



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

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**Tuesday, 17 June 2008**

Death of Mr Trevor Kaine (Motion of condolence) .....	1843
Chief Minister (Notice of motion of no confidence) .....	1861
Assembly sittings 2008—amendment .....	1862
Leave of absence .....	1862
Papers .....	1862
Petitions:	
Health—chiropractic services .....	1865
Gas-fired power station .....	1865
Gas-fired power station .....	1866
Legislative Assembly—privilege (Statement by Speaker) .....	1866
Adjournment .....	1867

**Tuesday, 17 June 2008**

**The Assembly met at 10.30 am.**

*(Quorum formed.)*

**MR SPEAKER** (Mr Berry) took the chair, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**Death of Mr Trevor Kaine**  
**Motion of condolence**

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.31): I move:

That this Assembly expresses its deep regret at the death of Mr Trevor Kaine, former Chief Minister and former Member of the ACT Legislative Assembly, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, it is with deep sadness that I rise to record my memories of Mr Trevor Kaine. At Trevor's funeral last Wednesday, the Deputy Chief Minister read a short message on my behalf which I would like to read in the Assembly today so that it is formally recorded in this chamber:

Impeccable politeness and generosity of spirit are not qualities commonly attributed to politicians, but all who knew Trevor Kaine would unhesitatingly attribute them to him.

Canberrans have lost a man who dedicated decades of his life to public service, first in the defence of his country and later in defence of and in pursuit of its democratic traditions.

When the story of our city is written, Trevor Kaine will feature large. He was instrumental in helping to ensure that we successfully navigated the early years of self-government, and he took seriously the opportunities and responsibilities of government and of public life.

In all my dealings with Trevor, I found him unfailingly courteous, generous with his time, respectful of his Assembly colleagues—regardless of their political stripes—and imbued with an old-world integrity.

I was honoured to count Trevor, not just as a one-time colleague and adversary, but as a long-time friend, particularly in more recent years.

There have been many words spoken and written about Trevor since his passing, but I think it appropriate that we in this chamber reflect on his contribution to the ACT Assembly, as it is here that Trevor made his most significant contributions—contributions that continue to be felt both here in the Assembly and in the broader Canberra community.

While Trevor is perhaps remembered most vividly as a former Chief Minister, his contribution to local politics in this town began many years before the advent of self-government. He contributed to the life of his community through the ACT Advisory Council and the ACT Legislative Assembly between 1974 and 1977, and through the ACT House of Assembly from 1982 to 1986, before becoming a part of the grand experiment of self-government between 1989 and 2001.

In the Assembly on 24 May 1989, in response to then Chief Minister Rosemary Follett's statement of objectives, Trevor, as the Leader of the Opposition, rose to formally detail his party's objectives for the first ACT Assembly. I will read from Trevor's speech, as it clearly highlights the attributes and personal qualities that he brought to this place:

Concepts of justice and economic security for all; individual liberty in terms of freedom of speech, education, assembly, organisation and religion; and compassion and tolerance amongst members of the community are fundamental ...

In the same speech, other areas that Trevor identified as priorities for the first ACT Assembly included raising environmental issues to the top of the government's agenda, high standards and excellence in education, and ensuring an affordable healthcare system. Nearly two decades later, these are all issues that still resonate.

However, the issue that was paramount to Trevor during the early days of the ACT Assembly was establishing a sound economic and financial base. He clearly acknowledged the difficulty faced by the ACT given its lack of natural resources, but he strongly advocated the need to develop a policy framework that provided economic certainty for business activity.

Trevor well understood the fragility of minority government, and early in the life of the Assembly he put the minority government on notice that his party would seek to secure the government benches. Trevor also understood the implications of deposing the government—an action which he said at the time “is not to be undertaken lightly”.

As Chief Minister, Trevor pursued commonwealth government support for the ACT as it transitioned into self-government. During these early ACT Assembly days, the need was acknowledged through the Grants Commission for a rational and ordered basis for the transition of ACT finances onto a state-like basis. The ACT's economic security was a key platform of Trevor's oversight of the government, and one he pursued with great vigour.

Trevor was a natural leader. He was also a natural politician. Both aspects of his make-up were tested during the early days of the Second Assembly, and he rose admirably to the challenges of the times. His air force training had accustomed him to working with teams and perhaps helped him to handle and extract value from the volatile mix of Liberals and independents that coalesced around him to make up the government of the day.

Trevor Kaine was conscious that the quality of a community's life can be elevated by the arts. He was a lover of classical music, a watercolourist of some talent, and in

government was responsible for a number of innovative arts initiatives, the legacy of which persists to this day.

Trevor continued to demonstrate his commitment to the Canberra community following his retirement from politics and was actively involved in a number of community projects. It was a mark of Trevor Kaine's passion for this city that, even after his health had been seriously compromised by a stroke, he agreed to accept my offer to join other former Chief Ministers as a member of the Centenary of Canberra Task Force—another opportunity to serve his community, another opportunity to contribute ideas and energy to the place he loved.

Regardless of which side of the chamber we sit on today, we surely are as one in our admiration of and affection for Trevor Kaine. Everyone in this chamber owes him a debt of gratitude for the foundations he helped to lay through the structures and policies he pursued during his time in the Assembly.

On behalf of the government, I offer my most sincere condolences to Trevor's wife, Sandie, to all the members of his family and to his wider circle of friends. And on behalf of members of the Assembly, I formally acknowledge Trevor Kaine's significant contribution to the Australian Capital Territory's democratic processes. Our city has lost a good man and a true gentleman.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.37): On behalf of the Canberra Liberals, I pay our respects to Trevor Kaine and his family. Mr Kaine was a great Canberran. He was well regarded as a good thinker, an approachable person and, most importantly, a very honest and decent man. Moreover, he was a strong champion of the interests of Canberra, and on a number of occasions he stood up to our detractors on the hill, including his own party.

Trevor Kaine came from very humble beginnings and started his working life at a young age. He had a very diverse range of private interests, even while juggling a demanding public career. He led a very full life. Trevor Kaine began his public service in the predecessor to the current Legislative Assembly, first winning a seat in the 1974 poll, when he topped the Liberal vote in the northern ACT electorate of Fraser, which was named after the corresponding federal electorate. Trevor was elected in 1974 alongside a number of local identities who were or became quite significant players in Canberra's political landscape, including Jim Leedman, Jim Pead, Gordon Walsh, Ros Kelly, and Susan Ryan.

It was a very different Assembly in those days; its powers were very limited and its work was run on a part-time basis with MLAs holding down other day jobs and the meetings of the Assembly occurring in the evenings. In these circumstances, given the lack of financial incentive and the considerable disruption to family life outside of work hours, it was unusual for a very capable senior public servant such as Trevor Kaine to put himself forward for election to local office.

Trevor brought strong financial management skills to the Assembly in 1974, and he was the obvious choice to serve as a Chairman of the Public Finance and Legislation Committee. Although the powers of the Assembly were rather limited then, the Chairman of the Public Finance Committee had some important functions, including

the task of setting the annual level of rates in consultation with the city manager. As master of revenue, Trevor Kaine had a significant interest in and influence over spending on municipal services. One of his fellow MLAs confessed:

Let's face it. The department, the Assembly staff, and all Assembly members have benefited considerably from his Kainesian economic lessons that he has tended to give us from time to time.

He was popular with his colleagues on both sides of the political fence, even though he was often a leading voice of fiscal realism.

Near the end of his first parliamentary term, he was seconded to work in Washington DC for the Australian Embassy, where he was a representative of the Royal Australian Air Force. As a champion of self-government of the ACT, it was ironic and very useful that he should have the opportunity to closely observe the operations of another federal capital city which had already received self-government.

Prior to his departure for Washington, his colleagues observed in *Hansard* that they expected him to return at a later date to seek fresh election back into the Assembly. Despite their expectation that he would not be long gone, they did him the honour of giving him the first parliamentary valedictory at the end of his first term in the Assembly, the first of what was to be a six-term career. One of his non-Liberal colleagues, Ivor Vivian, observed:

When we were elected for three years, a stranger came among us whom some of us viewed as a man of principle ... it is the view of all members of this Assembly that that person, Trevor Kaine, is still a man of principle.

Another colleague, Peter Vallee observed:

His research and background work ... has added to our debates ... When he has disagreed with me he has been completely wrong in his conclusions. He has nevertheless ... gone about it by the right method ... I have always regarded him as one of the fiercest of members ... He ... has been generally popular with other members and perhaps more so with us on this side of the table sometimes, than with those closer to him because after all we do not argue with him as often as perhaps they do.

After his return from America he was re-elected to the Assembly in 1982, and after self-government commenced in 1989, Trevor was the natural choice for the first parliamentary leader of the Liberal Party in the new Legislative Assembly.

Trevor Kaine has gone down in the history books as the second Chief Minister after the commencement of self-government. It should be acknowledged in this place that he came close to claiming the accolade of being the first Chief Minister. Gary Humphries recently recounted that story in his eulogy at Trevor's state funeral, and it is also worth recording that account in the records of this place for posterity.

On 11 May 1989, there was a meeting between Liberal MLAs and other non-Labor MLAs to consider whether there was a viable alternative to a motion to appoint the Labor government at the first sitting of the Legislative Assembly. Dennis Stevenson

was asked at that meeting who he would prefer as Chief Minister out of Trevor Kaine and Rosemary Follett. When he responded that he preferred Bernard Collaery, Trevor reportedly walked out of the meeting. Gary Humphries has suggested that had Dennis Stevenson been pushed a second time to choose only between the two people who actually were candidates, history might have been written very differently.

I understand from those who knew him well that it was a disappointment to Trevor not to have been the first Chief Minister. But the record does show that he played the central role in the early days of self-government of setting in place the most important administrative and financial foundations for self-government that were required in its inaugural term.

He was by no means the most canny political dealer, but he was a straight dealer. He displayed considerable leadership ability in forging an alliance government that combined members from across the political spectrum, and it took political finesse to hold the government together for 18 months. Although he was a leading advocate of self-government, Trevor Kaine included the No Self-Government Party in his government, as Rosemary Follett had done before him.

In the early, giddy days of a new parliament there was a temptation among some MLAs to think big in their policy ambitions. Trevor brought a sense of realism, experience and perspective into the chamber. He was a patient chairman, but he was also a demanding intellect who liked things well justified by ministers in his government. He brought a maturity to self-government and was instrumental in settling down what was an unpopular concept.

He regularised the forms of government in the ACT. Under his leadership a number of resources were still being transferred from the commonwealth to the ACT government. Trevor initiated an audit of the commonwealth assets taken over by the ACT and liabilities associated with them. The audit had been a key election commitment in 1989, and this audit was something that ACT Labor had not been prepared to do. He established the Priorities Review Board to consider the social and economic priorities of the ACT over the years ahead, and he established the foundations of the ACT public service.

As Chief Minister for the ACT, he grappled with difficult policy challenges associated with the transition to self-government at a time when funding from the commonwealth was being very significantly reduced. He championed causes that were often not popular but were the right ones to pursue. He was a leading force for self-government in a community which, for the most part, felt very attached to living out of the commonwealth purse. When the commonwealth began to cut funding to the ACT, he made the case to his colleagues for some serious adjustments to spending. History shows that his government did not last long. He put financial responsibility ahead of political expediency, and that meant that his term was cut unnaturally short.

Trevor Kaine had a number of political ambitions for Canberra. He had a great hope that the ACT could establish a speed rail link to Sydney. It was one of his disappointments from his short time in office that he was unable to commence steps towards a viable rail link.

Trevor Kaine led the Liberal Party into the 1992 election, and his slogan at that time was “government you can afford”. This slogan had a Liberal flavour, but it was even more than that—it was a catechism that was distinctly Trevor Kaine’s own. His political career was a long and epic one, and he continued to serve the community long after he had lost the job of Chief Minister.

Altogether Trevor contested seven elections, and he won six of them under a Liberal banner. He served the Legislative Assembly from 1974 to 1977, then in the renamed House of Assembly from 1982 to its disbandment in 1986. He was re-elected to the new Legislative Assembly in 1989, 1992, 1995, and 1998. He was elected as a representative for a northern seat, Fraser; a southern seat, Brindabella; and was also elected as an ACT representative at large during the d’Hondt elections.

He also had the experience of being elected under three different electoral systems: initially the old Senate system, then d’Hondt and finally Hare-Clark. He served under several leaders, and he also served as leader. He worked most of his political career under the Liberal banner but, for a short period, he had a falling out and ended his career as an independent.

He was a man with ambitions. He had some failings, as all politicians and people have, but he was a serious contributor. He was no froth-and-bubble politician. He was a heavy lifter in the big debates on policy and in the hard yakka of administrative reform. His biggest legacy has been to help establish self-government in a viable form in spite of considerable opposition. He was not only a champion of the ACT, but also a big believer in the importance of cooperation with the region around Canberra’s borders.

Trevor was instrumental in initiating ACT government discussion with neighbouring councils and the south-east economic region. His thinking on the ACT’s role in the region remains radical to this day. He proposed that the ACT should subsume some of the land in surrounding New South Wales so that Canberra could have common planning, development and business laws with the satellite communities around our borders. In his vision, rural communities in the enlarged jurisdiction would benefit from better education, health, nursing, police and transport services. But ever the realist, he knew not to push the idea too hard among a community that was still reluctant to accept the burden of self-government.

One quirk among his proposals could have been very far-sighted if it had been taken up. I am told he had proposed that the ACT government look after the national institutions based in the ACT but that the funding be quarantined from other budget items and subject to regularised indexation. Had this approach been the approach today, the funding for our national institutions such as the Australian War Memorial, the National Library, and the National Gallery could have been safeguarded from all short-term fluctuations in government spending, whether they be ACT or federal.

Trevor Kaine’s contribution to public life did not end after retirement from politics. Trevor is credited with proposing the establishment of the ACT’s first stroke unit. He suffered his first stroke late in 2003 and, through his experience in the ACT health system, he saw the failure of the system to provide specialised support to victims of stroke. He was quick to lobby Mr Stanhope over the need for a stroke unit. The government responded, and the unit opened in 2004.

Trevor Kaine believed in the importance of public service and impressed this idea on his family. He has two daughters who have made a contribution to Australia and the diplomatic service. On behalf of the Canberra Liberals, I convey our condolences to Trevor and his family.

**MR MULCAHY** (Molonglo) (10.48): I will take a few moments to join with my parliamentary colleagues in paying tribute to Trevor Kaine. History will record Trevor Kaine as an important player in the early days of self-government in the ACT. His contribution to Canberra was considerable and will not soon be forgotten. His was a life of service, and it is appropriate today that we remember the contribution that he made to the territory.

I first met Trevor Kaine some 19 years ago in 1989, when I was working as a lobbyist. Over the years, although we were not close friends, we had a series of professional dealings. He attended the opening by the Hon John Howard of the Australian Hotels Association's new offices in Barton in 1996 when I was national executive director of that organisation. The records will show that he was photographed with the former Prime Minister by the *Canberra Times* after that event. As I have said, I was not a close acquaintance of Trevor, but, since our first dealings, we had fairly regular communication. Throughout all of our dealings, he was, as others have touched upon already, professional, competent, and efficient.

Trevor was born in 1928 in Penguin, Tasmania, and was educated in Victoria and Queensland. He served in the RAAF and obtained the rank of wing commander in his 22-year career. He was also a senior public servant in the defence department, a role of which I recall him being quite proud, and he worked at the Australian Embassy in Washington DC.

It was the air force that first brought Trevor to Canberra in the 1950s, but Trevor's next career is what will be best remembered. His involvement in ACT politics extended some 27 years and encompassed both the time before and during self-government in Canberra. The pinnacle of this service was his time as Chief Minister between 1989 and June 1991. That period was flanked by terms as opposition leader. Trevor also served as Minister for Urban Services in the Carnell government.

Trevor Kaine made, as I have said, a significant contribution to the ACT, and it is appropriate that we pay tribute today to him and his many years of visionary service for his country and the people of the ACT. I join in extending my condolences to his surviving family members.

**DR FOSKEY** (Molonglo) (10.51): I am very pleased to be able to join with other members in this motion of condolence for the family of Trevor Kaine. While I did not know Trevor Kaine personally at all, I am well aware of the important role that he played in the early days of self-government in the ACT and his considerable skills in public administration. I have asked the former Greens member of the Legislative Assembly, Kerrie Tucker, who did work with Trevor, to provide me with some comments. People will be aware that Kerrie represented the ACT Greens at Trevor's funeral last week.

Kerrie Tucker shared the crossbench with Trevor Kaine for some time after he left the Liberal Party. She tells me that they were sometimes referred to as the odd couple on the crossbench. Kerrie has asked me to pass on her personal condolences to Trevor's family. She said:

Working with Trevor on the crossbench was an unexpected pleasure. While I had always respected his contribution up to that time, I had not before had the chance to get to know him: how charming he was; his wit, and his sense of humour. Sometimes during debates he would offer a quiet commentary which would leave me either laughing or wondering at the insights he offered. And while we had quite different views on some issues of policy, Trevor and I agreed on the importance of accountable public administration, and I always found his thoughts on such matters to be informative and informed.

One of the things that made me really enjoy sharing the crossbench with Trevor was his pleasure in the whole Assembly. I understand from the outside we may have seemed like an "odd couple", but from my perspective it was always easy working with Trevor. What is not to like about a person who after all those years in the Assembly could say in the last days of the Fourth Assembly, "As this Fourth Assembly reaches the last minutes of its life, I would like to record the level of sheer fun and joy I have had in this place over the last three and a half years. It is a wonderful, exhilarating experience to get up every morning, to come to work, and to know that you are working with a team of 16 other dedicated professional people all working together in the public interest." There is something about that that makes you feel warm and fuzzy. I am sure that Trevor will be sorely missed by all those close to him.

My own observation is that politics is not always kind to its practitioners, and the media is always looking for weak points. The fact that Trevor Kaine has emerged from his years of political and media scrutiny with the strong reputation that he has as a man of honour and integrity indicates that this is exactly the kind of man that he was.

On behalf of the ACT Greens, I join the Assembly in this expression of condolence to the family and friends of Trevor Kaine. He was a Canberran who made a difference for the city that he loved.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.54): I rise to add my condolences to the family and friends of Trevor Kaine on his passing. I simply want to reflect briefly on the contribution that Mr Kaine made to this place and my experiences with him.

I was first elected to the Assembly in 1997. At that time Trevor Kaine was a minister in the first Carnell government, and I was made his shadow on issues to do with economic development and tourism. I recall a number of exchanges across the chamber at that time. I sensed that Mr Kaine was somewhat perturbed that a young man of 26 should be made his shadow, given his extensive experience, knowledge and expertise in the business of government. Having said that, Trevor Kaine proved to be, for me, someone from whom you could always learn something. Indeed, in the latter years of his time in the Assembly, I got to know Trevor better, particularly when he was an independent crossbench member. I recall particularly some of the lessons he gave this place in relation to governance.

It is well known that one of the key reasons for his falling out with the Liberal Party was some of the decisions that were taken about how the Carnell government conducted itself—and, in particular, the decision to include an independent member in the Carnell ministry, Mr Moore. Trevor Kaine never could accept that decision. For him, it ran against everything that had to do with good governance and accountability and cabinet government.

Trevor Kaine was a conservative man in the best sense of the word, but he was also a libertarian. He could not reconcile the notion of accountable cabinet government with having somebody from outside the governing party in the cabinet. I recall a particularly colourful description of this arrangement that was attributed to him, when he said you could be outside the tent or inside the tent, but you could not be both. That, for me, explained a lot about Trevor's view of and commitment to accountable government in this place.

His contribution has been a remarkable one, and other members have reflected in some detail on that. For me, the passing of Trevor Kaine marks another end of an era in self-government in this place. He was one of the few veteran members left from the beginning of self-government. His passing marks the closure of another chapter in the history of responsible home rule here in the ACT. I extend my condolences to his family, particularly to his widow, Sandie, on his passing.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (10.58): Mr Speaker, I probably knew Trevor better than any of you in this place, having served with him throughout the First Assembly, having met him before that, and having served with him in most of the rest of the assemblies until he left in 2001.

I acknowledge in the gallery today Trevor's second wife, Karen Rush, and a former President of the RSL, Colleen Thurgar, a good friend of Trevor's. I extend my condolences, to start with, to Karen, her daughter Jeffie, to the three children of Trevor's first marriage and, of course, to Sandie, and Trevor's stepchildren, all of whom at his funeral were visibly moved at the passing of a great man. I thank the Chief Minister for providing Trevor with a state funeral. I think that was most appropriate.

Politics is a funny game. Trevor was the sort of bloke who would have as many fights with his own party as some of us do with the opposition and other political groups. I first met Trevor, having been in the party myself for about two years, in 1986. I was running around getting signatures to be number two on the Liberal Senate ticket—an impossible position unless number one gets hit by a bus after the writ is issued. It was a contested election, I recall. I ventured then, having lived in Rivett for some time, to the northern extremities of Canberra, somewhere in what is now the wonderful electorate of Ginninderra, which I have the honour to represent, to a place in Belconnen, where Trevor, a member of the House of Assembly, was being grilled by some very zealous Liberal Party members. He took it with great style and considerable charm. I thought some of the questions were eminently unfair, yet he did not lose his cool. I remember feeling, "Why on earth are they being so nasty to that gentleman who seems to know what he is doing?" But that was a welcome to what was, I suppose, party politics there.

He served as the Chief Minister and, as my colleague the Leader of the Opposition has said, through several assemblies prior to self-government hitting the ACT in 1989. I had the honour and privilege to be about number four on the ticket when we selected 10 candidates to contest the first Assembly election. Members have said that Trevor was the obvious leader for the Liberal Party in that election, and I certainly agreed, although with some concern, because when I got into the party I was very close to his then deputy, Gary Humphries. But I did vote for Trevor, and I think he performed ably as Liberal leader in those incredibly difficult years of self-government.

Trevor brought all the benefits that a military background can give to someone entering a game like politics. He also brought considerable skills as a bureaucrat and considerable skills in life. Campaigning with Trevor was also quite entertaining and a joy. Whereas I found that some of our colleagues were somewhat awkward in dealing with everyday people, Trevor passed one of the great litmus tests I could think of in terms of being a politician—that is, getting on well with the bottom bar at Royals when we went there a couple of times in early 1989. He was the sort of bloke who could get on with everyone.

I recall talking to some trade unionists not long after Trevor had become Chief Minister. They were very surprised at how well they got on with him, as they felt he was some sort of conservative ogre. Trevor was always well dressed in a clipped, military style, and he exuded an old-fashioned conservative persona. But he was not. He was a very broad-thinking man. He was a great lateral thinker. He was a man of many parts. The unionists came away absolutely delighted that they had something in common with the new Chief Minister. His first job was cutting timber. He always wanted to work with his father and he was cutting timber for his first job. He told that story to these unionists and they were absolutely delighted with it. It broke the ice and they walked away thinking: “Here is a man we can certainly do business with. Here is a reasonable man. Here is someone we can actually trust and, indeed, like.”

Trevor certainly could get very cranky on occasions. He certainly was not the easiest person to deal with, but he was always straightforward. He was always open and honest. For the vast majority of the time, Trevor had a fairly laidback and very friendly style. He worked well with his colleagues. He worked well with the bureaucrats and the other coalition partners in the alliance government. Indeed, he worked well with the opposition.

One of his best friends in the first Assembly was Paul Whalan, whom he had met and clashed swords with in the old Advisory Council and House of Assembly. They were particularly good friends. Indeed, he would confide in Paul in relation to a number of issues of a personal nature that concerned him. I think they remained good friends until his death. He was the sort of bloke who transcended politics in terms of just getting along well with all sides.

They were tumultuous times. Trevor could get very angry, but he was very loyal. He would not hold a grudge. It is true to say that he and Gary Humphries had a lot of clashes. I recall one time in September 1989 when he stormed into my office after a very vigorous and aggressive fight with Gary in the party room over something. I have no idea what it was about. He said, “Right, I want you to be deputy.” I said, “Trevor, hold on, just as a result of this argument?” He said, “Do you reckon I went

over the top a bit?" I said: "Yes, you did, mate. I think you did." He said, "Okay, fair enough." He could see when he made an error. He was certainly passionate. He could be aggressive. He could be difficult to deal with, but he was always able to see a good argument. He was always able to put aside any differences he might have had with someone for the better good, and ultimately in order to work for the benefit of the ACT.

Trevor became Chief Minister in the alliance government. As Zed has said, and quoting Gary at the funeral, it was a close-run thing. I was at that meeting. I, too, recall Dennis Stevenson and Trevor storming out. Trevor also ensured that we got as stable a first government as we possibly could by ensuring that we as an opposition voted for the Labor government to go in, I seem to recall, because some of the other groups did not want to.

**Mr Berry:** Only one of you.

**MR STEFANIAK:** Only one of us did; that is right. That was an interesting thing itself. I thank the Speaker for reminding me of that because I think that was part and parcel of ensuring that we got off to a totally non-chaotic start. It ensured that we had a government. Trevor then, of course, made no bones about the fact that he would hold the government to account.

About six to seven months later, in holding the then government to account, a coalition was formed with some quite remarkable people who, despite all the problems and hoo-ha at the time, fundamentally served the Assembly well—and in no small way because of Trevor's ability to coalesce and work with very unlikely people, get the best out of them and work together. He spent a lot of time forming those links with his coalition partners, Bernard Collaery and the Residents Rally, and Craig Duby. Indeed, he had very much of a soft spot for Craig. I, too, found Craig to be one of the more able people in that First Assembly, and certainly as a minister, although he was certainly a very controversial character. So it was an interesting time.

It was an interesting time, too, because the ACT from 1986 had its funds cut by the federal government. Like all governments in this place, the government in the First Assembly had to face difficult times. It was a time when governments had to decide what was important and what the priorities were. Trevor was very good at that. If he got a good argument, he would have priority given to areas that deserved it. In difficult times he formulated one or two budgets particularly well when the territory was facing some significant economic issues. He put the public service and the Treasury on a very sound basis. In fact, I think one of his greatest legacies is to our public sector and to financial management.

The alliance government, unfortunately—or fortunately, depending on what point of view you had—collapsed. It collapsed over fundamental things like planning. There were also some residual problems in relation to school closures. The Liberal Party went through a little bit of turmoil there. I voted with my colleague Gary Humphries to form a new leadership duo. It worried me at the time. I thought, "Hello, this may not work." This was typical of Trevor; he would say it to your face. He said: "You're wrong. If you nail your colours to his mast, you will go down." I said, "I'm sorry, mate; I promised and I'm doing that." But I always appreciated the fact that

Trevor Kaine was not devious. Trevor Kaine would not go around stabbing you in the back. He would be up-front. He would front you. He would shirtfront you. He would say it to your face. Sometimes he would say it pleasantly, sometimes aggressively, but always openly and honestly. And there is much to say for that.

I recall, when I did not get back at the end of the First Assembly, having been dumped down the ticket to number eight—I had a good personal vote but it is pretty hard, when you have got a system like a Senate system, to get in at that number—he then came to me and said, “Mate, if you’ve got any problems, I’d be delighted if you’d come and work with me.” That meant a lot to me. I said: “No, it’s okay, thanks, Trev. I’ve got a few other things I would like to pursue, but I greatly appreciate you making that offer.” He was that kind of guy. You might have a few blues with him. He would not hold a grudge. He was a very decent, honourable, old-style fellow in that regard. In a way, it is excellent to have people like that in politics.

When I got back in, Kate was leader; we had the Carnell government. I had the pleasure of serving with Trevor in many capacities, including when he was Minister for Urban Services. I think the previous speaker mentioned his responsibility for business and tourism. He would get to the bottom of a matter. He had great breadth of intellect. He could see problems, often before other people could see those problems. He was certainly not backward in coming forward in telling his colleagues about those problems.

It was the final straw for him in 1998. It was not so much that he was not a minister; he was given that opportunity. He declined it for a very honourable reason—one on which I would not agree with him, perhaps, but he declined that. About a month later, when Michael Moore became a minister, that was the final straw for Trevor. I recall trying to talk him out of leaving the party, but he had set his mind on it. He was quite clear about why he was going to do it, and I respected him for that.

He continued to contribute, as other speakers have said, in the Fourth Assembly, before not getting back as a result of the 2001 election. Since that time, I have had the pleasure on a number of occasions of catching up with him, usually over lunch with Greg Cornwell, Harold Hird and the late Jim O’Neill, the first Auditor-General of the ACT, who was a great friend of Trevor’s and a very fine auditor as well. I also caught up with Trevor on a number of other occasions. I will always appreciate Trevor turning up here in May 2006, when he was very sick, to hear my first budget reply speech as Leader of the Opposition. He was not well; I appreciated that and it was a good mark of our friendship. He was a man for whom I had immense respect and he contributed hugely to the territory.

If someone asked me to sum up Trevor’s legacy, I would probably say this: he was a solid, able administrator. Trevor Kaine used his considerable skills and experience to work well with interesting and, at times, difficult characters to steer the ACT competently through uncharted and, at times, troubled waters during those first few years of self-government. The fact that the ACT is on such a fundamentally sound footing today is in no small measure due to the efforts of Trevor Thomas Kaine.

**MR BERRY** (Ginninderra) (11.10): Too often one is getting to rise in this place to speak about former colleagues on motions of condolence. When I first came to this

Assembly, I was the least experienced of all of the Labor members in the parliamentary sense. My job before coming to the Assembly was basically worrying politicians. I came here and I was amongst some experienced people in the form of the Labor team, most of whom have had some connection with parliamentary experience as advisers or as members of the former House of Assembly. On the opposition benches, of course, the most notable was Trevor Kaine.

I bumped into Trevor in my pre-Assembly years. He struck me as a somewhat pukka chap. He had the carriage of an officer type, and he was a member of the Liberal Party. I formed the view that he was fairly conservative. I do not like the term “old-fashioned conservative.” I think there were things that Trevor was attached to that he wanted to keep in the political sense. There were some of us who just had a different view about the world. There were some things that we wanted to get rid of, and it was simply an argument—a standing, really—about philosophy.

When we first were elected, it was a worrying period for those of us who then had the job of trying to make this place work. I recall having several meetings about how a government might be formed. You can imagine the speculation, given the diverse groups which had been elected to this place. The Labor Party had the most people elected and, therefore, felt that we were the most likely to be able to put together some form of stable government. The other side—the Liberals—had four members, and then there was a grab bag of people from all over the place—the No Self-Government Party, the Abolish Self-Government Coalition and the Residents Rally—and we quickly formed the view that it would be impossible to make some sort of alliance work in those early days.

As I say, we had many meetings and discussions about this, and at one stage I was sent—dispatched, if you like—to talk to the leader of the Liberals about what might come out of this. The Labor Party had formed the view that we needed an opposition, because the Westminster system that we were trying to work within would not work unless there was an organised opposition, and it obviously had to be the majority party of standing in the place—that is, whoever was not able to put together a government with a chief minister.

I had the discussions with Trevor, and I was immediately impressed by his understanding of the issues. With his experience, he knew that there had to be an opposition to hold accountable whoever formed the government. I am just trying to work out whether the meeting I had with Trevor was before or after the one that has been spoken about. My feeling is that it was before, and I walked away from the meeting confident that Trevor would make sure that Rosemary Follett was elected as Chief Minister. I think he had realised that we were the only ones that were likely to put forward a government. So I am confident it was Trevor’s vote that installed the first Chief Minister.

There were no misconceptions about it. Everybody knew it was Trevor’s job then to hold us accountable and perhaps form a government himself in due course, which he did, as if by some magic. It was a very difficult group of different people, and, as you can imagine, the Residents Rally, as it was called, fell apart. One of theirs jumped ship because Michael Moore could see that the Residents Rally had really betrayed all of what it stood for by joining the conservative government and knocking over a

left-of-centre government which was probably more sympathetic to the Residents Rally's natural constituency.

On the one hand you might say that it was a masterful stroke by Trevor to do those people over; on the other hand you might say it was just a breaking down of something that could not survive. However, it survived for a long time. When you look at the characters that were involved, it survived for a very long time. No matter what people have said about Trevor Kaine's prickly nature, he was still able to hold that group of people together for a very long time. Anyway, it was one of life's experiences that you do not forget.

In all of the times that I had to deal with Trevor—many have said this—I could always rely on him to stand by his word. That was always the case. I do not want to repeat too many things that people have said, but it has been said that he would always tell you what he felt and you could always rely on him sticking to that position no matter what the case. If he was going to change his mind, the first person he would tell would be you.

I was later dethroned as a minister, and I was in no doubt about where Trevor was coming from. I do not hold any grudges against Trevor for his position in relation to those matters, because that was the scene. It was always expected that he would take an honourable position in any of the decisions that he made in this place.

His contribution on the economic front was extraordinarily valuable. Aside from the Labor Party, there were no other people with the necessary experience to look at the financial needs of this new self-government. It was extremely important to have somebody like Trevor on the other side of the house gingering up the government on economic issues. Trevor did that masterfully. He was an extraordinary, able financial person and somebody who made a major contribution to the development of self-government here in the territory.

I do recall his humour; he had a good sense of humour. After he got his pilots licence I recall one time mentioning that Mrs Carnell and Mr De Domenico might be worried if they heard a light aircraft buzzing around overhead. I think I referred to him as the Blue Baron or something like that. You could sense the tension was growing because Trevor's style of politics was completely different. He was not one for the fizz; he was one for the substance, and he always stuck to that line.

The cracks, of course, opened inexorably over the hospital implosion and Trevor thought that he was being fitted up with some of that. I think there might have been an attempt to fit him up with some of it, and Trevor reacted badly to that. I think that was the beginning of the end so far as his connection with the Liberal Party was concerned. When people tear themselves away from something they have been involved with over a long time, there is an element of sadness about that. Nevertheless, it was done on principle, and Trevor did it because he believed in what he was doing. He carried himself through to become an independent and to try to represent the people of the Tuggeranong Valley as an independent. That was a difficult call, and, in the end, it failed to realise his election the next time round.

Overall, my experience with Trevor has always been good. I never regarded myself as a close personal friend, but certainly I regarded him as a respected acquaintance, somebody who I could always get along with and somebody who, for all of the time that I was in touch with him and had conversations with him, was always most courteous. He was a respected member of this place.

I did regret his becoming ill, because I knew that would be a battle for him. From what I have heard, he coped with that as best you could. When someone passes, of course, you always reflect on the contributions that people have made and you also reflect on the trials that led up to the passing and how that affects the family.

I would like to conclude by offering my condolences to his broad family, because he had many family connections. I met many of his friends after the church service, and they had a great deal of respect for him too. It is always sad to see somebody like Trevor pass; a person who has made a contribution to public life in this place that ought never be forgotten. I trust that it will not be, because it was a worthwhile contribution which affects the lifestyle of people in this place and will continue to do so for many long years ahead. Vale, Trevor Kaine.

**MR SMYTH** (Brindabella) (11.21): I would like first and foremost to thank the Chief Minister for bringing on this motion today. I know that the Chief Minister and Trevor, as the years passed, had a great friendship. I also note that the words of the Deputy Chief Minister, delivered at the funeral, were well received by all.

I also congratulate those that organised the state funeral. It is a shame that in the last couple of years we have had a number of these, but it is a sign of the length of time that the Assembly has been in place. Well done in particular to whoever selected *Highland Cathedral* as the opening bagpipe piece. I think Trevor would have smiled quite warmly.

I also think Trevor would have been quite amused at who turned up and sat there and gave honour to his life by their presence. I think at heart Trevor always had a wry grin, whether he showed a straight face or a broad laugh. He had an interesting view on life and was not afraid to express it.

I start by extending my condolences to the three families that he had and cared for, all in his own special way. Like Mr Corbell, I learned a lot from Mr Kaine. At one stage, as the new urban services minister, I sat in front of him. It was a case of the old urban services minister looking over the shoulder of the new urban services minister. I got tips and support—I think it was support. I remember making a comment one day about sitting at the feet of the master and he chuckled. I never worked out what that chuckle was about. Wayne has commented about Trevor's humour. Having been the butt of that humour, I can confirm that Trevor certainly had humour. It really was one of the defining things about Trevor.

I have spoken to Trevor's family, his friends and his colleagues and prepared a distillation of their thoughts. On their behalf I will now say that Trevor's life was as wide and as deep as it was long. It started in the picturesque folding landscape of rural Tasmania on his parents' farm, crossed Bass Strait to rural Victoria and later moved to Melbourne.

In his secondary school years he attended Northcote high school and was the dux of his intermediate year, before having to leave because of his family's need for him to work. He had many happy memories of those years. The teaching was excellent and he left with a belief that, given the right opportunities, there was no earthly reason why he could not make his dreams come true. I think he proved that. This school was also attended at various times by Jim Cairns, John Cain and Don Chipp.

During World War II he was too young to join the RAAF and fly, which was his dearest wish. After the war he joined anyway and became an accountant because the RAAF needed accountants. I think that was a very strong symbol of the man and his commitment. It was not about him; it was about what his organisation needed. Quite quickly accountancy lost its allure and he was, for most of his air force career, a logistician. He never lost his yearning to fly, however.

In 1978 an Australian academic who was at that time an adviser to President Jimmy Carter introduced Trevor to a group of Americans at a function in Washington DC. He said, "This is Trevor Kaine. He buys bombs to drop on people!" Most people did not really understand what a logistician was.

Trevor was posted to Washington DC twice, having a total of seven years there. The renowned Canberra poet Timoshenko Aslanides dedicated a poem to Trevor and his wife after visiting them in America. In his volume *Passacaglia and Fugue* he included a poem entitled *Australia Day 1979*, and it reflects Trevor's enduring connection both to Virginia and to Australia. I want to read a small piece:

I dance Australian  
in deciduous Virginia,  
waltzing, sober, before my return,  
but again I hear the sounds  
that will make me sing,  
under trees which never lose their leaves  
or anything else.

Trevor was posted with the RAAF to the Australian Embassy in Washington from 1966 to 1969 and lived happily with his young family in nearby Falls Church, Virginia. There started his love affair particularly with that part of the United States. He returned to the Australian Embassy in Washington again from late 1977 to late 1982 as the First Defence Counsellor (Supply).

Trevor had a well-documented flair for thinking outside the square, and many have alluded to the alliance government, which was just one example of all that we have witnessed. But during that last posting to Washington he developed a number of friendships with consultants at the Pentagon. Trevor's ideas of using balloons to solve over-the-horizon surveillance problems of the time and the rearming of mothballed battleships with large armaments were taken up by Chuck Myers and subsequently implemented by the US Department of Defense. Not bad for a boy from Penguin, Tasmania!

Trevor had a university degree in accounting and finance from the University of Queensland and topped his master's degree class from the University of Ohio while attending the Air Force Institute of Technology at Dayton, Ohio in 1969. Throughout

his life Trevor read voraciously and never stopped learning and challenging himself, and his children and grandchildren follow his example in this regard.

Much has been said at Trevor's funeral and in the press in recent weeks about his political footprint in this place, his contribution to the evolution of self-government and his record as the first Liberal Leader of the Opposition and second Chief Minister of the ACT. I acknowledge his steady, firm grasp of the importance of good fiscal and administrative management in governing this territory. He was popular with our public servants because he "got" what they were about. He worked well with Bill Harris the then head of the ACT public service and with Gary Whitley, the then chief executive of the Chief Minister's Department.

His sound administrative leadership stands as testament to his requirement that elected politicians have a duty to manage the people's money in the most effective and efficient way. But, let us face it: Trevor was not easy. He was complex and he was capable in so many ways. As was alluded to at his state funeral, many of us fell in and out of favour with him over matters of policy and party direction. It has to be said, though, that he had a presence. Many would say he was a handsome man, well dressed, courtly and well-spoken. However, on occasion we all experienced his icy stare and his sharp words. At other times we saw and felt his warmth.

I would like to acknowledge, however, some of the other parts of Trevor Kaine—the caring citizen, the family man, the artistic soul, lover of all codes of football and, most of all, his lifelong obsession with all things air and space which endured to his end. Trevor's community engagement started early in his life in Canberra when he and his family were posted here with the RAAF. He was an active member of his Catholic parish when he lived in north Canberra. He also participated in the work of the St Vincent de Paul Society with his RAAF friend, Jim O'Neill, and was a member of the Knights of the Southern Cross. He had some hand, with others, in the initial establishment of the Canberra Southern Cross Club in Woden.

He was also one for picking up needy people. Some said it was lame duck syndrome. He felt obliged to help them, often bringing them home, organising jobs for them, helping their children and assisting them to navigate their way through the bureaucratic mazes of government to secure various levels of assistance.

Trevor was a committed family man. He had three marriages, the first to Carmel Kaine, with whom he raised three children—Shayne, Denise and Terry. That was a union that spanned Trevor's RAAF career and was a happy time filled with career challenges, including postings within Australia and overseas to the US. His pride in his children's and his subsequent 10 grandchildren's many careers and personal successes was abundantly evident to anyone who ever shared a glass of wine and a reflective moment or two with him.

His second marriage was to Karen Rush in Washington. I acknowledge Karen's presence in the chamber and, indeed, that of friends Clinton White and Colleen Thurgar, a former president of the RSL. I think that one of the great things that Trevor's friends will acknowledge is the depth of their friendship with him. When it was given, his friendship was truly given and it was truly honoured.

His second marriage to Karen Rush in Washington DC produced one daughter, Jeffie, who is now 28 years old. Like her three older siblings, Jeffie's academic and career achievements made him proud. In her early growing years she was often to be seen around this Assembly. No matter how busy Trevor was or what his position was at the time, Trevor never failed to drive Jeffie to school every day. During the five years of her university studies he and Jeffie could be seen deep in conversation in some Civic restaurant or other having one of their long weekly lunches. I would like to acknowledge his daughter Jeffie and her desire to be here today. However, just as her father would have done, she has returned to duty in Indonesia where she serves in the Department of Foreign Affairs and Trade.

This was the marriage of four happy Washington years, the wild ride into ACT self-government and Trevor's Liberal political life, including the years of pre and post alliance government. Like all political marriages, it was subject to many external strains and it succumbed to them in 1994. In 1996, Trevor married Sandie Brooke. Sandie was his companion during his turbulent political years after he left the Liberal Party and sat on the crossbench, and she stood for election alongside him when they formed their own short-lived party. She also nursed and cared for Trevor for five years after his stroke, and I acknowledge Sandie and her stepchildren for the love and support that they gave to Trevor.

Many would not know, Mr Speaker, that Trevor Kaine possessed an artistic soul of quite considerable sophistication. He did not flaunt it and most did not know about it, but it was there. He particularly loved stringed music, both classical and folk. He played the violin as a child and did not lose the skill as an adult. He owned a classical mandolin, a balalaika and a bouzouki, which he liked to strum.

He was also an accomplished watercolour painter, and some of the paintings of fuchsias in his younger years are reputed by family members to be quite stunning. I have heard that he may have also, on the back of an envelope, designed the ACT flag. Now, I cannot prove that—if somebody can disprove it, they are welcome to try—but perhaps we could attribute to Trevor also the design of our flag.

He was also a gardener, and the numerous gardens he designed and built over a lifetime were described by family members as seasonal delights of colour and texture. They were just another example of his artistic interpretation of the world that he observed. I certainly saw his gardens in Isaacs and Macarthur, which he designed and created from bare clay, and in these places I enjoyed his hospitality, enjoyed discussions with him and shared his true love of the numbers. And, let me tell you, he knew all about the numbers!

Trevor loved watching football of all codes, whether it was Australian rules, rugby union, rugby league or American gridiron. A glass of wine, cheese and crackers and the football was his fast-track to deep relaxation and retreat from his pressured work life. He was, as Gary Humphries said in his eulogy at Trevor's state funeral, "a man of powerful passions" and these both defined his political identity and made him, on occasions, very difficult to deal with.

Trevor was very sure of himself and firm in his views. He was often heard to say—you may well have heard it yourself, Mr Speaker—"I've only apologised twice in my

life and, on reflection, I was wrong both times.” If you knew Trevor, you could hear him saying that and understand why he would.

Trevor’s enduring love affair was with the air—that space above the earth. He always wanted to fly and did succeed in getting a pilots licence in his late sixties—again another achievement. Family members and friends heard him say with absolute conviction over the years that if he had the chance to go into space without any hope of coming back he would take it. He was firm about that even when he was the Chief Minister, much to the horror of his family and colleagues.

I will close with the words of the then young poet, now Professor Jenny Stewart. They would surely apply to Trevor Kaine:

This is what he gave us.  
The nerve to lie in wait for dreams,  
to fashion images of rare utility,  
to go, quietly,  
much too far.

*Question resolved in the affirmative, members standing in their places.*

**Sitting suspended from 11.38 to 11.41 am.**

## **Chief Minister**

### **Notice of motion of no confidence**

*Mr Seselja, having delivered a notice of motion of no confidence in the Chief Minister, the Clerk, pursuant to standing order 103, announced that, in seven days hence, in accordance with standing order 81, Mr Seselja shall move:*

That this Assembly no longer has confidence in the Chief Minister due to his:

- (1) repeatedly giving inconsistent testimony and testimony that is inconsistent with the written record of events relating to the data centre and gas fired power plant at Tuggeranong and, therefore, misleading the Estimates Committee and consequently the Assembly;
- (2) mismanaging the process associated with the data centre and gas fired power plant at Tuggeranong, jeopardising an important project for the Australian Capital Territory and, as a consequence, costing the Territory around \$1 billion in investment;
- (3) selectively releasing materials to the media which were withheld from the Assembly and withholding the substantial part of the records, showing contempt for the people and Parliament of the Australian Capital Territory; and
- (4) failing to properly consider the impact on residents of the data centre and gas fired power plant, and failing to adequately notify or consult with residents, which jeopardised the entire project.

## Assembly sittings 2008—amendment

Motion (by **Mr Corbell**), by leave, agreed to:

That the resolution of the Assembly of 6 December 2007 that sets the sitting pattern for 2008 be amended by omitting Wednesday, 18 June, Thursday, 19 June and Tuesday, 24 June 2008 and inserting Friday, 27 June, Tuesday, 1 July, Wednesday, 2 July and Thursday, 3 July 2008.

## Leave of absence

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

That leave of absence be given to Mr Hargreaves (Minister for Territory and Municipal Services) for this sitting.

## Papers

**Mr Corbell** presented the following papers:

Financial Management Act, pursuant to section 26—Consolidated Financial Report for the financial quarter and year-to-date ending 31 March 2008.

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Civil Partnerships Act—Attorney General (Fees) Amendment Determination 2008 (No 1)—Disallowable Instrument DI2008-113 (LR, 16 May 2008).

Crimes (Sentencing) Act—Crimes (Sentencing) Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-20 (LR, 12 May 2008).

Dangerous Substances Act—Dangerous Substances (Explosives) Amendment Regulation 2008 (No 1), including a regulatory impact statement—Subordinate Law SL2008-21 (LR, 13 May 2008).

Domestic Animals Act—

Domestic Animals (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-66 (LR, 30 April 2008).

Domestic Animals Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-18 (LR, 30 April 2008).

Domestic Animals Regulation—

Domestic Animals (Implanting Microchips in Dogs and Cats) Code of Practice 2008 (No 1)—Disallowable Instrument DI2008-67 (LR, 30 April 2008).

Domestic Animals (Implanting Microchips in Dogs and Cats) Code of Practice 2008 (No 2)—Disallowable Instrument DI2008-73 (LR, 1 May 2008).

Domestic Animals (Operation of Domestic Animals Registry Services) Code of Practice 2008 (No 1)—Disallowable Instrument DI2008-68 (LR, 30 April 2008).

Domestic Animals (Operation of Domestic Animals Registry Services) Code of Practice 2008 (No 2)—Disallowable Instrument DI2008-72 (LR, 1 May 2008).

Education Act—

Education (Government Schools Education Council) Appointment 2008 (No 1)—Disallowable Instrument DI2008-83 (LR, 19 May 2008).

Education (Government Schools Education Council) Appointment 2008 (No 2)—Disallowable Instrument DI2008-84 (LR, 22 May 2008).

Education (Government Schools Education Council) Appointment 2008 (No 3)—Disallowable Instrument DI2008-85 (LR, 22 May 2008).

Education (Government Schools Education Council) Appointment 2008 (No 4)—Disallowable Instrument DI2008-86 (LR, 22 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 1)—Disallowable Instrument DI2008-88 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 2)—Disallowable Instrument DI2008-89 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 3)—Disallowable Instrument DI2008-91 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 4)—Disallowable Instrument DI2008-92 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 5)—Disallowable Instrument DI2008-93 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 6)—Disallowable Instrument DI2008-94 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 7)—Disallowable Instrument DI2008-95 (LR, 19 May 2008).

Education (Non-Government Schools Education Council) Appointment 2008 (No 8)—Disallowable Instrument DI2008-96 (LR, 19 May 2008).

Financial Management Act—Financial Management (Budget Financial Statements) Guidelines 2008—Disallowable Instrument DI2008-90 (LR, 5 May 2008).

Heritage Act—

Heritage (Council Deputy Chairperson) Appointment 2008 (No 1)—Disallowable Instrument DI2008-70 (LR, 5 May 2008).

Heritage (Council Members) Appointment 2008 (No 1)—Disallowable Instrument DI2008-71 (LR, 5 May 2008).

Housing Assistance Act—Housing Assistance Public Rental Housing Assistance Program 2008 (No 1)—Disallowable Instrument DI2008-112 (LR, 15 May 2008).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Water Abstraction Charge) Revocation 2008 (No 1)—Disallowable Instrument DI2008-119 (LR, 26 May 2008).

Legal Profession Act—Legal Profession (Barristers and Solicitors Practising Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-104 (LR, 15 May 2008).

Liquor Act—Liquor Licensing Board Appointment 2008—Disallowable Instrument DI2008-98 (LR, 8 May 2008).

Long Service Leave (Building and Construction Industry) Act—Long Service Leave (Building and Construction Industry) Levy Determination 2008—Disallowable Instrument DI2008-103 (LR, 15 May 2008).

Lotteries Act—Lotteries (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-117 (LR, 22 May 2008).

Magistrates Court Act—Magistrates Court (Domestic Animals Infringement Notices) Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-19 (LR, 30 April 2008).

Public Place Names Act—

Public Place Names (Belconnen) Determination 2008 (No 1)—Disallowable Instrument DI2008-97 (LR, 8 May 2008).

Public Place Names (Dunlop) Determination 2008 (No 1)—Disallowable Instrument DI2008-65 (LR, 28 April 2008).

Public Place Names (Franklin) Determination 2008 (No 3)—Disallowable Instrument DI2008-74 (LR, 5 May 2008).

Public Place Names (Franklin) Determination 2008 (No 4)—Disallowable Instrument DI2008-100 (LR, 12 May 2008).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2008 (No 1)—Disallowable Instrument DI2008-115 (LR, 22 May 2008).

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2008 (No 1)—Disallowable Instrument DI2008-114 (LR, 22 May 2008).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 5)—Disallowable Instrument DI2008-69 (LR, 1 May 2008).

Road Transport (General) (Driver Licence and Related Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-105 (LR, 19 May 2008).

Road Transport (General) (Numberplate Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-107 (LR, 19 May 2008).

Road Transport (General) (Parking Permit Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-108 (LR, 19 May 2008).

Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-110 (LR, 19 May 2008).

Road Transport (General) (Refund Fee and Dishonoured Cheque Fee) Determination 2008 (No 1)—Disallowable Instrument DI2008-109 (LR, 19 May 2008).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-106 (LR, 19 May 2008).

Surveyors Act—Surveyors (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-75 (LR, 2 May 2008).

Taxation Administration Act—

Taxation Administration (Amounts and Rates—Payroll Tax) Determination 2008 (No 1)—Disallowable Instrument DI2008-77 (LR, 6 May 2008).

Taxation Administration (Amounts payable—Eligibility—Home Buyer Concession Scheme) Determination 2008 (No 1)—Disallowable Instrument DI2008-76 (LR, 6 May 2008).

Taxation Administration (Amounts payable—Eligibility—Pensioner Duty Concession Scheme) Determination 2008 (No 1)—Disallowable Instrument DI2008-78 (LR, 6 May 2008).

Taxation Administration (Amounts payable—Thresholds—Home Buyer Concession Scheme) Determination 2008 (No 1)—Disallowable Instrument DI2008-80 (LR, 6 May 2008).

Taxation Administration (Amounts payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2008 (No 1)—Disallowable Instrument DI2008-79 (LR, 6 May 2008).

Training and Tertiary Education Act—

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2008 (No 1)—Disallowable Instrument DI2008-81 (LR, 5 May 2008).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2008 (No 2)—Disallowable Instrument DI2008-82 (LR, 5 May 2008).

Waste Minimisation Act—Waste Minimisation (Landfill Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-111 (LR, 19 May 2008).

## **Petitions**

*The following petitions were lodged for presentation:*

### **Health—chiropractic services**

*By Ms Gallagher, from 1,800 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that it is inequitable that people who depend on the ACT public health system for health care, do not have access to publicly-funded chiropractic care, as is the case with other health services such as podiatry and physiotherapy.

Your petitioners therefore request the Assembly approve the appointment of a chiropractor to the staff of an ACT health centre to provide chiropractic services to low-income earners and Commonwealth concession card holders.

### **Gas-fired power station**

*By Mr Berry, from 200 residents:*

**To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that ActewAGL, a Territory Owned Corporation, is proposing to develop Block 1671 of the Tuggeranong District, adjacent to the suburbs of Macarthur and Fadden, to construct a facility titled “Canberra Technology City”, under the submitted Development Application No 200704152.

The facility will contain a Natural Gas Power Station, high voltage power lines, data storage space and a high pressure gas pipeline. The magnitude of the social and environmental impact on local residents remains unknown and this facility will be located as close as 600 metres from residential areas.

Your petitioners therefore request the Assembly to:

- 1) Immediately rescind any approvals or licenses granted to ActewAGL to construct this facility in Macarthur;
- 2) Undertake to find alternative locations within the ACT that would be suitable for such a large industrial facility.

### **Gas-fired power station**

By **Mr Berry**, *from 51 residents*:

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that ActewAGL, a Territory Owned Corporation, is proposing to develop Block 1671 of the Tuggeranong District, adjacent to the suburbs of Macarthur and Fadden, to construct a facility titled "Canberra Technology City", under the submitted Development Application No 200704152.

The facility will contain a Natural Gas Power Station, high voltage power lines, data storage space and a high pressure gas pipeline. The magnitude of the social and environmental impact on local residents remains unknown and this facility will be located as close as 600 metres from residential areas.

Your petitioners therefore request the Assembly to:

- 1) Immediately rescind any approvals or licenses granted to ActewAGL to construct this facility in Macarthur; District of Tuggeranong or close to urban areas.
- 2) Undertake to find alternative locations within the ACT that would be suitable for such a large industrial facility.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each referred to the appropriate minister, the petitions were received.*

### **Legislative Assembly—privilege Statement by Speaker**

**MR SPEAKER:** On 16 June 2008, Ms Gallagher gave written notice of a possible breach of privilege concerning certain aspects of the conduct of Mr Smyth in relation to the proof *Hansard* of the Select Committee on Estimates 2008-09. Ms Gallagher queried whether Mr Smyth had used an extract from the draft uncorrected *Hansard* transcript in writing to a constituent.

Under the provisions of standing order 276 I must determine, as soon as practicable, whether or not the matter merits precedence over other business. If, in my opinion, the

matter does merit precedence, I must inform the member who raised the matter in the Assembly of the decision, and the member who raised the matter may move a motion without notice and forthwith to refer the matter to a select committee appointed by the Assembly for that purpose. If, in my opinion, the matter does not merit precedence, I must inform the member in writing and may also inform the Assembly of the decision.

I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly; I can only judge whether the matter merits precedence.

Upon receiving the letter from Ms Gallagher, I sought advice from the Clerk on the matter. That advice revealed that Mr Smyth could not have been using the uncorrected proof transcript as it had not been produced at the time Mr Smyth's office had sent the email to the constituent. I then wrote to Mr Smyth, seeking an explanation of how an excerpt of the proceedings appeared to have been made available to a constituent prior to the transcript being promulgated by the Hansard office staff.

Mr Smyth replied to me yesterday. I present a copy of Mr Smyth's, Ms Gallagher's and my letter for the information of members. Mr Smyth has indicated in his letter that staff of his office had transcribed the evidence given by Ms Gallagher from the live broadcast of the committee proceedings that is reticulated to members' offices in the building. Mr Smyth also provided examples where other members had included in their press releases extracts from the proceedings of the Assembly that did not appear to have come from the transcript of proceedings produced by Hansard.

Having considered the privileges issue raised by Ms Gallagher, I do not consider that the matter merits precedence over other business. However, the information that has come to light in relation to this privilege matter does cause some concern.

In 2001 the Assembly passed the Legislative Assembly (Broadcasting) Act 2001, which sets out the procedures for broadcasting of Assembly and committee proceedings. If members' staff are performing transcription services to members and that transcription is being broadcast to the public, it may breach the provisions of the broadcasting act and its associated guidelines which were adopted by this Assembly. It may also place members at some risk, as only the *Hansard* version of Assembly transcript attracts absolute privilege—not versions of the transcript produced by members' officers.

I have asked the Clerk to seek legal advice on the matter and I will report back to the Assembly once that advice has been received.

## **Adjournment**

Motion by **Mr Corbell** agreed to:

That the Assembly do now adjourn.

**The Assembly adjourned at 11.49 am until Wednesday, 25 June 2008 at 10.30 am.**