE:** Mr Speaker, the budget will show the net effect of decisions by the Government, not only in education but in every other agency of the Government. There will be, as there always are, a number of amplifying accompanying statements which will include information about how the budgetary figure which has been allocated to the education department has been arrived at. If, in the final detail that appears there, the kind of information that the Opposition is seeking is not fully explained, it will be made available on request.

### **School Closures**

**MR MOORE:** Mr Speaker, my question is to the Minister for Education, Mr Gary Humphries. Minister, I understand that a child psychologist was asked to attend a principals' meeting being held today at 12.30 for the express purpose of instructing the principals concerning changes in behaviour they can expect from those children affected by school closures, and also how to cope with the emotional upheavals experienced by individuals and collective school communities as a result of these closures. Can you advise this Assembly why this action was deemed necessary?

**MR HUMPHRIES:** No, I cannot, Mr Speaker. I do not personally organise meetings between principals and people that they may care to meet. That is entirely a matter for them. If the member requires information about particular meetings that are conducted by the department of education

15 August 1990

I would be very happy to supply the information on notice, but the nature of meetings of officers in my department is not a matter that I organise at ministerial level.

**MR MOORE:** I have a supplementary question, Mr Speaker. Minister, clearly the thrust of the question was to do with the need for a child psychologist to advise principals and to talk about the emotional upheavals experienced by individuals and so forth. Does this not verify that there will be significant emotional upheavals for individuals and communities? To what extent has this been taken into account in your school closure system?

**MR HUMPHRIES:** It is quite obvious that there will be some emotional upheavals involved in closing schools. The experience of closing five schools at the end of 1988 showed that there are such upheavals and that there are psychological needs to address at that time. Certainly, in the case of these closures it will be necessary for us to consider the special provision of counsellors to assist in overcoming these problems. However, they were overcome in 1988 and on previous occasions and I am confident we can overcome them again with a suitable allocation of resources. Those resources will be allocated and have been calculated into the costs of providing for new school shaping arrangements.

### **Public Hospital Redevelopment**

**MRS NOLAN:** Mr Speaker, my question is also to Mr Humphries but this time in his capacity as Minister for Health. What progress has been made on the redevelopment of the public hospital system since the Minister's announcement of the Government's decision in March?

**MR HUMPHRIES:** I thank Mrs Nolan for her question and I am pleased to say that there has been considerable progress since the Government announced its reshaping of the hospital system.

**Mr Berry:** How many beds have closed at Royal Canberra?

**MR HUMPHRIES:** We have closed no beds at Royal Canberra, Mr Berry. The project director has been appointed since the last time this place met. Richard Glenn and Associates are now operating in a full-time capacity and planning for the entire project is well under way. Already many of the 50 or more working parties which have been established to assist every element of the planning process have been meeting on a regular basis and the planning and cooperation that has been forthcoming is very pleasing. Building contractors are on site at the Woden Valley Hospital undertaking the first package of works in what will be an ongoing program of upgrading and refurbishment over the next five or six years.

The program and timetable for the transfer of Royal Canberra Hospital to the Woden site is now close to finalisation, following extensive consultation with the medical profession and other key players. This program will ensure that an adequate level of high quality service is maintained throughout the period of consolidation which will take us through until around the end of next year. A high level of consultation has been set up to manage staffing issues encountered with the program and I am very grateful for the willing participation of those involved in that process, including the involvement of trade unions. Negotiations are nearly complete for Calvary Hospital to have Public Service Act employment introduced into it. I am confident that we will achieve a single stream of Public Service Act employment in all public hospitals in the Territory as a result of these negotiations.

I am, as I have indicated, delighted with the progress so far. I think that people are starting to realise that this is a huge and exciting project for Canberra and I am confident that in the very near future we will see a certain infectiousness with that enthusiasm spreading throughout the health system in the ACT.

### **School Closures**

**MR WOOD:** I direct a question to the Chief Minister, Mr Kaine. As I do so, I am aware of some turmoil earlier today and I ask the question with some sensitivity. Is the Chief Minister concerned that a member of his Government who moved the motion for school closures has today crossed the floor to vote with the Opposition against those closures? Would the Chief Minister explain what Dr Kinloch's position in the Government is now? Does he remain an Executive Deputy?

**MR KAINE:** I think that Mr Wood is well aware of the kind of pressure that has been applied to Dr Kinloch over a very long period of time - a pressure which I believe has been quite unnecessary. There seems to be some belief that Dr Kinloch is the weak link in the chain and that he can be chipped away from the Government. I think that the intense pressure that has been on Dr Kinloch over the last few days is quite appalling.

This morning, in the light of his own convictions and the enormous pressure that has been put on him, Dr Kinloch voted according to his conscience. He voted inconsistently with the other members of this Government. This is a matter for me to take up with Dr Kinloch, which I will do privately. If he and I cannot resolve the issue, I will take it up in the joint party room. I think it is unreasonable on the part of the Opposition to attempt to make some political gain or some cheap political point out of - - -

15 August 1990

**Members** interjected.

**MR SPEAKER:** Order!

**MR KAINÉ:** I would say I very much respect Dr Kinloch's right to make the decision that he did. It does put him, to some degree, in a position of conflict with the members of the Government. But, as I say, that is a matter I will discuss with him when I have had the opportunity to do so. If necessary we will take that debate up further in the joint party room.

**MR WOOD:** I have a supplementary question. I would point out that we would not agree that some people regard Dr Kinloch as a weak link - the words you used. I think the community would tend to think there is a strong link there. However, in view of this very substantial expression of no confidence, what are you now doing to review your school closures program?

**MR SPEAKER:** Order! That is not a supplementary question.

**Mr Wood:** Of course it is a supplementary question.

**MR SPEAKER:** It is not a question on the answer given, Mr Wood. The answer given was nothing to do with what you just asked.

#### **Costs of Ministers**

**MR STEVENSON:** My question is to the Chief Minister and it is: how much will the taxpayers of Canberra have to pay if a fifth ministry is created? If the Chief Minister is unable to answer that question, would he be kind enough to explain how much each current Minister costs, including such things as a Ford Fairlane, extra personal staff and other relevant costs?

**MR KAINÉ:** As to the first part of the question, Mr Speaker, the additional cost to the taxpayer, if any, of creating an additional ministry is a question yet to be resolved because there is a long path to be followed before any such question becomes other than a hypothetical one. Let us be quite clear; there was an accord agreement entered into and signed by members of the Alliance Government that action would be taken to amend the legislation to allow the Chief Minister to appoint more than three Ministers. That was there because we observed the performance of the Labor Government with only four Ministers and we recognised the stresses and the pressures that were placed on the four Ministers of that Government. We were not prepared to allow that provision of the - - -

**Mr Stevenson:** On a point of order, Mr Speaker: just on relevance - my question is purely and simply to do with costs - - -

**MR SPEAKER:** Order! Relevance, Chief Minister; I would see that that was - - -

**MR KAINÉ:** I have indicated already, Mr Speaker, that the question is an hypothetical question and I can only answer it hypothetically.

**Members** interjected.

**MR SPEAKER:** Order!

**MR KAINÉ:** If I can proceed, Mr Speaker: it is the intention of the Alliance Government to provide the Chief Minister, not only the present one but future Chief Ministers, with the ability to appoint more than three Ministers if a Chief Minister determines that is required and is necessary. Having said that, there is a long way between amending what I believe to be constrictive legislation to provide the opportunity - - -

**Mr Stevenson:** On a point of order, Mr Speaker; I really did only ask about costs. I really do not wish to know whether or not one will be appointed - - -

**MR SPEAKER:** You are debating the issue, Mr Stevenson. I take your point.

**MR KAINÉ:** Mr Stevenson does not want to know whether it might be necessary to have another Minister; he only wants to talk about costs.

**Mr Stevenson:** That is exactly the question. If I had another question I would ask it, Chief Minister.

**MR SPEAKER:** Order!

**MR KAINÉ:** This is not a court of law, Mr Stevenson, and we are not obliged to say "yes" or "no" to your questions. I am trying to - - -

**Mr Stevenson:** I did not want "yes" or "no". All I wanted was money.

**MR SPEAKER:** Order! Mr Stevenson, address your remarks through the Chair, please. Chief Minister, please make your reply brief.

**MR KAINÉ:** I am attempting to do that, Mr Speaker. I could say there is not going to be any cost but that would not be sufficiently accurate because then I would be quoted out of context by somebody. The fact is that, if and when a Chief Minister appoints an additional Minister or more, the conditions under which they are appointed will be determined by that Chief Minister. It may well be that Ministers can be appointed in such a fashion that the workload currently carried by four Ministers is spread. That would entail no additional cost to the taxpayer.

15 August 1990

There is no presumption that because I may or may not at some future time appoint another Minister, or even two, that will be done in such a way that it will cost the taxpayer more money. This is a hypothetical question and it is very difficult to answer, but there is a high probability there will be no additional cost to the taxpayer at all.

**MR STEVENSON:** I have a supplementary question.

**MR SPEAKER:** Mr Stevenson, is this a supplementary question?

**MR STEVENSON:** I will have to call it a supplementary. The question was that, if unable to answer the question regarding the fifth Minister, would the Chief Minister indicate how much a current Minister costs, including such things as a Ford Fairlane, extra personal staff and other relevant charges?

**MR SPEAKER:** Thank you, Mr Stevenson; your point is valid.

**MR KAINE:** Since I did answer the first question, I do not feel obliged to attempt to answer the second part of it.

### **Winchester Inquest**

**MR JENSEN:** Mr Speaker, my question is to the Attorney-General, if I can be heard over the noises from opposite. I refer the Deputy Chief Minister to an article in the Canberra Times of 14 August 1990 which quotes a member of the Federal Attorney-General's staff as having said that the ACT Government had sought extra funding for the Winchester report. Would the Attorney care to comment on that article?

**MR COLLAERY:** I thank Mr Jensen for the question. It is always amazing that issues of prime public importance have to be raised on this side of the house because the other side only use question time for their vulture-like questioning. They are not interested in the real issues before society.

**Members interjected.**

**MR COLLAERY:** Mr Speaker, it is their question time they are spending.

Mr Speaker, on the advice of my office, the comments attributed to Mr Duffy's office in the Canberra Times article are incorrect in that they suggest that the ACT Government requested additional funds. To the best of my knowledge and inquiries no request was made. So far as we know the issue of costs was being pursued by the Commonwealth prior to the Magistrates Court becoming a territorial responsibility on 1 July last.



I want to stress, Mr Speaker, that we are not talking about additional funding. The fact is that the Commonwealth has not made any funding available to enable the court to meet the expenses arising out of the Winchester inquest, either in the 1989-90, deferred, or the 1990-91 financial years. As members would well appreciate, the inquest is very expensive. It is a searching and detailed inquiry, reflecting the national status and position of the late Mr Winchester. There has been recognition by the Commonwealth that the inquest is providing a valuable service to the Commonwealth. The alternative for the Commonwealth may well have been a royal commission, costing in the order of \$24m. In this context I do not see how the Commonwealth could expect the Magistrates Court, for which we are now responsible since 1 July, to absorb this cost.

The proposal for an additional \$200,000 was put forward, I believe, in the Commonwealth budgetary context, presumably taking into account the Magistrates Court's lack of financial capacity to carry out such an important national inquiry. The Chief Magistrate informs me that there was a clear expectation that funding would be provided by the Commonwealth, and that this was supported by Mr Duffy and his department. I was, therefore, very disappointed to have received recently a letter from Mr Duffy - out of the blue - saying that the proposal that I knew nothing about had not been approved for extra finance. His stated reason was having regard to - and I ask members to dwell on this - competing priorities and the necessity for expenditure restraint in the current fiscal climate.

I have responded to the Federal Attorney-General, expressing my disappointment to receive that letter and I have indicated to him the views of this Government, which have been transmitted to me by my colleague, the Treasurer. I have also indicated to him that I am gratified to hear media reports, at least, saying that the Commonwealth has not definitely decided to refuse funding. I have sought clarification from the Federal Attorney-General concerning this issue, and asking for reconsideration. In view of the fact that the Attorney's office saw fit to make public comment on the matter, I present the following papers:

Winchester Inquest - Copies of letters between Mr M. Duffy, MP, Commonwealth Attorney-General and Mr B. Collaery, MLA, Attorney-General on the provision of Commonwealth funds, dated 1 and 14 August 1990.

### **Weetangera Primary School**

**MRS GRASSBY:** I have a question for the Minister for Education again. We might get an answer. Is the Minister reviewing his decision to close Weetangera Primary School? How is this review being conducted, and when will he announce the results?

15 August 1990

**MR HUMPHRIES:** I thank Mrs Grassby for her question. A formal review is not, at this stage, being conducted. The Government has agreed to reconsider the evidence on which it made its decision with respect to Weetangera school. If that points to a significant element of doubt on the part of the Government as to any aspect of the decision that it made, then there will be a proper review of the decision.

Since that situation has not yet arisen, I cannot say what form that will take. It certainly will not be the sort of public inquiry that some of the people associated with the Save Our Schools organisation have been requesting. It is essential that whatever decisions are made about schools be made quickly so that schools can understand what their future is and not live in a period of uncertainty and doubt. I will announce the result of that reconsideration as soon as the information has been digested and received.

### **School Closures**

**MR CONNOLLY:** My question is also directed to Mr Humphries, as Minister for Education. Mr Humphries, is it true that at that decisive meeting of the Alliance Government, a motion, moved by Dr Kinloch, called for the closure of precisely six schools? Is it true that subsequently you, or the Executive, added the closure of one more primary school, Holder High School, and one unidentified high school in Belconnen?

**MR HUMPHRIES:** I preface my answer to the question by saying that it is none of Mr Connolly's business what events occur inside the Government's joint party room; it is the Government's business - - -

**Members** interjected.

**MR HUMPHRIES:** Mr Speaker, I would not come to this place if I was in opposition and ask for minutes of the caucus meeting of the Labor Party in government. Its members would not even take five seconds to tell me to go jump in the lake and I have every intention of giving them the same answer. Also, the information that has been suggested, in fact, happens to be untrue.

### **Cancer Patient**

**MR STEFANIAK:** My question is to the Minister for Health. I refer to today's paper: can the Minister advise the Assembly what assistance is being given to Mrs Joy Windish, a young woman who is terminally ill with cancer?

**MR HUMPHRIES:** I thank Mr Stefaniak for his question. I think members would have seen the item in today's paper

concerning Mrs Windish and her problems as a person dying from cancer. Mrs Windish was a patient at the Woden Valley Hospital until about June this year, when she discharged herself to return to her home. I understand that at home Mrs Windish has been receiving community nursing.

**Mr Berry:** Why are you doing this?

**MR HUMPHRIES:** I am sorry that Mr Berry is not interested in the plight of this poor woman.

**Mr Berry:** These sorts of things do not need to be discussed here.

**MR HUMPHRIES:** Whilst in hospital the department granted Mrs Windish a special dispensation providing free medication because of financial hardship. Since her discharge from hospital it has not been possible for the hospital to continue supplying Mrs Windish with free medication. The provision of free medication is a matter for the pharmaceutical benefits scheme which, of course, as members know, is administered by the Commonwealth Department of Social Security. On 4 August this year Mrs Windish was transported by ambulance from her home to accident and emergency at Woden Valley Hospital. Although she had a prescription from her medical practitioner, it was necessary for her to personally present to the hospital for accident and emergency staff to administer the medication which she urgently required.

I have asked the department to consider the question of whether Mrs Windish can be provided with the drugs available to her for free in hospital while she is at home. Since the alternative is that Mrs Windish would have to come back into hospital and have the same drugs administered to her in hospital at total government expense, it would seem obvious that unless there are other problems she should be provided with those drugs in her own home.

**Mr Berry:** How long have you known about this?

**MR HUMPHRIES:** This matter came to my attention today.

#### **Acton Peninsula Site**

**MR BERRY:** My question is directed to the Minister for Health, Mr Humphries. On Monday on ABC radio Mr Humphries said that he stood by his ministerial statement made in March that the Queen Elizabeth II Coronation Home and convalescent beds would be put on the Royal Canberra Hospital site. In this Assembly on 27 March 1990, Mr Humphries said:

... the Government has decided to provide convalescent beds as proposed in the Social Policy

15 August 1990

Committee report on the Ageing. This facility will be provided on the Acton Peninsula site ...

Last Friday on ABC radio the Chief Minister said, when asked a question on convalescent beds at the Royal Canberra Hospital:

I think that was put forward as a proposal rather than a specific plan. There may be another place more appropriate than the Royal Canberra Hospital site ...

This was according to Mr Kaine. Last Friday, 8 August, I received a response from Mr Humphries to a question on notice in which he stated - - -

**MR SPEAKER:** Mr Berry, you will get to your question; I hope?

**MR BERRY:** He stated - - -

**Members** interjected.

**MR BERRY:** In this response he stated that the hospice, birthing centre and proposed convalescent facilities would be located at one of the two hospital sites, Woden Valley or Calvary. Which of these statements is correct, the one made on 27 March or the one made on 8 August?

**MR HUMPHRIES:** Could you repeat that question? I think I missed it.

**Mr Berry:** Good one, Gary. You know what the question is. Would you like a copy of it?

**MR HUMPHRIES:** I will try to remember what it was. It is obvious to anybody that some of the plans the Government has laid down have not met with an entirely smooth passage. The reason, I have to say, is not through any fault of our own but through the intervention - - -

**Mr Berry:** Of course not, it would be somebody else's trouble.

**MR HUMPHRIES:** I am afraid it is, Mr Berry.

**Mr Berry:** Of course.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** I am afraid it is, Mr Berry. The reality is that the National Capital Planning Authority has intervened in the process that the Government initiated some months ago. I would like to be able to say that everything we decide as a government will be implemented - - -

**Mr Berry:** On a point of order, Mr Speaker: I just asked him which of the two statements is correct. That is all I require an answer on.

**MR SPEAKER:** Thank you, Mr Berry, for your observation.

**MR HUMPHRIES:** The National Capital Planning Authority has become involved recently as a result of its own initiative. It has indicated it wishes to consider the uses to which the Acton Peninsula site might be put. This was not an initiative that came from this Government; it was an initiative that was taken by the NCPA. I believe that it is appropriate to consider what that inquiry on the part of the NCPA reveals. However, I can say that at this stage the Government intends to proceed with its plans until it is obvious that they are no longer appropriate. At this stage it appears to be appropriate to proceed with those plans. This is what we intend to do.

**Mr Berry:** Which ones?

**MR HUMPHRIES:** The plans have been well outlined already. I think Mr Berry is under no - - -

**Mr Berry:** Royal Canberra Hospital site or Woden Valley or Calvary?

**MR HUMPHRIES:** If I could be allowed to answer the question, Mr Speaker; it is pretty obvious that the plans have been well fleshed out and well placed on the table. The Government's intention at this stage is to place those facilities on the Acton Peninsula site. Somewhere in the meandering question we had from Mr Berry there was some suggestion that the birthing centres and hospices might be on that site. Mr Berry is obviously not very good at reading.

**Mr Berry:** I did not ask that question.

**MR HUMPHRIES:** You mentioned them. Mr Berry is not very good at reading because obviously he would realise that those things were never intended to be on the Royal Canberra site. They are appropriately attached to an operating hospital and therefore should not be at the Royal Canberra site.

However, as I have said, the Government will proceed with these plans despite the fact that some uncertainty hangs over the question of whether they would be appropriately located there, given the NCPA's intrusion into this process. We will be awaiting the outcome of the inquiry.

### **Methadone Program**

**MRS NOLAN:** Again, my question is to Mr Humphries and again it is in his capacity as Minister for Health. What is the Minister doing to increase the availability of methadone treatment in the ACT and so decrease the spread of AIDS in the intravenous drug users community?

15 August 1990

**MR HUMPHRIES:** I thank Mrs Nolan for the question. I know that her interest in this matter is very much tied up with her work on the committee inquiring into AIDS, drugs and prostitution. There are currently some 83 places on the ACT methadone program. The program is vigorously controlled and involves a relatively high degree of intervention. It is one of the most effective programs in Australia, I believe, although I will be waiting with some interest to see whether that is also the view of the committee that Mr Moore chairs.

The ACT Government acknowledges that there is a need to expand methadone places, particularly in light of the harm minimisation role in methadone. Officers of the community health services are currently examining the various options for increasing the availability of methadone, including establishing a private sector program. Decisions as to the most appropriate methods for expansion will be made after the costs and benefits of the various options have been considered. I recognise the value of methadone programs in reducing the spread of HIV amongst intravenous drug users who use heroin. However, methadone programs cannot minimise the risk of HIV infection amongst intravenous drug users who use drugs other than heroin. Consequently, officers of the department are actively involved in the development of policies and strategies which will address the spread of HIV infection across the whole range of drugs used by intravenous users.

### **School Closures**

**MS FOLLETT:** My question is to the Minister for Education. Mr Humphries, will you give a guarantee that those schools which are to be administratively linked in 1991 under your proposals will not be closed?

**Mr Kaine:** What do you mean - to 1999 or 2000?

**MR SPEAKER:** Order!

**Ms Follett:** While you are still in government, obviously.

**MR HUMPHRIES:** Ms Follett has qualified her question in a most profound way after sitting down. Given the nature of that qualification, obviously I can provide a guarantee in this case. The Government has considered and has outlined its plans in respect of those schools. It is not our intention to close any more schools than those that have been announced. I will say that we are very much prepared to work with the community in this regard. I have indicated very clearly that in particular, in the case of the twinning proposals for schools, there will be certain pressures placed on schools that are twins to achieve a certain level of savings. Those schools will have to assess how fruitful they find that arrangement. If they do

not wish to continue that arrangement they will have to consider what their future might be. However, it is not the intention of the Government to force any schools to close for the duration of this Assembly, beyond those that have been announced.

### **Costs of Ministers**

**MR STEVENSON:** Mr Speaker, my question is to the Chief Minister. Would the Chief Minister be good enough to inform the house of the cost of each of the Alliance Ministers, including such things as Ford Fairlanes, personal staff and other relevant costings?

**MR KAINE:** Mr Speaker, the amount that it is costing to maintain the Executive in this current budgetary year would be less than it cost for the same services under the previous Government because I have imposed an arbitrary reduction of costs, the same as I have in other sectors of government activity. Offhand, I do not carry that kind of information around in my head, but I can make it available to you and I will undertake to do so.

### **Building Industry Inquiry**

**MR MOORE:** Mr Speaker, my question is directed to the Attorney-General, Mr Collaery. I refer the Attorney-General to an article in the Canberra Times on 12 August by Chris Uhlmann, entitled "Legal issues only bar to ACT joining building inquiry". I quote from a paragraph in that article. It states:

The ACT Government Law Office has investigated two options for extending the Royal commission and neither presents insurmountable legal obstacles.

Can the Attorney-General confirm that this is a true reflection of the situation? If it is, can the Attorney-General assure this Assembly that the Alliance Government is attempting to overcome the legal obstacles associated with it in order to investigate corruption in the unions in the ACT?

**MR COLLAERY:** I can give that assurance to Mr Moore. The Law Office has given me an options paper. On the basis of that options paper and a further opinion from the Government Solicitor I went to speak to the Royal Commissioner in New South Wales, Roger Gyles QC, last Friday. I also took the opportunity to speak to the New South Wales Attorney-General. The Attorney and I resolved on the fact that our Enquiry Act 1938 is obsolete and that amendments may well be required to that Act to give the Royal Commissioner, were he to be appointed - and I stress that because the Cabinet has made no decision yet -

15 August 1990

requisite powers to come into the Territory so that his inquiries could be based on a comparable evidentiary standard and investigatory standard to the New South Wales inquiry.

I stress that the first step is, of course, to clarify our law to make it effective. The second step is then to ascertain the structure required of the Royal Commissioner. The Royal Commissioner has indicated to me that, were he to be given a dual commission, he would see a small administrative staff being established in the ACT and he would expect that the rest of his staff would come in for any possible inquiry. There would not be any large structure in the ACT because most of the functions of the royal commission would be based, as I understand it, in Sydney. I want to stress that the questions of costs and financial implications have yet to be discussed between my Law Office and the Chief Minister's Department and the Treasury. I also wish to state that in their meeting last Friday the Attorneys had absolutely no political discussions about this issue other than these legal ramifications.

This is not a union bashing exercise, as was suggested by Mr Connolly. This is a matter that the Law Office and I, as first law officer, as Mr Moore obviously appreciates, need to assess very carefully and prudently. The worst thing we could do would be to knee-jerk ourselves into an inquiry without adequate consultation with the industry, the unions and the community, and on that matter the responsibility for these consultations rests with the Chief Minister.

**MR KAINE:** I request that any further questions be placed on the notice paper.

**TREASURER'S ADVANCE  
Paper and Ministerial Statement**

**MR KAINE** (Chief Minister), by leave: I table the following paper:

Audit Act - Statement pursuant to subsection 47(4), together with a minute from Acting Assistant Under Treasurer, to Mr T. Kaine, MLA, Chief Minister, dated 3 May 1990 and Schedule of Advance.

In accordance with the provisions of the Audit Act I table an explanatory statement concerning an increase in the appropriation of the Treasurer's Advance for the year 1989-90. The Audit Act anticipates the possible need for the appropriation to the Treasurer's Advance to be increased to ensure the effective management of ACT programs during the course of any given budget year. The Act sets certain criteria which need to be met before any increase in



appropriation may be considered, and further requires that an explanatory statement addressing the criteria and the purposes for the additional appropriation be tabled in the Assembly within six sitting days of the increase in the appropriation to the advance. On 25 June 1990 the Executive was satisfied that sufficient moneys were available in the consolidated revenue fund to meet an additional appropriation of \$2,416,000 to the Treasurer's Advance.

Two significant issues led to the need to increase the appropriation. Firstly, due to an anomaly in the calculation of salary costs in the original ACT government schools funding base - and that, Mr Speaker, goes back to July last year and the consequent impact of the second tier wage agreement - additional funds were necessary to meet salary payments in the education program in the final weeks of the financial year just finished. Secondly, an increase of \$307,000 in specific purpose funding from the Commonwealth Department of Employment, Education and Training was received by the Government. The additional funding was not included in the annual appropriation to the department of education and an increase in the Treasurer's Advance was the most effective way of making these funds available. I table the following statement:

Treasurer's Advance - Ministerial statement, 15 August 1990.

**PLANNING AND LAND USE - PUBLIC CONSULTATION ON DRAFT LEGISLATION  
Ministerial Statement and Paper**

**MR KAINE** (Chief Minister), by leave: Mr Speaker, as members will recall, the five draft Bills in this integrated package of legislation were released progressively between February and June of this year with a period for public consultation extending until 5 July. I am delighted at the outcome of the public consultation process because some 50 submissions have been received from a range of interested groups and private individuals, with some groups and individuals providing more than one submission.

These submissions contain many thoughtful and detailed comments in relation to each of the draft Bills. They raise many significant issues and provide a valuable and constructive contribution to the further development of the legislation. It is clear from the comments that we have received that the public shares our view that this legislation will be amongst the most important to be considered by the Assembly in its early years. It is therefore vital for all the relevant issues to be fully aired before finalising the legislation.

15 August 1990

A common theme throughout the submissions we have received is that further time should be allowed for the public to consider the Government's proposals in view of their importance to all sectors of the community. In response to this widely expressed view I agree that a further opportunity should be provided for the community to comment on the Government's planning and land use legislation. Once we have completed our current consideration of the community's comments received so far we will redraft the legislation and release it for a further period of public examination before its formal introduction in the Assembly. At the same time we will release a report on the comments received so far and the extent to which it has been possible to accommodate those views in the revised legislation.

In keeping with that commitment to a bipartisan approach in a further development of the legislation, I particularly invite the Opposition to participate fully in this further period of consultation. In this context I note that Mr Connolly, the Opposition spokesman on planning, was recently reported in the Canberra Times as saying that it is important to get this legislation right, and I cannot agree more. Furthermore I welcome and support Mr Connolly's call for the legislation to be examined in a non-partisan spirit.

Mr Connolly has also suggested that the draft Bills should be referred to a select committee of the Assembly for examination. The Government agrees that in view of the complexity of the legislation it should be examined by an appropriate Assembly committee. In recognition of this, the Government has progressively referred each of the draft Bills to the two standing committees with responsibility for the areas covered by the legislation. They are the Planning, Development and Infrastructure Committee and the Conservation, Heritage and Environment Committee. These committees have also been provided with copies of all the submissions received so far by the Government in relation to the draft legislation. The provision of a further period for public consultation will allow these committees more time in which to examine the legislation. I will be inviting the committees to conclude their consideration of the draft Bills following the release of those Bills in a redrafted form.

Furthermore, I suggest that the two committees might hold joint sittings in relation to those parts of the legislation which are of common concern. I see this suggestion as making better use of Assembly resources than creating yet another committee specifically to examine the Bills. By adopting this approach the Government will, after the further period of public consultation, have the benefit of the views of both the community and the relevant Assembly committees in finalising this important legislation.

Mr Speaker, in concluding I emphasise that this additional period of public consultation is a very positive response by the Government to the desire throughout the community to allow for further open consideration of the draft Bills. By providing the maximum opportunity for public participation in developing this legislation I am quite confident that the Government can fulfil its aims and that it can create an efficient, effective and equitable planning system to which all Canberrans have had an opportunity to contribute.

I present the following paper:

Planning and land use - Public consultation on Government's draft legislation - Ministerial statement, 15 August 1990.

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

That the Assembly takes note of the paper.

### **POLICE SERVICES Ministerial Statement and Paper**

**MR COLLAERY** (Attorney-General), by leave: Mr Speaker, on 25 July 1990 the Minister for Justice and Consumer Affairs, Senator Michael Tate, and I signed an arrangement for the provision of police services in the ACT. As members would be aware, the arrangement is the product of extensive negotiations between the ACT and the Commonwealth, both at senior officer level and between Senator Tate and me.

**Ms Follett:** We got done.

**MR COLLAERY:** The Leader of the Opposition interjects and says, "We got duded".

**Ms Follett:** No, "done".

**MR COLLAERY:** Mr Speaker, I would like the record to show that a lot of those negotiations happened under her aegis. Anyway, this provides a sound basis for the ACT to work with the Commonwealth to ensure that the high standard of policing in the ACT is maintained and that the police continue to be responsive to the needs and concerns of the community.

Let me make it quite clear, Mr Speaker, that statutory responsibility for the Australian Federal Police and the provision of police services in the ACT remains with the Commonwealth. Subsection 23, paragraph (1) of the Australian Capital Territory (Self-Government) Act provides that the Legislative Assembly has no power to make laws with respect to the provision by the Australian Federal Police of police services in the ACT. Moreover, section 8 of the AFP Act 1979 stipulates that the AFP shall provide

15 August 1990

police services in relation to the ACT. Any change to this would require amendments to these Acts by the Federal Parliament. The Leader of the Opposition suggests we were being duded. Perhaps the dud started with the Acts.

I should add that day-to-day operational responsibility for the AFP rests with the AFP Commissioner. Nevertheless, the arrangement provides for the following: police services at a fixed resource level and in accordance with specific goals, objectives and priorities as set out in schedules to the arrangement; regular reviews of those schedules following consultation between the ACT and Commonwealth Minister; regular consultation between the ACT Minister and the Chief Police Officer of the ACT on priorities and resource allocations; the ACT Minister can request information and reports from the Chief Police Officer; consultation between the ACT Minister and the AFP Commissioner on the appointment of the Chief Police Officer; the transfer of assets to the ACT; revenue derived from police services to be credited to the ACT; and, finally, agreed financial principles as set out in schedule E to the arrangement, including financial accountability.

The goals and objectives to be pursued by the AFP are: to provide police services to make the ACT a safer, peaceful place in which to work, live and visit; and to provide a high quality responsive police service to the ACT community. The police services will include: protection of persons and property; crime prevention and detection, maintaining peace and good order; enforcement of ACT laws, development and maintenance of community participation in the provision of police services; and, being responsive to community needs in the provision of police services.

The Federal Government has advised that the total cost of police services in the ACT in 1990-91 will be approximately \$50m. This includes an amount of approximately \$4m for superannuation. The ACT Alliance Government awaits with interest verification of this calculation. It is three years since the Grants Commission last examined police resources in the ACT.

Mr Speaker, AFP resources deployed to ACT policing will be 660 personnel, together with the necessary infrastructure to support those personnel.

The assets to be transferred to the ACT include the four police stations, City, Woden, Belconnen and Tuggeranong, together with the city shopfront adjacent to Garema Place and the Sutton driver training facility. The financial principles provide for a review of the costings of police services and recognise that potential transitional funding may be required. This issue cannot be pursued further at this stage, but will be reviewed in the light of the Grants Commission findings.

As I said earlier, this arrangement provides the ACT with a sound basis for working with the Commonwealth to ensure

that the AFP meets its goals, objectives and priorities, and is responsive to the needs of the ACT community. The Alliance Government opted for this type of arrangement when it became clear that the alternative, namely the creation of an independent police force, was impractical and financially imprudent, pending the transition and the outcome of the report of the Grants Commission. For my part, as Minister responsible for the ACT policing policy, I now formally welcome the AFP to their revised community policing role. I trust that they will have the support of all members of the Assembly in their difficult and onerous task. I present the following papers:

Police Services - Arrangement between the Commonwealth of Australia and the Australian Capital Territory concerning the provision of services to the Australian Capital Territory - Arrangement, dated 25 June 1990.  
Ministerial statement, 15 August 1990.

I move:

That the Assembly takes note of the papers.

**MR MOORE** (3.19): Mr Speaker, I would like to take a few minutes to comment on this particular matter at this stage. I note that in the second last paragraph of the statement Mr Collaery stated that the Alliance Government opted for this type of arrangement when it became clear to it that the alternative, namely the creation of an independent police force, was impractical, and financially imprudent. At no stage, of course, did this paternalistic and patronising Government go to the community and ask its members their particular views on the matter. This negotiation was carried on behind closed doors with no reference to anybody else, in spite of a number of calls for it to be looked at by an Assembly committee at the very least. I think it is a disgrace that the Alliance Government has gone ahead and signed this particular document.

Let me start by saying that this in no way reflects on the police force, the Federal police force. It reflects on the incompetence of the Alliance Government in dealing with financial matters. Mr Collaery referred to the Grants Commission. For some reason he seems to expect that the \$26.858m that the Grants Commission found appropriate as the average spending on police will suddenly become \$48m, and that somehow or other the Grants Commission is going to bridge this particular gap in its next finding. Now, the chances of this happening are pretty slim, especially when this is exactly the same logic that the Government has used to cut education.

So, shortly we will see this same Government, which likes to say how responsible it is over policing and over accepting this, setting about looking at a \$15m to \$16m cut on the Australian Federal Police. What will be its

15 August 1990

members' attitude - though not for this year, because they have got an agreement with the Federal Government that holds for a year.

After that - and that year will come around very quickly - it will be their responsibility to make sure that they handle this particular situation in a financially responsible way. That is why we will start to see a \$15m or \$16m cut to the police force. What impact will this have on the police force? What this Government has failed to do is to explore the options; the same as it has failed to do with education. It has failed to use the community to explore the options as to what could be done with policing.

I remember when Colin Winchester came back from Canada and referred to the Canadian system where the Canadian Mounties actually have a contract system. To what extent was contracting a police force explored with the public? I am sure that at some stage or another Mr Collaery will enlighten us on that. But the point is that the notion of consultative and open government, on which Mr Collaery was elected along with Mr Jensen, was to give people a say in what is going on. The idea is to consult with them. In this particular instance there was absolutely no consultation at all. They did not even give the style of consultation they used in education, which was a totally inadequate style. "We will close the schools; you just tell us which ones". Here we have, "We are going to use this particular police force and this is the way we are going to do it". There is no consultation whatsoever, and yet that was what they were elected on.

What they are going to leave Canberra with is an incredible debt, and what we are going to have is an incredibly dissatisfied, disheartened police force, with a low morale. It will be the responsibility of the police officers who run it, and the Commissioner, to attempt to retain the morale while they accept massive cuts. This is what is being handed over to Canberra, with what is supposedly a financially responsible Government. What absolute nonsense!

When it is said to me that I have a poor attitude to the police force, that is absolute nonsense as well. The reality of the situation is that somebody has to point out the truth of the matter as to what is going on and what financial arrangements are made and why they are inadequate. In a year's time  
- - -

**Mr Humphries:** And that is, "Michael Moore, Independent".

**MR MOORE:** Thank you, Gary Humphries; that is "Michael Moore, Independent". Quite right. In a year's time - - -

**Mr Kaine:** Michael Moore - ex-member.

**MR MOORE:** That may well be the case, and it may well actually suit me.

**Mr DUBY:** Not as much as it suits us.

**MR MOORE:** One of the nicest comments I have heard today is Mr DUBY's recognition that I am doing my job as part of the Opposition - going up his nose. It will be my intention to continue to do so.

**Mr DUBY:** No, you are just a pain in the neck; that is what I meant. You are not doing your job; you are just a pain in the neck.

**MR MOORE:** Being a pain in the neck, as Mr DUBY describes it, I also accept as a compliment, because that is exactly what I am supposed to be as part of the Opposition.

The reality of the situation is that the Government has had the opportunity to do something different in Australia and worldwide; it has had the opportunity to do something very special in terms of our police force. It could have been worked out with the Federal police force; we did not have to go elsewhere. It could have been worked out, but instead the negotiators blew it and the system we have got is an absolute disaster. This is going to be shown over the next couple of years when it is time to start making cuts to the police force. We will watch the destruction of the police force as we know it because of these lousy arrangements.

**MR KAINE** (Chief Minister) (3.26): I do not want to say too much. I was interested in Mr Moore's exposition of things like, for example, what the Grants Commission will or will not do. One of these days I am going to have to invite Michael into my office and give him a bit of a rundown on what the Grants Commission does and how it does it. I must say that - - -

**Mr Moore:** That is all right; I will show you what it does and does not do.

**MR KAINE:** Mr Moore often comes to the Assembly with very reasoned and logical debates, but I think on this one he is a bit out of his depth. There are just two things that I wish to comment on. The first is his proposition that somehow or other we should enter into a contract with the Commonwealth for the provision of police services. That abrogates a Commonwealth Act because there is no question but that the Australian Federal Police Act 1979 states quite specifically at section 8 that the Australian Federal Police will provide police functions for the Australian Capital Territory. It is not within our power to go outside that Act. At some time in the future, with the good offices of Mr Moore, the Government may well seek to go to the Commonwealth and say that it would like that Act changed so that it can provide the police services in some other way but, for the time being, the Act is quite

15 August 1990

explicit. Neither the Commissioner of the Australian Federal Police nor the Attorney-General nor the Chief Minister of the Australian Capital Territory is able to set that Act aside, much in all as we might wish to do so. So, to suggest that we should develop some sort of contract that provides police services in some other way is to deny the existence of that Act.

The other point that I wanted to comment on was Mr Moore's statement about the Grants Commission bridging the gap. The Grants Commission does not bridge any gap. The Grants Commission makes an assessment of what is a reasonable national standard, given the performances of all of the States and Territories participating in the Commonwealth financial pool; and then it measures each State and Territory against that standard and says, "You are above standard in your expenditure" or "You are below standard in your expenditure" or, conversely, "You are above or below standard on the revenue side of the budget".

Back in 1986-87, the Commonwealth said that the ACT police services cost some figure above standard. Since then, of course, the standard itself will have changed because the performance of every State that contributes to that standard will have changed. Equally, the performance of the ACT police or the ACT division of the Commonwealth Police which we are now becoming responsible for will have changed. Once the Grants Commission has verified the performance of the ACT in terms of dollars spent to provide police services and it has balanced that against the standard, it merely makes a judgment and says you are over or below standard. If we can demonstrate some disabilities that other States do not have to contend with, the Grants Commission may make some financial contribution towards that disability, but it does not attempt to bridge the gap. If we are spending \$20m more than we should be, it will not give us the \$20m; that is not its purpose. But it will identify the fact that we are spending \$20m more than every other State on a relativity basis to provide our police services. So, it is not a question of the Commonwealth Grants Commission bridging the financial gap. It merely highlights where the ACT sits in relative terms against this six-State or seven-State or eight-State - whatever it is - average. Then we will enter into a debate about whether we will get any more money or whether we can prove that we have some disability. So, we need to have a clear understanding of what the Grants Commission does, how it does it and how it fits into the total financial formula. If Mr Moore does not understand that I would be happy to spend some time with him making sure that he does.

**MR MOORE:** Mr Speaker, as per standing order 46, I would like to make a personal explanation.

**Mr Kaine:** After the debate is over.

**MR SPEAKER:** You may make a personal explanation at any time. Please proceed, Mr Moore. You claim to have been misrepresented?



**MR MOORE:** I think that in his patronising, paternalistic tone, the Chief Minister has misrepresented what I said; but, apart from that, I would be delighted to accept his invitation at any stage to discuss as equals the Grants Commission in relation to the police force - as equals, Mr Kaine.

**MR CONNOLLY (3.31):** Mr Speaker, the Opposition was not going to respond to this today but I think it is appropriate, given that this has been put on record, that the Opposition's position on this is also put on record. When Mr Collaery announced the signature of this agreement with the Commonwealth, the Opposition promptly welcomed the signature and congratulated the Attorney on achieving this agreement.

We had earlier been critical of some comments of the Attorney-General which indicated that he might not enter into this contract with the Commonwealth this financial year. We were pleased that he did so. Our view is that the Commonwealth arrangement whereby this coming financial year's cost of the ACT police is fully met is satisfactory, but the challenge, as alluded to by Mr Collaery in his remarks, is to make sure that in future years the cost to be borne by the ACT is a fair cost. I am sure the Chief Minister would have no disagreement with that.

The Opposition's view has long been that, until we actually have day-to-day control of the police by virtue of an agreement of this nature, it will be impossible for us to get in there accurately and negotiate on a serious basis with the Commonwealth. We need to work out just where the line should be drawn between the cost of policing a town of 280,000 citizens and the special costs that are borne by the fact that this is the national capital and the Federal Government, therefore, has a responsibility. In his remarks the Attorney-General noted that the crucial test will be the next 12 months' funding, and we would agree with that. We would hope that as that process is approached, probably in the next six months, it may be an appropriate opportunity for an Assembly committee, perhaps, to look at these funding principles.

In general, we are pleased that the agreement is in place. The challenge, as we have said, is to ensure that the best deal is secured for the ACT, in short, to ensure that the maximum police effort is available on the streets for the minimum cost to the ACT taxpayer.

**MR STEFANIAK (3.33):** I am heartened to hear the words of Mr Connolly and the words of the Chief Minister and I endorse the words of the Attorney-General. A couple of things Mr Moore said did concern me. Firstly, this is a very sensible agreement and it is something that has been in the pipeline now for not just 12 months or so but considerably longer than that. Perhaps Mr Moore does not really appreciate the history of the ACT police force and

15 August 1990

what led to this. As the Chief Minister said and as Mr Connolly agreed and as the Attorney-General has said, cost is a very significant factor. The cost of setting up our own police force again from scratch would be many times greater than this arrangement. What this arrangement means is that the ACT is getting the Canberra component of the Australian Federal Police to continue policing the Territory on contract. Most of the officers have a detailed knowledge of Canberra. Many were born and bred here. So, we very much do have our own police force in that regard.

The AFP was formed after a fairly traumatic amalgamation between the old ACT police force and the Commonwealth police force back in October 1979. It probably took about five years to overcome the problems there. I was well aware of those problems because I started as a prosecutor about three months before the amalgamation. After about 1984-85 it had settled down well; the AFP had ironed out the bugs and the local component was very happy in its new role. When the Liberal Party looked at its law and order policy in 1988 it indulged in quite a lot of community consultation because part of its law and order policy was to support this very type of arrangement.

The vast majority of the men and women of the Australian Federal Police force are very keen to see an arrangement such as this because they realise the traumas and problems there were in the past initially with the AFP amalgamation. Now this has all been settled. This is the most sensible arrangement all round financially in terms of conditions of service and work by the members who have to police the Territory. Certainly, it is the most cost-effective and efficient arrangement for the citizens of the ACT so that our police can continue the very fine service they provide to our citizens.

**MR JENSEN (3.35):** Mr Speaker, I wish to make a couple of brief comments on some of the points made by Mr Moore. However, before I do that I would like to acknowledge the bipartisan manner in which the shadow Attorney-General, Mr Connolly, has welcomed the agreement that has been signed. I look forward to seeing it go into place in the future.

I note that Mr Moore made some comments about the lack of community consultation in relation to this issue of community policing. I am fully aware that prior to the departure of Mr Colin Winchester to Canada to look at this proposal over in Canada he made arrangements to speak to community groups about this very issue. It was unfortunate that his untimely death meant that an arrangement which had been made for Mr Winchester to talk to the community in the area in which I live was cut short. However, his replacement, Mr Colin Bates, who is the Chief Police Officer of the ACT, fulfilled that arrangement that had previously been made.

**Mr Moore:** Get the name right. You have not even got that right.

**MR JENSEN:** I am sorry, Brian Bates. I also understand that Mr Bates has made himself available to talk to a number of communities about it; in fact, as early as the first week of this month a similar public meeting was called to enable Mr Bates to address the community once again on this issue.

**Mr Moore:** Is this your new definition of "consultation"?

**MR JENSEN:** Consultation takes many forms, Mr Moore, and this is certainly one opportunity for the community to talk face to face with the Chief Police Officer in the ACT. I think this is to be supported, and I am sure that Mr Bates, going on his record and on his public statements, is quite prepared to continue to do this. I welcome this, and I am sure that the ACT community is very thankful for the attitude of the Chief Police Officer in the ACT.

Let me refer now, Mr Speaker, to some comments that Mr Moore made in relation to the Grants Commission. I presume that Mr Moore received the document from the Grants Commission in relation to the inquiry that is about to be undertaken in relation to the ACT finances. If he has not seen it, Mr Speaker, I would encourage him to have a look at it. That document clearly sets out the procedures and the processes by which the Grants Commission is proposing to undertake its review of the ACT finances. I presume Mr Moore got a copy of it, because I understand it was sent to all members. One must then wonder, Mr Speaker, what Mr Moore has been doing with his time - instead of coming up here in this place talking about the Grants Commission when he does not appear to understand the processes. I am sure that my colleague the Chief Minister will bring Mr Moore up to speed on this issue so that he can go away fully briefed.

Debate (on motion by **Mrs Nolan**) adjourned.

### **LEGISLATIVE PROCESS** **Discussion of Matter of Public Importance**

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

The passage of Bills through the Assembly in such short time as to limit or prevent fair and adequate:

1. consultation with affected groups and individuals;
2. time for such groups to liaise with their members, MLAs and MPs;

15 August 1990

3. consideration of the full effects of, and alternatives to, the proposed legislation;
4. balanced reporting by the media;
5. time for research, consideration and debate by MLAs;
6. time for assessment of the proposed legislation by the Scrutiny of Bills and Subordinate Legislation Committee;
7. time for the research, drafting and discussion of amendments;  
particularly considering the fact that there is no Upper House review in the ACT.

**MR STEVENSON (3.40):** Mr Speaker, Canberrans are vitally concerned about consultation on matters that concern them, or lack of it. (Quorum formed)

I think this matter was brought home very clearly on the fluoride issue. If you ask people in Canberra what they feel about the fluoride matter, whether or not they agree with fluoridation they will say that the matter was rushed through - the vast majority of people will say that. When they say "rushed through", they mean that the time from when the Bill was proposed until its final passage was too quick to allow for fair and open public consultation. That is their consideration. However, the truth was vastly different to public consideration as, far from being rushed through this Assembly, of the 15 Bills that had in the life of the Assembly up to that time been introduced or passed, it took the longest of them all in passage. It was the only Bill that took longer than a month; it took five weeks - although there were Bills passed in one and two days and a number of others in less than seven days.

So, notwithstanding the fact that the fluoride Bill was the longest of all the Bills in its passage, nevertheless we need to look at public perception here. That public perception was brought about basically by very unfair and misleading reporting in certain sections of the media. People want the time for full and open consultation. Nothing could be more obvious than in the current debate on schools issues.

There have been any number of Bills passed through this Assembly very rapidly indeed. What the public are concerned about is the concept of democracy. The Shorter Oxford English Dictionary defines it as:

Government by the people, or that form of government in which the sovereign power resides in the people and is exercised either directly by them or by officers elected by them ...

Indeed, we do not have a democracy. We should have a representative democracy, although that could well be debated. The whole idea is that people want full and open consultation. Bills being passed through this house in one, two, three, four, five, six, seven days, does not allow for that.

Yesterday there were four Bills approved by this house that were introduced last week, and it could be said of those particular Bills that there were no major matters of import. They were basically introducing the ACT powers transferred from the Federal Government. However, there were some important matters in those Bills and one of them was whether or not matters should be determined by the Assembly or by Ministers. Under two of the Bills there was an allowance that fees could be set by the Minister, and I know that increasingly there are people who are concerned that this happens. They feel all matters should be debated before the Assembly, or all matters of regulations and so on should be debated before the Assembly or included in Bills.

So, what do we have in Canberra? We have a situation where people are greatly concerned about lack of consultation. We have a situation where many people, if you ask them - and I have done it again and again - simply do not know that some Bills that have been passed through this Assembly have ever been introduced, let alone what their content is. They simply do not know they exist. This is not only people who are not concerned personally with them, this is also those people that are concerned. This is why point 1 of my MPI talks about allowing the time for fair and adequate consultation with affected groups and individuals. Fair and adequate consultation is not a few days. People need time to find out about the matter, to have it reported in the media and then to discuss it within their own groups. One could not necessarily expect them to call emergency meetings and get everybody along. These things would normally be brought up the next time they got together.

Point 2 goes on to say, "time for such groups to liaise with their members, members of the Legislative Assembly and members of Parliament". Indeed, if local constituents do not feel that a matter is being correctly attended to by MLAs in this Assembly, they have the right to go along and speak to their Federal members. If someone happens to be away for a few days, should they be denied that right? I think we need to put far more emphasis on consultation with people in Canberra. It is not mainly what we talk about; it is the laws which are passed that have major effects. We can discuss matters of public importance, move motions and various other things, but finally the laws are made by Bills enacted in this parliament. It is those Bills which should be given time for adequate and fair discussion by all concerned.

My point 3 talks about the consideration of the full effects and alternatives to the proposed legislation. The fact that legislation is proposed in this house does not necessarily mean that there are not other possibilities. Once again, I think the schools issue could well apply. What we need to do is to have open consultation to allow members in this Assembly time to get out to groups and individuals within the community to discuss with them the

15 August 1990

import of matters in legislation or in proposed legislation. They could then take it along to their members, discuss it and possibly have time to make submissions. They could meet with their members and do something effective about it.

We also need time for the media. I see there is nobody here at the moment to report on this matter of public importance so the public can find out what has happened, a common occurrence once questions without notice are done. I think we well understand that once you get towards 4 o'clock in this house we could actually declare world war III in the ACT and unless someone took it out to the media there would be no likelihood whatsoever that it would be reported unless it was brought up the next day - if at all. There actually needs to be - - -

**Mr Jensen:** They are listening, Dennis. They are probably in their rooms listening.

**MR STEVENSON:** Yes, we know. Let someone come down here and say, "I was listening" then, if that is the case. They can show me the point. Nobody leave this room.

There needs to be a way for Canberrans to find out about every single item of proposed legislation that passes through this Assembly. At the moment there is no effective way for this to happen.

**Mr Jensen:** The Canberra Times should do that.

**MR STEVENSON:** Once again, if we leave it up to the media to do it, unfortunately it will not be done. We need to do it ourselves. The "Speaker's Column" in the Canberra Chronicle is an excellent move towards letting Canberrans know. It, however, does not go anywhere near far enough. We need to have a list of all Bills and when they were presented to the house. People in the community should be given two weeks' notice that any Bill - and we would obviously know the ones they are concerned about - is going to be debated and specifically when it is going to be debated so they can come along and listen to the debate. I realise there might be some mild inconvenience in this for members of this Assembly, but I think the public interest is far more important than any mild inconvenience we may suffer by fitting in with the right of people to know what is happening to them in Canberra.

As MLAs we need time for fair research, consideration and debate. First of all, and I highlight this matter, we need to read the Bill. I think it should be against the law to vote on a Bill that a member of parliament has not read. Unfortunately, and I can well understand why, this happens all too often. The time pressures are incredible in this place. If we had the situation where there was more time, that would resolve the problem. I do not think there are going to be too many people in this house who can stand up and say, "I have read every Bill that has ever gone before this Assembly that I have voted on".

**Mr Duby:** I have read every Bill that has gone before this Assembly that I have voted on.

**MR STEVENSON:** Congratulations. Exactly as I said. I did not think there would be many members who would be able to stand up in this house and say that they have read every Bill that they have voted on. You have just highlighted what I said. I think we well understand that there are some.

Now, reading the Bill and fully understanding it and being able to refer to Erskine May's Parliamentary Practice, House of Representatives Practice, or a dictionary, is an altogether different thing.

**Mr Jensen:** You wanted to abolish this, Dennis.

**MR STEVENSON:** You know I would if there was a vote, Mr Jensen. But while we are here, rather than bring things through this Assembly that Canberrans know absolutely nothing about, I think the least we can do is to allow Canberrans time to debate the matters.

As MLAs we need time to do that. We need time to discuss them amongst ourselves. I need to have time for a parliamentary wing gathering to discuss it within the abolish team and make a decision. We also need time - - -

**Mr Duby:** How do you resolve disputes?

**MR STEVENSON:** I resolve them very well. We also need time for assessment of the proposed legislation by the Scrutiny of Bills and Subordinate Legislation Committee. It is a vital committee. It was an excellent thing that such a committee was introduced into this Assembly and we need to allow its members the time to do their job well. If they do their job well it will save a lot of problems for us.

Having read the Bill, having discussed the matter, having talked to our constituents about it, we also need time to research amendments to the Bill. We need time to have them drafted, and they could well be lengthy. We all understand that the law department cannot necessarily have these things done overnight. Quite reasonably it can take some time, so we need the time for amendments to be researched, drafted and then discussed with other members so we can get some agreement on them, and they are not a surprise on the floor of this Assembly.

I particularly make these points, as mentioned in the matter of public importance, because there is no house of review in the ACT. Were I to consider this Government legal - and when I say "Government", you know I mean the whole lock, stock and barrel, not just the people who happen to be sitting on the other side of the house - - -

**Mr Stefaniak:** Do you mean the whole Assembly, Dennis?

15 August 1990

**MR STEVENSON:** Were I to consider this Government to be legal, I would indeed push most strongly for - - -

**Mrs Nolan:** What are you doing here then?

**MR STEVENSON:** I think it is fairly obvious what I am doing here, Robyn. You well know. We need time.

**Mr Kaine:** He gets free board and lodging. That is why he is here.

**MR STEVENSON:** That was well said. So, with the few seconds I have left, I will once again highlight the fact that we need time for the people of Canberra to understand first of all what laws are being proposed and then to give them time to get their concerns and considerations across. I commend the matter to members and I give notice that I will move such a requirement with the Administration and Procedures Committee.

**MR COLLAERY (Attorney-General) (3.55):** Mr Speaker, I agree with Mr Stevenson that the matter he has raised is important. Although it is self-evident, it is nevertheless worth stating that legislation gives effect to policy. The policies this Assembly puts into the statute books may well outlive us all. I notice from an examination of our existing laws that one of the oldest, the Magna Carta, dates from 1297. Even at what might be thought a more mundane level, the legislation that protected the original and still significant water supply for Canberra, the Cotter River Act, was made in 1914.

**Mr Duby:** On a point of order, Mr Speaker: the date of the Magna Carta is 1215.

**MR COLLAERY:** Mr Speaker, I rely on the advice of my Law Office on these matters. I think Mr Stevenson has missed the point of our law making efforts. Speaking as one who has served in this Assembly, both in and out, I can understand that he does not think he has enough time to consider all of the matters that come before the Assembly, let alone the matters that are brought to his attention by constituents. I am sure we could all consider the Bills that are brought before us for a good deal longer than we do, but we have other responsibilities and in the end we must make decisions about the time we give to any one matter.

So far as our legislative responsibilities are concerned, I think we should make our decision from two perspectives and the first is that of the Government. We have a program to implement and no matter how long the term of the Assembly it would not be long enough for us to implement it in a way that, from what I can gather from his matter of public importance, would satisfy Mr Stevenson. We have been elected to represent the people of the ACT, Mr Stevenson, and to do so in a way that serves their interests. We



cannot do so without legislation. There are very few areas of government activity that are not affected by legislation - our budget strategy, for example. We must also keep making what I think can be thought of as housekeeping amendments to iron out the inevitable difficulties that day-to-day events disclose in our legislation.

The second perspective is that of the Assembly as a whole, and it especially concerns those who are not part of the Government. I look forward to hearing the views of the Opposition on this matter, but I can well recall the pressures I felt when I was in their position. As an Assembly we have a responsibility not to be overcome by the requirements of government. The solution that may appeal to the Government will not always be the best one for the ACT and its people. In government we have recognised this and we take every opportunity to provide opportunities for community views to be expressed, most notably on the planning legislation that we are developing.

Mr Speaker, there will always be some conflict between these perspectives. I think we have, on the whole, arrived at a reasonable balance between them. I cannot speak for the Opposition, but I think the solutions that have been adopted since this Assembly first sat have, on the whole, been satisfactory. I do not say there is not room for improvement, there always will be, but in seeking improvement we should recognise the matters I have discussed and the competition for our time that they lead to.

I would like to make a few points about specific legislative initiatives that have been before the Assembly. In making these points I should again stress that I am not saying that all the proposed legislation that has come before us has done so in a completely satisfactory way. But, as can be seen, the Assembly's record is, on the whole, good.

Mr Speaker, as you can see from the Assembly's daily Bills list, there are very few Bills that have passed through the Assembly in what might, at first glance, appear to be short order. I will mention one of them to make my point that this is not something that calls for complaint. I draw your attention to a Bill for which I was responsible, the Director of Public Prosecutions Bill 1990. As I said in this Assembly on 31 May this year when introducing the Bill, its passage was necessary to allow the prosecution of offences against Territory laws to continue after 1 July this year when amendments to the Commonwealth Director of Public Prosecutions Act would remove Territory laws from its coverage. There was very little in the Bill that was not in similar Commonwealth and State legislation. The Bill was passed on 7 June this year. It was before the Assembly for seven days. During that time it was examined by the scrutiny of bills committee. As mentioned by my legal colleague Mr Connolly when the committee's report was

15 August 1990

tabled on 5 June, this was in large part possible because of a major effort by the committee and its senior advisor. I remind Mr Stevenson that there was also time for discussions with Mr Connolly regarding some technical amendments that were thought necessary after the Bill was introduced. Mr Connolly pointed out that the Opposition supported the legislation. Mr Stevenson did not speak to the legislation; so I do not know what his views on it were. My point is that, although the legislation was only before the Assembly for seven days, it was properly considered and debated. We did not have, nor did we need, any more time to devote to the Bill.

Mr Speaker, I could give multiple examples of Bills that have not been before the Assembly for any length of time but which I consider have received appropriate consideration. I will go to the other extreme. We are all familiar with the time that has been made available to the public to comment on the planning legislation. The consultation process is quite lengthy. It will cause the Government and some sections of the community some inconvenience, but our efforts on the planning legislation will influence the shape and quality of our community for some time. The delay is justified.

In the time I still have I would like to comment briefly on a few of Mr Stevenson's points. Mr Stevenson has called attention to the need for affected groups and individuals to be consulted. I do not accept that this will always be appropriate. For example, in relation to taxation measures, the need to protect the revenue has to be taken into account. I believe Mr Stevenson has himself demonstrated that in his inquiries about apparent losses to X-rated franchise revenue after the industry was consulted and had notice of the proposed revenue measures.

His next point concerns the community's need to be able to consult its representatives. I cannot deny this is at the heart of our system of government, but I think it has to be balanced against the community's need for its Government to work effectively. I also agree that alternatives need to be considered but, as I have set out above, often these are not realistic alternatives that can be considered. Much the same can be said about the need for research, media reporting and the consideration of issues by the scrutiny of bills committee.

Finally, I would like to say that I do not accept that this Government, or this Assembly, has anything to be ashamed of in the way it prepares legislation. I do not accept that the community should be criticising its efforts to involve them in the decision making process that culminates in the legislative efforts. No doubt there will be some individual items of legislation that could have been developed, explained to the community and brought before the Assembly in a better way. I assure you that this Government is sufficiently sensitive to its responsibilities to learn from its experiences.

**MR MOORE** (4.02): Mr Speaker, I think that there is a great deal of merit in the matter that Mr Stevenson has raised today. I think the merit lies in the danger of getting into a habit of allowing Bills to be debated urgently. An example I would like to draw attention to is the Bill that was put up by the Labor team at private members' business last week. Immediately there was an invitation from the Government to debate that Bill at that point. Of course, the reason for wanting to debate it then and there had to do with avoiding the pressures that were being put on them and their members over the next week. Clearly, that pressure did have an impact in the long run on Dr Kinloch, and I think that he took a courageous stance. It is a shame that other people within that  
- - -

**Mr Jensen:** On a point of order, Mr Speaker: I raise standing order 52 - reflection on a past vote of the Assembly.

**MR SPEAKER:** I am sorry, I did not hear that reflection.

**MR MOORE:** I did not reflect on the vote at all. I reflected on the people who made the vote.

**MR SPEAKER:** Would you please desist with that line of argument, Mr Moore. Please proceed.

**MR MOORE:** Mr Speaker, I think it is very important to raise that particular issue and I will try to avoid reflecting on the actual vote. I do not believe that I did, but I will try to take a slightly different angle to avoid offending Daffy's sense of propriety.

**MR SPEAKER:** Order, Mr Moore! I would ask you to withdraw that. We have struck the rules for addressing members.

**MR MOORE:** Quite right, Mr Speaker. I withdraw calling him Duffy, Daffy - whatever it was. I withdraw it and I will refer to him as Mr Jensen.

**Ms Follett:** Minister Jensen.

**MR MOORE:** "To be Minister" Jensen - may I refer to him as "to be Minister" Jensen?

**MR SPEAKER:** I think that is inappropriate also.

**Members** interjected.

**MR MOORE:** Is that reflecting on a motion about to be carried in the Assembly? We need a new standing order for motions about to be carried in the Assembly.

The point that I really wish to raise is that to have debated that Bill immediately at that time would not have allowed any time for public discussion. On the other hand, on that particular matter, it was quite important, as far

15 August 1990

as members on this side of the house were concerned, that the matter be debated today. Somewhere along the line there should be a balance between the amount of time that Bills sit on the table here and the need for urgency. I know that a provision for urgency is made in the standing orders. It is quite appropriate therefore that people who wish something to be dealt with as urgent, or to be dealt with in an urgent way, should debate whether or not it is urgent.

What we have, of course, and Mr Stevenson drew attention to this, is the lack of an upper house. This should make us look very carefully at the practice in this house as distinguished from the practice in the House of Representatives, because on this particular matter we are quite different from the House of Representatives. We have no reviewing body; we do not have the second and third readings and so forth of the Bill which protect that body from making mistakes as this Assembly did with reference to the fluoride Bill. We should have had more time for consideration and more time for community comment. Had that been the case - - -

**Mr Stevenson:** It took five weeks though.

**MR MOORE:** It was certainly a matter - - -

**Mr Stevenson:** It was the longest of the lot.

**MR MOORE:** That was the one which did sit longest, I must agree. Anyway, the point is that there is some need for a standardised time for Bills to sit on the table unless one is declared as something that needs to be dealt with urgently. There will be lots of times where things should be dealt with urgently and expeditiously and people will use this method which has not, as my memory serves me, been used in this house at all. It seems to me that it could well be used and the sorts of Bills that Mr Collaery referred to, that can be dealt with very quickly, could be dealt with in that particular manner - provided members have had the chance to look at them.

We do not have to take the term "urgent" to mean that it is so urgent that we have to do it this very minute. We could take a slightly broader term and say that we consider it urgent enough to be able to debate it next week. Such matters could be dealt with in an appropriate way in terms of the parliament and I think that that would allow members enough time to prepare their arguments and their debate. One of the problems that are associated with being on either the crossbenches or the Opposition is the limited amount of support one has for preparation of such things compared to the amount of support in preparation proffered to members of the Government.

The time factor is of great assistance here. If we are really concerned about genuine community consultation, if we are concerned about the community knowing what we are

doing and how we are acting, if we are concerned about avoiding making mistakes in terms of the way we legislate, then it is quite appropriate for us, as a matter of course, to allow our Bills to sit on the table. I would suggest that four weeks would be the appropriate norm as a minimum time, allowing for the fact that any Bill can be declared as an urgent Bill, debated and then put to the Assembly if there is some urgency for that Bill. As a matter of course I believe it would be appropriate for us to have more time and I would like to support the point that Mr Stevenson has raised in this matter of public importance.

**MR STEFANIAK (4.09):** The passage of Bills through the Assembly is a matter of considerable public importance. It should be a primary concern to all Assembly members and I am glad that Mr Stevenson has raised the issue for discussion here today. He suggests that the passage of Bills through the Assembly has been occurring in such a short time that it has limited or prevented the proper consideration of those Bill. I would not agree that has been the case.

Recently some Bills have been passed quite quickly and with less time for consideration by the public and the Assembly than would be required under normal circumstances. This reflects two factors, the time of year and the necessity for continuing administrative arrangements as part of the transition to self-government.

It is commonly known and accepted in all Australian parliaments that there will be an increased legislative workload and increased urgency during the budget sittings, when the Government's money Bills are presented and debated. This, too, has been the experience of this Assembly. Money Bills must be given priority and for this reason the standing orders permit a Minister to introduce a money Bill without notice. This should not be a matter of concern. Money Bills are, in general, merely mechanical Bills which appropriate moneys for or put in place proposals which have already been publicly announced and debated. (Quorum formed)

There is another class of Bill which tends to pass through the Assembly fairly quickly and without the extended time for debate and consultation which the Government would ordinarily like to see. These are the Bills which set in place the necessary administrative arrangements to ensure that the transition to self-government continues to proceed smoothly. These Bills, like the money Bills, tend to be mechanical and do not contain matters which would be of concern to the general public. Some people may, however, question the continued need for this type of Bill. I can only point out that self-government in the ACT is still relatively new and it will be some considerable time yet before the process of transition is complete.

It is my belief that the passage of most other Bills through this Assembly has occurred in such a way that

15 August 1990

adequate time for consultation and liaison with those affected has been provided. There has been research, consideration of the effects of the proposed legislation and, in many cases, a balanced media reporting in the preparation of appropriate amendments. If Mr Stevenson is unhappy with the time that has been allowed for the consideration of Bills, I would point out that it is his responsibility and that of other people in the Opposition, as elected representatives, to ensure that this is brought to the attention of the Government and to seek either an extension of the period of debate, or a referral of the Bill to a select committee for consideration or public consultation. I note in that regard that not one Bill introduced this year has been referred to a select committee for consideration.

**Mr Stevenson:** I was trying to do it today, Bill, but it was blocked.

**MR STEFANIAK:** One has not got there yet, Dennis. The standing orders provide many opportunities for members of this Assembly to intervene to delay the passage of any Bill and to allow more time for consideration of it. If the Government is sometimes slow to utilise these procedures and provisions itself, one should remember that the Government, through the responsible Minister, has usually had months to consider the Bill, often including a period of intensive public consultation, before it has been introduced. There are several Bills which have been delayed, Mr Stevenson, as you no doubt would be aware. The most notable, I think, is the firearms Bill which has gone through extensive consultation. As a result of that consultation the Deputy Chief Minister has arranged for a large number of amendments to be done. This is one example.

Only in exceptional circumstances would the Government seek the Assembly's leave for the debate to proceed immediately following presentation of the Bill. In nearly all circumstances there is an adjournment, to allow the members of the Assembly, the relevant interest groups and the public the opportunity to examine the Bill. Any member may seek to extend that adjournment if they feel it necessary. At the in-principle agreement debate stage, any member may propose a reasonable amendment in accordance with standing order 173 which may require the redrafting of the Bill and prevent it proceeding further. When I was in the chair in the last sittings Mr Connolly raised a number of matters in relation to three Bills. He spoke with Mr Collaery; those Bills are being redrafted and that affects several other Bills, too. This is an example of that.

Following the in-principle debate, any member may move that the Bill be referred to a select or standing committee. Referring a Bill to a select committee will enable full consideration of the subject matter of the Bill from a policy perspective and will provide an avenue by which public submissions on the content of the Bill may be r

received and considered. For Mr Wood's benefit, I would point out to him that this is exactly what happened with the move-on Bill last year. If the Bill is not referred to a committee, the Assembly proceeds to the detail stage. At this stage, members may propose any amendments they wish to a Bill on a clause by clause basis. Furthermore, any member may propose at this stage that a Bill be reconsidered in whole or part. It is only when the Bill has been agreed that the Bill's passage is complete.

So, as you see, there are many avenues by which members may seek to slow down the passage of a Bill so that it may be fully and carefully considered. If members of this Assembly feel that Bills of a policy nature in which the public have a particular interest are being passed through the Assembly too quickly and without sufficient opportunities for consultation, I would invite those members to utilise the many opportunities available to them to ensure that situation is remedied. If necessary, this could be a matter which could be referred to the Assembly's Administration and Procedures Committee, if it is believed that the standing orders need to be reviewed. This - - -

**Mr Stevenson:** I have given notice.

**MR STEFANIAK:** This, indeed, is a sensible way in which any specific problems could be considered and Mr Stevenson should note that.

**MRS NOLAN (4.14):** I will be very brief. You have already heard from both Mr Collaery and Mr Stefaniak in this particular debate today, but I thought for Mr Stevenson's benefit I would address several of the Bills that were introduced into the Assembly in the June sittings. These were passed shortly after their introduction. I will give the reasons for each of these and their passage.

In the June sittings of the Assembly a number of Bills were passed shortly after they had been introduced. I would like to list them for Mr Stevenson's benefit: the Publications Control (Amendment) Bill 1990 (No. 3), introduced on 31 May and passed on 5 June; the Business Franchise ("X" Videos) Bill 1990, introduced on 31 May and passed on 5 June; the Taxation (Administration) (Amendment) Bill (No. 3) 1990, introduced on 31 May and passed on 5 June; the Registration of Interests in Goods Bill 1990, introduced on 29 May 1990 and passed on 6 June - and this Bill was also accompanied by a consequential amendments Bill; the Water Supply (Chemical Treatment) (Amendment) Bill 1990, introduced on 31 May and passed on 6 June; the Director of Public Prosecutions Bill 1990, introduced on 31 May and passed on 7 June - and it was also accompanied by a consequential provisions Bill; the Rates and Land Tax (Amendment) Bill (No. 2) 1990, introduced again on 31 May and passed on 7 June; and the Statutory Authorities (Audit Arrangements) Bill 1990, introduced on 5 June and passed on 7 June 1990.

15 August 1990

This really is important. As Mr Stefaniak has already mentioned, there were several reasons for these, and each reason was given if you read the introductory speech. In each case, mention was made of the reasons why, but certainly the urgency for these was dictated by the end of the financial year. Those concerned were the taxation measures and the audit amendment, the transfer of Commonwealth responsibility with the Director of Public Prosecutions Bill, the Assembly committee seeking an extension of time, the chemical treatment amendment, and an agreement with New South Wales with undertakings to the finance industry - the Registration of Interests in Goods Bill.

If you actually look back, in each of these cases there were well-given reasons why these particular Bills had to be introduced and passed fairly quickly. The exception to a special need was the publications control legislation. I think the issues involved in that legislation had been debated in and out of the Assembly for some time. The legislation that was passed as a matter of urgency was the subject of appropriate consultation; for example, the X-rated videos legislation.

Mr Stevenson spoke to the Business Franchise ("X" Videos) Bill, the Publications Control (Amendment) Bill and the Taxation (Administration) (Amendment) Bill. He did not seek to delay the passage of the Bills to allow time for consideration, and I think Mr Stefaniak addressed ways in which that could have been done. Mr Stevenson mentioned earlier that this list could take forever. In fact, it did not take forever. I have listed very few Bills and it really did not take very long at all. I think the Government has well demonstrated, in this case, that the number of Bills that Mr Stevenson made reference to was very few, and they all had very good reasons why they were introduced and passed very quickly.

**MR DUBY** (Minister for Finance and Urban Services) (4.19): I had originally not proposed to talk on this issue, but under the circumstances, and given the interesting factors that were raised in the debate by - - - (Quorum formed)

As I said, I had not planned to speak on this issue at all, but given the interesting points that were raised by the speakers, Mr Stevenson, Mr Moore, Mr Stefaniak, the Attorney of course, and Mrs Nolan, I agree with the statements made from members on this side of the house. Whilst I support, in principle, the concept that there should be time devoted for consultation in relation to proposed legislation, I also feel that to sheet the problem home to the Government, and raise this as a matter of public importance, which to me is - - -

**Mr Stevenson:** I was not sheeting the problem home at all. I was just bringing it up. I mentioned last year - - -



**MR TEMPORARY DEPUTY SPEAKER** (Mr Jensen): Order! Mr Stevenson, you have had your say. Please be seated.

**MR DUBY:** As I was saying, to raise it as a matter of public importance implies that there has been some lack of action on behalf of the Government. I feel it goes without saying that this Government has certainly complied with the requirements for consultation. I notice that through his interjections Mr Stevenson has been saying, "I keep referring to last year". Having made that point, that is really all I wish to say.

**MR TEMPORARY DEPUTY SPEAKER:** The discussion on the matter of public importance has now concluded.

### **DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1990**

**MR COLLAERY** (Attorney-General) (4.21): Mr Temporary Deputy Speaker, I present the Domestic Violence (Amendment) Bill (No. 2) 1990.

I move:

That this Bill be agreed to in principle.

Mr Temporary Deputy Speaker, this Bill has arisen from a review of the operation of the Domestic Violence Act. This review was undertaken by representatives of agencies who are involved in the operation of the ACT, including the Domestic Violence Crisis Service, the courts, the Australian Federal Police, the ACT Legal Aid Office, the Law Society and ACT Administration. The amendments proposed in this Bill are based on the recommendations of this review committee.

The most significant amendment in this Bill is the extension of the categories of persons who will be eligible to apply for a domestic violence protection order. The ACT legislation will now be consistent with that of New South Wales, so that protection will be extended to family and household based relationships. This will include a person who is living, or has ordinarily lived, in the same household as a perpetrator, and a person who is, or has been, a relative of the perpetrator as well as the children of these people. The protection under the Act will therefore extend to people such as parents, grandparents and adult children with mental or physical disabilities.

The Bill also amends the Act to allow a child to apply for a protection order in his or her own right, and for the provision of legal assistance in these cases. Especially where children are in the age range of 16 years to 18 years, there may well be occasions when they wish to have the protection of a domestic violence order. This arises particularly where allegations of child abuse are involved, as in the series of "Louise" articles recently published in the Canberra Times.

15 August 1990

The other amendments in the Bill clarify existing provisions to improve mechanisms for protection under the Act. This Bill demonstrates the Alliance Government's commitment to the prevention of domestic violence and protection of domestic violence survivors. The Bill has been considered by the Criminal Law Consultative Committee, the Magistrates Court, the ACT Legal Aid Office and the Domestic Violence Crisis Service, all of whom have indicated their support for the Bill. And, may I add that this process was under way before self-government, and it is creditable that the process has been carried through since then.

This Bill is only one component of this Government's role in assisting the survivors of domestic violence. The Alliance Government is responsible for constant reviews of the services available to the survivors of domestic violence and the maintenance of those services. We are also committed to maintaining the current funding level of the Domestic Violence Crisis Service. The provision of short and long-term accommodation for the victims of domestic violence and their children is also financially supported by the Alliance Government, as well as programs to help domestic violence survivors to re-establish their lives after leaving violent relationships.

I will soon be considering the recommendations of the National Committee on Violence concerning domestic violence. I understand that the ACT's domestic violence legislation already substantially complies with these recommendations. Members will recall that there is a Bill before the house relating to a weapons amendment in this context. Domestic violence is a difficult problem to address as it involves social attitudes towards women, human relationships and the family. However, it is my firm hope that this Bill, coupled with the Government's commitment to the prevention of domestic violence and assistance for its survivors, may bring about some change in these societal attitudes. I particularly wish to note the implementation by the Northside Community Service of a new Outreach program for the placement of victims of domestic violence. Shortly, that service will have up to 12 housing trust units available to it. A number have already been filled in recent days. This will help to cope with the demands on the refuges which currently exist.

I would also like to indicate to the house that apart from these initiatives that have been taken by the Alliance Government, it is my firm hope that the long promised, but as yet unmet, second domestic violence refuge will be built and provided for by the Alliance Government. I expect that there will be a suitable announcement of that matter in the near future.

I commend this Bill to the Assembly. I present the explanatory memorandum to the Bill.

Debate (on motion by **Ms Follett**) adjourned.

### **DOOR-TO-DOOR TRADING BILL 1990**

**MR COLLAERY** (Attorney-General) (4.27): Mr Deputy Speaker, I present the Door-to-Door Trading Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, this Bill is a consumer protection measure, the first of a series of new and updated laws which the Alliance Government has announced it will introduce in the ACT, including fair trading legislation, model uniform trade measurement legislation and updating of a range of other consumer affairs laws. This action is long overdue. The Alliance Government is determined to put the ACT back at the forefront in consumer affairs law. This Bill replaces a law developed in the late 1960s. It is based on model uniform legislation developed through the Standing Committee of Consumer Affairs Ministers, a meeting of which I attended recently in Perth and which finalised agreement on uniform trade measurement legislation.

**Mr Wood:** You want to get an "A" mark, do you? It would be better than the "D" you got last time.

**MR COLLAERY:** Mr Wood interjects and says we received a "D" mark. That marking related to his leader and I suggest that he might wish to explain himself later in the party room.

**Mr Wood:** It had your photograph there.

**MR COLLAERY:** I assure the house that I have not gone anywhere near a knife in that regard. That photograph was meant to be that of the Leader of the Opposition.

In broad terms, the Bill has two objectives which are fundamental to the Alliance's commercial and consumer affairs policy. Firstly, it is designed to minimise losses caused to ordinary consumers by unfair marketing practices, and remember this measure operates in the setting of the consumer's own home, where the consumer, through no fault of his or her own, can be made vulnerable. Secondly, the measure is one which helps to promote a fair marketplace generally and reduces anti-competitive practices which disadvantage the honest trader trying to market a quality product.

Mr Deputy Speaker, I am confident that the business community and consumers alike will welcome this measure which will discourage unscrupulous traders and at the same time prevent consumers from being pressured into buying goods and/or services without a proper opportunity to examine the deal they are getting.

15 August 1990

The Bill achieves this through certain key provisions: requiring door-to-door traders to provide plain English statements of the terms of contracts; creating a 10-day cooling-off period during which consumers may revoke contracts made with door-to-door traders; and, regulating the hours during which traders may call on householders - not before 9.00 am or after 8.00 pm weekdays and 5.00 pm weekends, and not at all on public holidays, except by invitation.

### **ADJOURNMENT**

**MR DEPUTY SPEAKER:** Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

### **DOOR-TO-DOOR TRADING BILL 1990**

Debate resumed.

**MR COLLAERY:** The Bill will be consistent with the law in New South Wales but in significant respects it will be a great improvement on New South Wales law. New South Wales has not adopted the uniform model legislation but has a door-to-door sales law adopted in the 1960s, like our present law, which does contain the main provisions for a 10-day cooling-off period and for typescript statements of contractual terms. However, I do not believe that the Government needs to apologise for departing from the situation existing in New South Wales when it acts in the interests of the ACT public. In the case of the present Bill, we cannot afford to wait for New South Wales to update its door-to-door sales law. Tasmania, Western Australia, South Australia and Victoria have already acted, and a Bill has been tabled in the Northern Territory Assembly.

The New South Wales law, for example, does not regulate trading hours of door-to-door traders which I believe, and I know householders will agree with me in this, is a most serious omission. The New South Wales law does not apply to cash transactions - another serious defect. There are also a number of other innovative provisions in the model legislation which improve upon the New South Wales law that presently is in place in the ACT. For example, consumers will have an extended period of six months to revoke contracts if traders do not comply with key provisions; and traders are required to physically hand a notice and to

read aloud a statement of consumers' rights to rescind contracts at the time a contract is made.

Mr Deputy Speaker, I believe that the Government should be congratulated on this measure. It is a concrete demonstration of the Alliance Government's commitment in the consumer affairs field and, as I have said, it is the first element of a package of new and updated laws in this area which the Government plans to introduce. New uniform trade measurement legislation dealing with the weight and packaging of goods and fair trading legislation are under development in my Law Office and the Consumer Affairs Bureau at this moment. The Alliance Government is determined to see that the citizens and consumers of the ACT obtain the benefit of these laws as soon as possible.

Mr Deputy Speaker, I commend this Bill to the Assembly. I present the explanatory memorandum to this Bill.

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

### **MINISTERS - NUMBER APPOINTED**

**MR COLLAERY** (Attorney-General) (4.32): Mr Deputy Speaker, I move:

That this Assembly -

- (1) resolves that for the purposes of sub-section 41(1) of the Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth the number of Ministers for the Territory the Chief Minister shall appoint be fixed by regulation at a number not less than three (3) and not exceeding five (5); and
- (2) requests that the Speaker address the Governor-General in the terms of this resolution.

Mr Deputy Speaker, this motion has the unanimous support of all who sit on this side of the Assembly.

**Members** interjected.

**MR COLLAERY**: Well, just wait for your vote.

**Members** interjected.

**MR DEPUTY SPEAKER**: Order!

**MR COLLAERY**: I firmly commend the motion to all members of the Assembly. I trust that members will support this motion out of a sense of duty to the Territory. I hope that members - - -

**Members** interjected.

15 August 1990

**MR COLLAERY:** This is a vain hope, it seems - that members will put aside partisan political issues as we approach this first necessary assessment of the self-government structure. Self-government is 15 months old. The first seven months of self-government were characterised by a minority government of five members, four of whom were Ministers and the other a Cabinet secretary. The Alliance established a more orthodox grouping. There were four Ministers and a Cabinet secretary and a Cabinet secretariat drawn in a traditional sense from the public administration. Although the Opposition may have formed some conclusions on their work capacity during the learning stage of the first seven months, let me say that the evolution of self-government over a far more lengthy period has produced a profoundly different, more varied and much more onerous workload for the ministry.

The Opposition has made much of the status of Executive Deputies. The Opposition has claimed that the Executive Deputy structure offends their notion of ministerial responsibilities. The Opposition has refused to cooperate on the Planning, Development and Infrastructure Standing Committee because Mr Jensen is its chair, yet at the same time across the lake the Labor Prime Minister has moved to appoint 13 junior Ministers and five parliamentary secretaries.

**Mr Connolly:** And none of them chair committees.

**MR COLLAERY:** The Australian Capital Territory (Self-Government) Act provides for the ACT to have four Ministers - the Chief Minister elected by the Assembly and three other Ministers appointed by the Chief Minister. I refer here to sections 40 and 41. In relation to the last interjection about them chairing committees, I would invite the Opposition to make some inquiries across the lake.

The number of ministries may be changed, firstly by the Federal Parliament amending the Act. I remind members that the self-government Act is a Federal Act. The Act also provides for the number to be changed by regulations. Section 41(2) of the Act allows for this and also provides that regulations may not be made except in accordance with a resolution passed by the Assembly. The regulations would be made by the Governor-General on advice from the Commonwealth Executive Council under section 74 of the self-government Act.

There are several steps in this process. The Assembly must pass a resolution requesting a change in the number of Ministers the Chief Minister is required to appoint. There are no formalities set out in this resolution but it would have to specify the change that is requested. The effect of the resolution before the Assembly would be to give the Chief Minister the power to appoint up to two extra Ministers. Section 39 of the self-government Act stipulates that the members of the Executive are the Chief Minister and other Ministers.

As a matter of law, a Minister may exercise the executive powers of the Territory without necessarily being a member of the Cabinet. The Act does not stipulate a procedure for conveying any such resolution to the Governor-General and/or the Federal Executive Council. However, standing orders 268 through to 271 refer to this possibility and lay down the procedure to be followed in the Assembly. Hence the Speaker could present the motion in the form of an address to the Governor-General.

It is also appropriate that the Chief Minister should communicate the effect of the resolution to the Prime Minister and, of course, indicate his decision on the size of the ministry. As a matter of courtesy, the Chief Minister could also write to Mrs Ros Kelly, the Commonwealth Minister for the Arts, Sport, the Environment, Tourism and Territories. However, I have noted with dismay Mrs Kelly's intemperate remarks to the effect that she would not support such a resolution of this Assembly. It would appear that Mrs Kelly has disqualified herself from giving free and objective consideration to the outcome of today's Assembly vote. Mrs Kelly has said that regardless of any expression of the democratic will of this Assembly, she will not entertain the idea. This is a most imprudent step for a Commonwealth Minister to take and again demonstrates, in my view, her failure to adequately understand the notion of self-government in the Territory. Her reaction is paternal, dismissive and prejudicial to the welfare and well-being of the ACT. In the meantime, I think it is entirely inappropriate for her to contribute in Cabinet or otherwise to a consideration of this resolution, bearing in mind her preset views on the subject.

I am aware from Labor Party circles that Mrs Kelly intends to block the early effect of this resolution by offering to amend the self-government Act through the Federal Parliament rather than allow us the quick process of a regulation which could be made immediately. I believe that the interests of the ACT should be above political gamesmanship.

**Mr Wood:** This is a vote of no confidence in your own ministry.

**MR COLLAERY:** Mr Wood interjects and says it is a vote of no confidence in the Alliance Government. The prerogative for moving a motion of no confidence in the Alliance Government lies in this house and Mr Wood should try to remind himself which parliament he is sitting in. He thinks he is on the hill, obviously. I am also aware that the majority of Federal Ministers have no wish to interfere and I repeat this for the information of our junior Labor politicians in the ACT. I am also aware that the majority of Federal Labor Ministers have no wish to interfere either way on this issue.

15 August 1990

Senator McMullan, to his credit, acknowledges this, and to his credit he acknowledged this on ABC radio this morning. My clear impression is that the Federal ministry would prefer the Territory to determine its own evolution and management subject, of course, to the statutory enjoiner in the self-government Act which would allow the Governor-General to dismiss the Assembly if, in the opinion of the Governor-General, the Assembly was either incapable of effectively performing its functions or was conducting its affairs in a grossly improper manner. In my view, and subject to these limitations, neither the Federal Parliament nor the Federal Ministers should impede the outcome of the democratic vote of this Assembly. To do otherwise is to deny self-government to the Territory.

Although procedurally Mrs Kelly should be the sponsoring Minister for the regulation made in accordance with the democratic request of this Assembly, I am advised that the approval process for regulations is that the regulation is made by the Governor-General in Council. The Federal Executive Council may comprise as few as two Federal Ministers and clearly may well include Mrs Kelly. The regulations would be notified in the Commonwealth Gazette. They would probably come into effect on notification but a later date could be set. Once notified, they may be laid before both houses of the Federal Parliament for 15 sitting days. In the absence of any contrary commencement date the regulation will have immediate effect pending any disallowance. By way of illustration, I will point up the Northern Territory position.

The Northern Territory Administrator determines the number and designation of Northern Territory Ministers. We do not have, in the ACT, an administrator or a viceregal personage. In the Northern Territory the Administrator does so on the advice of the Northern Territory Chief Minister. The Northern Territory legislation contains no provisions that are comparable to the ACT sections 40 and 41 of our self-government Act.

There are nine Ministers in the Northern Territory. Their Assembly has 25 members. The population of the Northern Territory was 156,147 at the last report. Tasmania has 54 upper and lower house parliamentary members and 14 Ministers. Tasmania has a population of 450,956.

This motion invokes the clear anticipation in the Act that the Assembly can resolve to expand its ministry. The Act otherwise anticipates that decisions and resolutions of this nature are cast by the majority representing the will of Territory residents. The challenge for the Opposition today is to recognise the need for there to be a further distribution of workload in our hard-pressed ministry. I am aware that self-government is still finding acceptance and that, combined with the road to economic security, means that there will be sectors of the community unhappy about notions of fiscal constraint. There will also be oppositions that do not understand fiscal restraint and



there will be others who are concerned about a reining in of overfunded situations.

Equally, it is incumbent upon the Government and its Ministers to set priorities. Prioritisation is a constant task in the ministry - the need for time to reflect, for close study, for inquiry, for consultation, are all necessary aspects of open consultative government. This goal can be better met and enhanced, in my view, by careful and prudent expansion of the ministry.

Although this resolution will be carried, let me make it very clear that the prerogative for the appointment of Ministers and for the nature and style of those appointments lies with my colleague the Chief Minister. It may well be that one or two Executive Deputies are given ministerial statutory powers without increased material resources by way of accommodation or personal staff, but let me say to those opportunists who may claim that this is not the time during a period of economic stringency to be making these moves, that these very issues call for a spreading of the workload and the intensification of the ministerial overview of government. That intensification may well lead to economies and more open consultative government.

Sadly, Mr Speaker, those on the side opposite have shown no inclination to listen - I excuse Mr Connolly and, for once, Mrs Grassby from this - to this important historic address to the house. It is an issue that may well be of concern to any who faced the electorate in the past.

Debate (on motion by **Ms Follett**) adjourned.

**Assembly adjourned at 4.44 pm**