



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 May 1993

Wednesday, 12 May 1993

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

PAPER

MR BERRY: I seek leave to present a petition which does not conform with standing orders as it does not address the Assembly.

Leave granted.

MR BERRY: I present an out-of-order petition from 1,391 residents opposing any legislation to ban smoking on licensed premises in the ACT.

DISCRIMINATION (AMENDMENT) BILL 1993

Debate resumed from 24 March 1993, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.32): These amendments are futile, in reality, when it comes to some of the issues they set out to address; but I want to talk, in the first place, about some of the realities in relation to the politics of the matter. What Mr Moore is setting out to do here, whether he knows it or not, is to destabilise industry in the ACT, weaken the ability of unions to provide for their members, lower wages and working conditions for workers in the ACT, weaken our ability to attract construction to the ACT, and undermine the ability of workers to negotiate with their employers. They are all the effects of weakening the trade union movement. These are the approaches that were taken by John Howard and John Hewson in the lead-up to the last Federal election, which they lost.

This is about a populist approach to grabbing a few votes out there in the community, possibly pinching a few from the Liberals, where there is strong anti-union sentiment. The reason for that anti-union sentiment, of course, is that they want to weaken the workers' power to negotiate. They want to reduce the influence of unions because they do not like the evening out of the negotiating power. They hate it. Mr Moore has effectively leapt onto that band wagon. If this legislation goes ahead we will see that power to negotiate weakened. It will not be a level playing field for workers. There will be some who are unionists and some who are not, some who will be exploited and some who cannot be.

When it comes to the overall effect, and I take the Assembly back to the boxing legislation yesterday, the first people who are affected by the extension of violence in the community are women and children, and the first people who are affected by the weakening of the trade union movement and the undermining of

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industrial power are women and young workers. The movement has been working very hard to increase wages and working conditions for women and youngsters and to provide jobs for young people, but by weakening the trade union movement, which Mr Moore sets out to do very deliberately, the fight for women's wages and working conditions will be more difficult and for youngsters there will be more exploitation. That is the effect of what Mr Moore is on about.

Mr Humphries: This is scaremongering, to me.

MR BERRY: You might say that, Mr Humphries, but we know the Liberals' track record. They have always hated the increase of influence of unions in the industrial relations area. They hate the fact that there is strong representation of workers and an equal bargaining position. You do not want that. You want the bosses to be in charge. We will see occupational health and safety conditions - - -

Mr Humphries: We hate compulsion. We favour free choice.

MR BERRY: Every time you hear the words "choice" and "flexibility", you know that it is the workers that are going to get it in the neck. When the Liberals use "choice" and "flexibility", they mean that they want fewer people involved in the unions, they want to be able to force workers into lower wages and working conditions, and they want to give flexibility to the bosses to do the workers over. That is what the Liberals mean and, in effect, that is what Mr Moore means because that is the effect of his legislation.

It has been reported to me that Mr Moore has said that if all of this happens he might consider reversing his attitude. I am afraid that it is a little like Pandora's box, Mr Moore. Once you open the lid and let it all out, you cannot get it back in. You cannot reverse the process. Once you have lost control of it, once wages and working conditions are lost, you do not recover the lost ground. You have to understand the implications of what you are doing here, and I do not think you do. I do not think you do, Ms Szuty. This is very serious, and unions throughout the ACT are extremely concerned about it. The Liberals, on the other hand, and Mr Stevenson are overjoyed. It achieves the aim of the Liberals to weaken the ability of workers to negotiate and hold on to their wages and working conditions. The Liberals support the weakening of the trade union movement in so far as the legislation will weaken its ability to protect occupational health and safety in the workplace. As unions are weakened by this legislation, and that is what it sets out to do, these things will occur.

In relation to ACT legislation and Federal legislation, where they conflict, pursuant to the self-government legislation, the ACT legislation will be void. That will include awards of the Australian Industrial Relations Commission. That means that, wherever there is a preference clause in an award, it will take precedence over the ACT legislation. I have heard it said that people ought not to be given preference if they are members of a union. If the employer and the union agree that they ought to be given preference, they should be, if it is in the award.

Mr Humphries: What about the other workers who do not want to be members of the union?

MR BERRY: If there is a preference clause, they have their choice. You are the ones who say that you want choice all the time. They have their choice.

Mrs Carnell: Whether they work or do not work. That is a great choice!

MR BERRY: Who won the wages and working conditions, Mrs Carnell? The bosses did not give them to them. They did not come out and say, "Here you are, dear friends".

Mrs Carnell: We are not arguing against unions.

MR BERRY: No, Mrs Carnell is not against unions as long as they sit in the corner quietly and cop what is dealt out to them - the compliant unions, the ones that do not come knocking on your door and look at your wages books. We will have them up there to look at your wages books. Would you like them to come?

Mrs Carnell: They come in, and I am exceedingly happy.

MR BERRY: Would you like them to look at your wages books?

Mrs Carnell: They often do.

MR BERRY: Is that a free invitation?

Mrs Carnell: Absolutely.

MR BERRY: The compliant unions are the ones you want, not the ones that have won wages and working conditions. I cannot remember many reports of the bosses coming out and saying, "Here you are, workers; here is a pay rise for all of you. Put it in the award. We will give you a pay rise. We will increase your occupational health and safety. We will support the designated work group proposal of the Labor Party". Not many bosses over this side did that - no fear.

Mrs Carnell: That does not do anything.

MR BERRY: It does do something because it enhances the ability of workers to protect themselves, and that is what you are opposed to.

Mrs Carnell: It increases government intervention.

MR BERRY: They call it government intervention. Increasing the role of workers in the workplace is government intervention.

Mrs Carnell: No, legislation.

MR BERRY: That is right. They are given some power in the workplace. Mrs Carnell does not like that.

Mrs Carnell: It is wonderful.

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MR BERRY: You did not say that in the debate. Why should the unions not take some credit for winning better wages and working conditions for those members? Why should there not be preference clauses? There is no reason. Preference clauses are provided for in the Federal legislation. That principle is completely contrary to what Mr Moore has set out to do.

The Federal legislation recognises the role of unions and their legitimate involvement in employment matters - not the compliant variety, any variety; all unions, even unions that struggle, Mrs Carnell, to increase the rights of their workers in the workplace. They are the unions that have put in place the base for the wages and working conditions and the standard of living in this country. It was not the bosses that did it. Preference clauses are recognised, as are unions, in the scheme of things.

As I have said, the first people who will be hit by Mr Moore's approach are women and children. You may not recall this, but a few years ago a certain fast food company came into this town and wanted to operate outside the awards. Thankfully, the unions were in a position where they were able to prevent that from happening. You might recall that those shops remained boarded up for some years until they toed the line and paid award wages and working conditions.

Mr De Domenico: Unless you do what the unions want, we will board your shop up. Wonderful stuff!

MR BERRY: No, unless you toe the award line. The award was to be preserved. If you undermine the ability of unions to protect their workers, as is proposed in this approach, then those things will be allowed to happen.

In the public sector, the merit principle generally applies through legislation in most employment areas. It obviates the need for the Moore amendment, of course. That is not so in the private sector, although in the public sector there is at least one area I can recall that has a preference clause, and it has worked very effectively.

Finally, employers who are members of employer associations are adequately protected through the Industrial Relations Act and the Trade Practices Act, so the Moore amendment will be substantially irrelevant there. The place to deal with industrial relations matters is through industrial relations legislation or through the structures which are built underneath that legislation. In this Territory we have so far supported - and Mr Moore has supported it - the Federal industrial relations legislation and its effect on the workplace in the ACT. There has been no reason for him or Ms Szuty to resist that. The Liberals get a bit cranky about it from time to time because they do not like the recognition the Federal Industrial Relations Act gives to unions. They want to weaken the ability of unions to protect their members. They want to strengthen the bosses and take away from the - - -

Mr De Domenico: Did you hear what Mr Keating said the other day?

MR BERRY: Indeed, I did hear what Mr Keating said, and I know how he feels. He does not want to see workers weakened or their unions weakened either, but you do. The Moore amendment will either create or exacerbate problems that it cannot solve. It is naive, unnecessary legislation and it will create more problems than it allegedly sets out to fix.

The Federal Industrial Relations Act prevails here in the Territory and does so very successfully. The most important thing about that is that it cannot be tinkered with by the Liberals opposite, and it will not be tinkered with by the Liberals federally. It is the most appropriate place for industrial relations matters to be dealt with, not this approach by Mr Moore. He and Ms Szuty will again be recognised for setting out to undermine the effectiveness of unions in this Territory to protect workers, particularly those in disadvantaged areas. They are always the first ones hurt, in particular women and children and young workers.

Mr De Domenico: How many children are members of unions?

MR BERRY: Women and young workers. People start work before they are 18.

Mrs Carnell: What sort of industries are you talking about?

MR BERRY: Take your industry, for example.

Mrs Carnell: What is the level of unionism?

MR BERRY: The more the better, and you would have it less. That is what you are setting out to do.

Madam Speaker, I conclude by saying that the Labor Party will oppose this legislation. We know that the Liberals are champing at the bit. This is just what they want. They love it because they see here an opportunity to weaken the trade union movement. That is why they like it. They are not particularly interested in the anti-discrimination aspect; they see it as an opportunity to weaken the trade union movement. Some of their redneck supporters will love it too; the sensible ones will not, because they know that it will create problems in the workplace rather than make the ACT a better place in which to run a business.

Mr Moore says that if it creates a problem later on we will fix it. That cannot be done. Once you lose it, once it gets out of the box, you cannot get it all back in. That is the real difficulty he has to face when he is considering this legislation. I reckon that the most appropriate course at this point would be for Mr Moore to adjourn this debate. I think there needs to be a bit of discussion with the trade union movement about the real effects of the legislation. I do not think they are clearly understood by Mr Moore.

Mr De Domenico: You just said that it was futile in reality.

MR BERRY: In terms of the Federal legislation, that is true; but its effects, broadly, have a high impact, and they are worth considering. I think Mr Moore's most appropriate course would be to adjourn it and have a bit longer discussion with the trade union movement. I am prepared to talk to him some more about it as well. I am convinced that this legislation will do us no good here in the Territory. It will make the Liberals smile, and they will be the only ones that are laughing. As I have said, disadvantaged workers - women and young workers - will be the first hit, those in the weakest areas of industry, as is always the case when unionism is undermined. Whilst on the face of it it looks noble, it is not. It will undermine the ability of workers to protect themselves.

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MR HUMPHRIES (10.51): I really think Mr Berry and the Labor Government need to do a bit better than to say that the Liberals are on the side of the forces of darkness and that, because the Liberals are supporting Mr Moore's Bill, that is a good reason for it to be defeated. Once again in this place, I am disappointed with the lack of analysis, the lack of insight, that Mr Berry has exerted in demonstrating to this Assembly and to the public good reasons why, in his view, this Bill should be defeated. Mr Berry's speech consisted almost entirely of rhetoric, of name-calling, of broad, completely distorted descriptions of different social groups in this community - employers, workers, young people, women, children - without any real attempt to bring forward incisive arguments about why this Bill should be defeated.

Mr Berry says that this legislation will compete, for example, with the Federal industrial awards applying to the Territory, but he has not explained how. Are we not entitled to know that?

Madam Speaker, my party supports this measure because it is fairly described as our own measure.

Mr Connolly: You tried it once before. Mr Moore voted against you.

MR HUMPHRIES: That is a very good point that Mr Connolly has just made. We have somewhat mixed feelings about this Bill.

Mrs Carnell: I think it is good that people change their minds if they see the light.

MR HUMPHRIES: Indeed, it is a good thing that people change their minds, but we do feel a little strange in that this Bill reflects almost precisely the measures taken by Mr Stefaniak, a former member in this place, in 1991, when the Discrimination Bill was originally passed. At that time, a measure identical to this was put forward by Mr Stefaniak and defeated, with the combined support of Mr Moore and the Labor Party and, I think, some others. Nonetheless, as Mrs Carnell says, it is gratifying to know that, for whatever reason, we are now in a position to support this measure and find support across this chamber.

I am pleased that upon the passage of this Bill this Territory will have discrimination legislation which is complete and comprehensive and does not omit an important category of discrimination operating in the community purely on the basis that it does not suit the government of the day to have that kind of discrimination outlawed. If we are really concerned about discrimination in our community, we cannot tolerate the continuation of this kind of discrimination against people whose very right to work, whose right to earn a living, is threatened by their moral or conscience decision, possibly financial decision - I do not know - not to join a union. The fact that that decision causes workers from time to time not to obtain employment or, alternatively, causes workers to have to join a union or an organisation to which they do not wish to belong in order to secure or retain their employment is abhorrent. That should not be a condition of employment.

Unionism should be a matter of personal choice, as indeed is membership of any other organisation in this community. I cannot think of any other kind of organisation in this community for which it is a condition of living or working that one has to belong to it.

Mr Lamont: The AMA? The Pharmacy Guild? How far do you want to go?

MR HUMPHRIES: Mr Lamont has demonstrated his ignorance. For the benefit of Mr Lamont, let me tell him that it is not compulsory to belong to the Australian Medical Association to be a doctor. It is not compulsory to belong to the Pharmacy Guild to be a pharmacist. There is one example Mr Lamont did not quote which would have had a bit more weight if he had said it, and that is the Law Society of the Australian Capital Territory, to which you have to belong in order to be a lawyer. That is another matter. If Mr Lamont chose to describe the Law Society as a union, I would not argue with him; but that is a debate for another day. I do believe, Madam Speaker, that the case has not been made convincingly by anybody opposite to preserve that kind of preference, to preserve the arrangement whereby people are forced to belong to a particular trade organisation before they can obtain employment or continue their employment. That is quite abhorrent.

Let me put something clearly on the record, in case those people opposite attempt to misrepresent the position. The Liberal Party of Australia, and in the ACT in particular, supports the existence and the right to operate of trade unions. They have been, and they are, important players in the industrial landscape. They have played an enormous role in the development of better working conditions, and better pay in particular, for Australian workers. Let that be clearly on the record. It is not enough to observe that trade unions over the last 100 years or so, particularly between about the middle of last century and the middle of this century, have been champions of those without power in conditions where exploitation was rife and easily exercised. Those observations are undoubtedly true, but they do not settle this debate today.

Mr Berry, in defending without qualification the practices of trade unions in this community, is living in the past. He is describing an historically romantic view of trade unions, which was certainly true 50 years ago, and even more true perhaps 100 years ago, but which today just does not accord with the reality of industrial life. What Mr Berry fails to acknowledge, what he completely refuses to accept, is that there are some unions in this environment today which are unreasonable, which operate on an undemocratic basis, which are out of touch with their membership, and which exercise power out of proportion to the support they enjoy from the workers in their industry.

This measure to make membership of unions non-compulsory deals with that problem by requiring unions to win support by winning the hearts and minds of the people operating in the industry. There is no longer any basis on which to say, "You must belong to this union because you are a member of this particular work force". From now on, with this legislation, unions will have to say, "We think you should belong to our union for these good reasons: We can achieve this for you, we can achieve that for you, we can win better pay, we can win better conditions". That is a good set of reasons for belonging to a trade union. That is the basis on which, henceforth, with the passage of this legislation, it will be necessary for unions to operate.

What does the Labor Party opposite have to fear about that? What is wrong with asking unions to persuade the workers in their industries to join that union? Are you afraid that unions cannot do that? Are you afraid that trade unions are such an unpopular concept in our community that people will not want to belong to them? Perhaps there is some good basis for saying that, because an

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environment of compulsory membership has produced some very unfortunate results for trade unionism in this country. It has caused, I think, a serious decline in both membership of trade unions and the popularity of the concept of trade unionism.

The *Canberra Times* last December reported a poll of people's attitudes in this country towards trade unionism. Fifty per cent of people believed that trade unions had been a good thing for Australia, which is a 10 per cent decline in their level of support for that same question since 1987. However, 87 per cent of people polled by Time Australia believed that union membership should be voluntary. I do not think there is any great difference between the view of those Australians polled through that organisation and the views of people in the Australian Capital Territory.

If members of this Government cared to ask people their views, I have no doubt at all that there would be an overwhelming majority of people who felt that legislation of the kind Mr Moore has brought forward is entirely sensible, that trade union membership should be voluntary and on no other basis. Membership of trade unions in the ACT has been sliding for the last few years. Only 45 per cent of Canberra workers belong to a trade union, compared with the Australia-wide average of 56 per cent. That number is down over the last five years. The number of unions in the ACT fell from 87 to 58 between 1986 and 1991. That is a reflection of a new attitude whereby the number of unions has been reduced through a conscious decision of government. Nonetheless, it also reflects the fact that there has been a decline in the population base interested in joining trade unions.

It seems to me that, if those opposite were sensible about this, they would realise that this measure is a very important device to allow trade unions to flourish, because it would put back on them the onus to perform or perish. Under this arrangement, unions will have to prove that they are capable of doing their members a good turn. They will have to prove that they are capable of winning and retaining membership. I think many unions in this Territory and across the country would profit greatly from that arrangement. Many unions would find that their capacity to attract members would be greatly enhanced, and that would be a very positive thing for union membership. Those opposite who see in this the death of trade unions are being deliberately hysterical about the matter and they will find over time that this measure produces some very positive results.

Mr Berry said that sensible Liberals in this community will oppose this measure. I defy him to find one. He has implied that there are some Liberals in this community who would not support this measure. I defy him to find one. Mr Berry sent mixed signals about what this Bill will do. He said on the one hand that it is futile, but on the other that it will have a high impact. Once again, Mr Berry has sat back and not bothered to explain clearly his Government's position on this Bill to either the trade unions in this city or the population generally. Just what is it that is so wrong about this Bill? If you cannot tell us in this debate, Mr Berry, you have lost your chance. That is it. This is the last chance.

There is a clear need for unions in this country to grasp the reality that their entrenched position of the past is neither in the interests of this community nor acceptable to the majority of people in the community. If you want proof of that fact, I ask you to look to the dispute only a month or so ago between this Government and members of a trade union. That trade union had a very serious dispute with this Government which resulted in great hardship to many members of this community.

Mr Berry: How many?

MR HUMPHRIES: Several hundred. Whether Mr Berry will admit it or not, his Government at that time felt that that union was acting unreasonably. He will not admit it on the floor of this chamber now, but the fact is that he did. In fact, he said almost as much in the course of that dispute. That union, like all others, should operate on a basis that it proceeds with industrial action strictly on the understanding that it has the support of its members, and this Bill of Mr Moore's will ensure that that is a little more likely to be the case. It will not guarantee it, but it will be more likely to be the case because that union will have to rely on attracting enough members to carry weight in an industrial dispute. If it does not do that, it simply will not succeed. I hope that Mr Berry and his colleagues realise that this measure is the way for the future.

MR LAMONT (11.05): I want to take the opportunity to put two points that, unfortunately, time constraints prevented the Minister from concluding on.

Mr Moore: You mean that he forgot about them.

MR LAMONT: No, time constraints prevented it from being done. Obviously, if you had given him an extension of time he may have got through to them.

Mr Moore: If he had asked for an extension of time he would have got it.

MR LAMONT: Mr Moore, this is addressed to you. You have been very strong in relation to the question of unintended consequences of Bills or other resolutions passed through this Assembly. I think you should take due notice of what I believe is the unintended consequence of what in some areas should be an applauded reform in Australia and, indeed, in the ACT.

The unintended consequence as far as trade unionism is concerned, and the effect on trade unions, has to do with the award system and how it operates. That award system is a Federal system enshrined in the Conciliation and Arbitration Act, now called the Industrial Relations Act, which talks about how awards shall be structured. In the ACT they are structured on one of two bases. The first is a common rule award. Let us look at who has common rule awards. You will invariably find that common rule awards apply where trade unions have been able to sit down with employer organisations and employers and negotiate an award setting out conditions, entitlements, the incidence of the award and so forth, and saying, amongst other things, that the conditions within that award shall apply to those persons who are members of the respondent union and employees who may not be members of a trade union. It quite clearly says in the common rule awards that the employee of an employer covered by the incidence clause in the award does not have to be a member of a trade union. It is the trade unions that negotiate that position, and they do so from a position of strength within those industries.

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Let us have a look at what happens outside those industries, particularly in those areas where employers have said, "No, we do not wish to have such a clause. We wish our awards to be constructed by named responsency only". Let us look at the clothing, textile and footwear industry as an example. That union must serve a log of claims on the individual employer and go into the commission and show that the employer has members of that trade union working for it. If they are unable to do so, the award is not then deemed to be binding. This provision allows employers, if not to prevent their employees from belonging to trade unions, at least to assist their employees to be convinced not to belong to trade unions.

I do not believe that I need to convince Ms Szuty and Mr Moore in particular that the inherent inequality between capital and labour is an argument that has gone on for centuries and will continue for centuries. This Bill will reduce the opportunity for some reduction of that inequality at this stage. In my view, anything which strengthens the arm of the employer to cajole, to bluff, to convince its employees not to be involved in award systems, not to be involved in trade union activities, should be resisted.

Mr Moore, I suggest that you consider not proceeding with the Bill in the way in which you are proposing but withdraw it to allow that particular consequence of your Bill to be more clearly defined. I do not believe that it is necessarily your intent to reduce the bargaining power of workers in the ACT, whether they are unionised or non-unionised. All I am suggesting you should do, as the Minister implored you to do, is to withdraw this Bill today to allow that issue to be addressed, and then bring it back before this Assembly for consideration.

MR DE DOMENICO (11.10): Madam Speaker, I rise to talk about the Discrimination (Amendment) Bill because, from the words of members opposite, one would have thought Mr Moore had introduced a Bill to ban unionism and, to use Mr Berry's words, kick workers out into the streets and disadvantage children. I think Mr Berry said that children will be disadvantaged by this incredible Bill, which is all of about four lines long. Let us get some reality back into the debate. Let us listen to what Mr Berry said. Mr Berry's opening words were, "This Bill is futile in reality". On the other hand he said, "But, on the face of it, it is noble". So it is both futile in reality and noble at the same time. Then he said, "Let us talk about the realities of the politics of the situation". This Bill, which is futile in reality, he then went on to say, was going to destabilise industry, weaken unions, lower wages, weaken the ability to attract construction workers to the ACT, and undermine the ability of women and workers re enterprise bargaining. If it is so futile in reality, why does it have so much power, Mr Berry? Is it because you are afraid that you promised to deliver on this Bill to your trade union mates and you will not be able to? Is that what you are talking about?

What did Mr Keating say three or four weeks ago? He said the opposite to everything you said this morning. Mr Keating was nearly kneecapped for daring to say that enterprise bargaining might even bite into the current award structure. That is what Mr Keating and Mr Brereton are about. They are about enterprise bargaining in a workplace situation.

Mrs Carnell: And efficiency.

MR DE DOMENICO: And efficiency. The Bill goes a lot further than just preventing people from having to join trade unions. It also says that, if you do not want to join an employer organisation, under this legislation you do not have to do that either. We are giving everybody a choice - employees in all industries. As Mr Humphries said quite correctly, currently 55 per cent of the community do not want to be members of a union. What are you going to do? If we take your logic to the extreme, why do you not try to introduce into this Assembly a Bill which says that everybody who works in Canberra must be a member of a union? Do that, if we are going to follow your logic, because 55 per cent of workers in the ACT are not members of unions.

Mr Berry: You would not be able to follow logic, Tony. The jingle of the knives in your pocket would confuse you.

MR DE DOMENICO: I am glad that Mr Berry said that. Mr Berry said earlier that this piece of legislation is futile because it is going to affect only local awards, and there is no discrimination at all in the ACT because this is fairyland, it is a beauty. Let us look at what Mr Berry has had to say about compulsory unionism. In answer to a question I asked during consideration of the estimates, he said that the Fire Brigade Employees ACT Award 1975 contained preference of employment for union members. In other words, Mr Berry, before you can join the ACT Fire Brigade, regardless of whether you want to join a union or not, you have to. Do you think that is fair? Do you think you should have to be a member of a union before you can join the ACT Fire Brigade? We do not think it is fair, and we believe that Mr Moore's Bill, if this Assembly decides to agree with it, will change that; and so it should be changed, because it gives people choice. It does not ban the union at all; it just gives people choice.

Let us have a look at the ACT Government's Jobskills award of 1992. It has preference of employment and preference in retention of employment. Unless you are a member of a union, you are not given preference for Jobskills. That is absolutely ridiculous. Mr Berry, as I said before, 55 per cent of the people of the ACT who work have already decided that they do not wish to be members of the union. We are saying: So be it, if that is the people's choice. Give people choice, whether it is to join a union or to join an employer organisation.

Mr Berry and Mr Lamont ought also to realise that this Bill is not about dealing with industrial relations matters. It is about dealing with a discrimination matter. This Government from time to time waxes lyrical about its concern about things such as discrimination. If you are really concerned, Mr Berry, support this amendment. It is all about preventing discrimination, not just in trade unions but in employer organisations as well. Mr Berry went on to say that, although it was futile in reality and all powerful, it was naive and unnecessary, that once it is out of the box you cannot get it back in, and all that sort of rhetorical garbage.

Another point of interest is the recent ACTEW dispute, and Mr Humphries referred to this. The dispute was a quite simple situation. A trade union, on behalf of its members, negotiated with the employer about certain awards and structures. The employer said that it agreed to that, and they came to an agreement. Mr Connolly, who is not here, said, "That is fair enough", and signed off the award. That is exactly what enterprise bargaining is all about.

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That is what we hear Mr Keating and Mr Brereton say from time to time, and John Howard and everybody else. But what did Mr Berry do? Before it got to the umpire, the Industrial Relations Commission, he stopped it. It would have been interesting to see what Mr Berry and the Government would have done had the umpire had a chance to ratify it. Mr Berry talked about the Australian Industrial Relations Commission. Why did he not let it go to the Industrial Relations Commission? We still have not heard an answer on that.

Mr Lamont said that, had Mr Berry had enough time, he would have said two more things. It is all well and good for Mr Lamont to stand up here in this house, when it is his turn to defend the trade unions. Where was Mr Lamont during the ACTEW dispute? If Mr Lamont is such an incredible expert on trade union matters, why did not the Chief Minister call him in to settle the ACTEW dispute? Where was Mr Lamont when the Transport Workers Union stacked Mr Connolly's branches because Mr Connolly was deemed to have said something against the trade union movement? You cannot have it both ways.

This Bill - an innocuous Bill, but a very important one nonetheless - is about removing discrimination in the ACT. It is a discrimination Bill. It has nothing to do with throwing workers out into the streets and making it more difficult for children, for heaven's sake, to get jobs, or whatever Mr Berry said. It is not here to undermine the ability of workers to participate in enterprise bargaining. It is not here to weaken the ability to attract construction workers in the ACT - this is Mr Berry talking - and it is not here to weaken the union movement or destabilise industry. It is here to remove discrimination in areas where it exists, and for that reason the Liberal Party is proud to support the Bill.

MS SZUTY (11.17): Madam Speaker, I rise to support the amendment by my colleague Mr Moore to the Discrimination Act, and I am pleased to do so. This is an ideological viewpoint which accepts that unions can and do assist their members and have an important role to play in the industrial relations sphere when asked to do so by their members. However, I feel that compulsion, by including union membership as a prerequisite for employment or promotion, denies individuals the basic right to determine for themselves whether they wish to belong to a union or professional organisation.

I have had it argued to me in correspondence on this matter that the success of the amendment Bill will disadvantage women. I do not accept this argument, as union membership will not be banned but will be made voluntary. If women are considered to be particularly vulnerable in the workplace, then the union can offer itself as advocate and, when an employee joins the union or association, act on behalf of that person. If the union suspects that a worker is being paid less than the award wage, it is in their interests to prosecute the matter in the Industrial Relations Commission for the benefit of their members, regardless of whether the person being paid less than the award wage is a member or not.

Following the passage of this amendment Bill, it will be up to union officers to ensure that they fully explain to potential members what they see as the benefits of belonging to a union, but to allow individuals to determine what is in their own best interests. Many women choose not to belong to unions, particularly those in part-time and casual employment, as they do not see any direct relationship between their employment and the fees charged by unions.

As with any other service, union membership will have to be sold on the basis of its merits and benefits, not on the inclusion of a clause in a person's employment contract. I have also been informed that, if this amendment is passed, the union movement will seek inclusion of compulsory union clauses in awards. This is a matter for the union after this debate and would then be a matter for the Industrial Relations Commission.

It is important to see this move in perspective. We already accept that it is wrong to discriminate against a person on the basis of ethnic origin, disability, health status, marital status, sex or sexual preference, unless there is a particular need for a special requirement of a particular profession. Exceptions have been made under Federal legislation to allow for certain discriminatory practices, in particular affirmative action; but I can see no argument that supports the notion that there is something about union membership which makes one person more suitable for a position than another. If two people applying for a position are equal on merit, it should not be their membership of an association or union or some requirement that they join before taking up their position that decides the matter. If there are benefits which flow from union or association membership, these can be promoted to the employee on the job, and the decision to join or not to join is then one of personal choice.

It concerns me also that, since the creation of the so-called mega-unions, many workers have become almost disenfranchised. Their views cannot be adequately put forward and their individual needs catered for, as all issues raised with delegates are subject to national priorities. Even when a union operates here in the ACT and has effective coverage via an ACT award, its priorities are still subject to and to some extent dictated by events in other larger employment bases such as New South Wales. What compulsory unionism means, in my estimation, is that superunions do not have to be accountable to members but can be assured of funds and a mandate. Some unions have strong member involvement and would fare well even if membership were not compulsory. However, there are some other unions where compulsory membership does not engender a feeling of worker ownership but, instead, is just one more deduction that comes out of the pay packet after tax.

There are other compulsory aspects to mandatory union membership, such as the union dictating which superannuation fund can be used for employee and productivity benefits paid as superannuation contributions. In one case, a casual worker has been forced to join a superannuation fund that levies an administration fee every year which is more than the employee has deposited as contributions. The result is that, for the honour of working sporadically, this person gets to pay compulsory union fees and an annual administration fee for a superannuation fund which he will never be able to benefit from. This person has his own superannuation fund, but the union will not allow employer contributions to be deposited there; it is not the union-approved fund. It is this type of example which shows how compulsory unionism often works against the benefit of employees. I feel that it is imperative that each employee be allowed to assess the benefit to themselves of being in a union and have the fundamental right not to join if they so choose.

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A corollary to this, of course, is the ideological argument for not joining unions. We do not allow people to be discriminated against on the basis of their membership of any particular religious group. Why, then, should positive discrimination on the basis of union membership be acceptable? To many in the community, their union's stance on political matters, for instance, may be unacceptable. Similarly, during the debate about abortion we saw union opinion divided. Union members may have differing views and may vehemently disagree with the public stance of their association or union. What is their option when unionism is compulsory? Does the union movement acknowledge that in recent elections some of its members voted for Independents such as Mr Moore and me, Liberal Party members, or other political groups? Does the union movement truly represent its members when it makes political judgments and statements? I think not.

I am aware that the Government will oppose this amendment and that, in the end, this move may mean more concerted efforts by union officials to ensure that future awards enshrine compulsory membership. That may be, but it does not detract from the fact that this amendment Bill needs to be considered on its merits. In doing so, I urge members of this Assembly to support Mr Moore's amendment Bill.

MR STEVENSON (11.24): Madam Speaker, I will be brief, as there is another matter I would like to get onto as soon as possible. Citizens do have the right to join a union or not join a union. However, it has often been the case that that right has been taken away by legislation. The sooner we return to citizens the right to freedom of choice, the better it will be. Much has been said that needed to be said. I will go no further.

MR WESTENDE (11.24): Madam Speaker, I was not going to speak on this Bill, but examples have been given that are so far removed from the facts that one would tend to believe, if one heard the other side, that all employers are bad, all employees are good, and all unions are perfect. There is no compulsion for a business to belong to the Chamber of Commerce, the Canberra Business Council, the Confederation of ACT Industry or the Chamber of Manufactures. They do that of their own volition because they can see a benefit. If it is so beneficial to belong to a union, why do more and more employees opt out? Why, if all unions are so perfect, do some unions have a rule that when you want to resign you have to pay up three months in advance, so that the employee has to come to his boss, cap in hand, asking for a loan?

Mr Berry: That is inaccurate.

MR WESTENDE: I can provide you proof positive.

Mr Berry: No; they have to give three months' notice of resignation.

MR WESTENDE: If you would like to have proof positive outside this chamber, Mr Berry, I am quite prepared to give it to you. I am not talking only about that. In some instances, because a company was in receivership, through no fault of the workers no union dues were paid. Two years later those unionists got a notice from the union threatening that if they did not forthwith pay the dues that were not paid to the union - as I said, they may or may not have been deducted by the receiver - action would be taken against them. Do you call that democracy?

Do you call that assisting workers? I have personal experience where I have had to dig my hand in my pocket because somebody, for family reasons, had fallen behind and was not in a position to pay his arrears. Do you call that democracy? There is no compassion in those sorts of unions.

There are plenty of unions that are good but there are also quite a few that are bad, and there are more unions that are bad than there are employers that are bad at the moment. In these economic circumstances, most employers value their employees very much more. There are many employers that have kept their staff on, when they really could not afford it financially, because they have compassion. They realise that the workers have stood by them for the last 10 or 15 years and now it is time for the employer to stand by that employee.

Compulsion is never going to work. I grew up in Holland during the war, when the Germans wanted to make everything compulsory; in eastern Europe everything was compulsory. I can assure you that it is not going to work. People like their freedom - their freedom of choice, their freedom of expression. If you have lived under a regime where you could not speak out because you would get turfed into gaol if you said something against the regime, then you know what compulsion means.

Mr Berry: Who were among the first to be discriminated against? Unions and unionists.

MR WESTENDE: Mr Berry, employers are compelled to open their books to any labour department inspector, so why say that you cannot go and inspect them? Most employers these days share their balance sheet with their employees. More employers are going into cooperative schemes with their employees. I can assure members on the other side that any employer worth his salt will realise that it is far better to have loyal employees and look after them than to try to squeeze them, as some unions will do. If Mr Berry wants proof of what I have just said about forcing them to resign three months in advance, I will be very glad to provide it.

Mr Berry: No; the rules require them to give three months' notice.

MR WESTENDE: And pay three months' membership in advance before the union will accept their resignation. If you do not believe it, I can provide you with proof. Madam Speaker, as I said, I was not going to speak on this matter, but I could not help trying to rectify some statements made that were far removed from the facts.

MRS CARNELL (Leader of the Opposition) (11.30): Madam Speaker, I would like to speak on an issue that I do not think has been touched yet. I firmly believe that Mr Moore's Bill, if it were to have the desired effect in the ACT, would greatly enhance the lives and the conditions of many workers, and I should like to explain how that is the case, from a position I do not think anybody else has put. Everyone is very well aware of my role with the Pharmacy Guild, and I suspect that everyone is also aware that the Pharmacy Guild is a union and is registered under the same piece of legislation that all other unions are registered under. As an employers union, we obviously have our members' interests at heart.

Mr Berry commented that if it were not for compulsory unionism there would not be any wage increases.

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Mr Berry: No, no.

MRS CARNELL: He did say that. He also made a comment about my industry, and I assumed that he meant retail generally. But, even if he was talking about just the pharmacy industry, that is an industry that employs a very large number of women and young people. He made the comment that women and young people would find themselves out on their ears, would not have jobs at all - -

Mr De Domenico: And children, too.

MRS CARNELL: Yes, and children, if it were not for compulsory unionism. Let me get back to my industry, which Mr Berry picked on a little bit. There is a union that represents our employees, the SDA. The Pharmacy Guild, my union, approached that union two years ago because we believed that the award for our employees needed to be increased. It had been increased in New South Wales. Because it is inappropriate for my union to initiate a claim that would produce an increase for another union - not something that is done in the industrial court, as Mr Berry would be acutely aware - we approached the SDA to file a log of claims, for which we gave them all the details. We said, "This is what we want. We want our employees to get an increase". What happened? Nothing. We approached them again, and what happened? Nothing. We went to Sydney to have a meeting with them. This time some of them turned up for the meeting, but not terribly many. We organised from that meeting another meeting in Canberra, and what happened? They did not turn up. Time went on.

Mr Berry: Why didn't you just give them the money? Because you did not want some to give them the money and some not to give them the money.

MRS CARNELL: I will tell you about that. Time went on and New South Wales employees got another increase. This was causing us quite a lot of problems in the ACT. Certainly everybody was paying above the award, but I do not think that is an exceedingly appropriate way to go. We again approached the union and said, "Now we really have a problem here. Now we have the really nasty hassle that there have been two increases in New South Wales and in other States and still nothing here. Could you please file a log of claims? We have not had our ECP increases. We have not had anything. Please file". Still there was nothing, and we are still in a position in the ACT where in my industry - the one Mr Berry picked on - there has not been an increase since 1990. This is a union that supposedly looks after its membership! Certainly over-award payments are in place.

I started this speech by saying that I believe that this legislation will help members. Here is a union that does not have to care too much about whether it looks after a fairly small number of members. They have to join anyway, in many circumstances, so the union does not bother. If the union had to earn their membership, if they could not rely on people having to have their union membership fees deducted from their wages or having to come up with the money when the union delegate turned up, I believe that the workers in my industry would now be in a substantially better position than they are. If Mr Berry would like to check these details, he is more than welcome.

Mr Berry made some interesting comments about the AMA and the Pharmacy Guild. The AMA is a very good example of what I have just said. The AMA, to my knowledge, currently has about 44 per cent membership. In the ACT and many other parts of Australia the number of GPs who are members of the AMA is exceedingly low. Why is that so? It is because it is not compulsory and because GPs have perceived, rightly or wrongly, that the AMA has not been adequately representing their interests with government. That means that the AMA has had to restructure its organisation and go out there and encourage membership. That has to be a good idea. It has to improve the basis of the organisation and the way the organisation represents its membership.

The Pharmacy Guild is in the same position. When, a couple of years ago, the Pharmacy Guild ended up in a fairly long and protracted dispute with government, what happened? We had a quite substantial membership drop-off, and rightly, because the membership perceived that the organisation, a union, was not representing its interests appropriately. For us to get the membership back, we had to pull up our socks. We had to perform better. Surely that can only improve the way the Pharmacy Guild, the AMA or a union represents all of its membership, whether it be in Sydney, Canberra or wherever.

Again going back to my industry, one Mr Berry likes to pick on - - -

Mr De Domenico: And knows nothing about.

MRS CARNELL: And knows nothing about. As I said, this industry is very heavily female, young people and so on. Those people often work casually or part time. We have problems where they are required to pay up front for their union membership. These are people who are not earning a lot of money and often have not worked for a couple of weeks or more. I accept that in pharmacy we very rarely see a union delegate; they do not seem to care too much at all, which certainly reflects the problem with the current award.

I think this sort of approach to women and young people in our work force in the retail industry is discriminatory. Asking people like that to pay substantial amounts of money up front, in many circumstances, so that they can keep their job, is hugely discriminatory. It is a union that is not having to perform for those people. They are casual, they are part time, they come and go out of the industry; but they are being required to support an organisation that is of limited relevance to them and has done nothing for them. They are not likely to stay in the industry, in many circumstances, but that does not mean anything. It does not mean anything that they cannot afford it; it will be up-front money, regardless. If anything is discriminatory, that must be, and I cannot understand how you could argue for one moment that that is not the case. I return to my original comment. Unions must - - -

Mr Berry: Compliant ones.

MRS CARNELL: No, not compliant unions; all unions, whether they be employer based or worker based, must earn their membership. If they do not - - -

Mr Connolly: Employer based unions are the ones you like, are they?

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MRS CARNELL: No, both; all unions. As you know, they are all set up under the same Act, under the same rules. What I am saying, and, I think, what the Liberal Party is saying, is that we do not have a problem with unionism. Unionism is incredibly important. It is the basis, as many of you have said, of many of the good things that have come out of the workplace over the last 100 years or so. But the world has changed, and it seems to me that Mr Berry in particular just does not understand that. People do not like being compelled. People now know that they have rights; they do not need other people to tell them. If unions were made to earn their membership, the situation that has happened in my industry would not have happened. We would have a situation where the award represented and reflected the situation in other parts of Australia. I commend Mr Moore's legislation.

MR MOORE (11.39), in reply: Madam Temporary Deputy Speaker, in responding I will begin with Mr Berry and his rather confused rhetoric. Perhaps that came from the fact that his case was so poorly prepared. It is interesting that it was poorly prepared on an issue that he seems to suggest on the one hand is of such great concern and on the other hand is no big deal, no worry, because this is a preference clause and Federal legislation overrides ACT legislation. The reality is that Mr Berry presented a range of rhetoric, and that rhetoric was based on the fact that he has in the chamber today some members of the union, who are important in terms of his own preselection. There is no question in my mind that it was important for Mr Berry to get up here and argue the point. If I were a member of those unions looking at Mr Berry's preselection, I would be wondering why it was that he did such a poor job in his preparation. I guess that it is also a factor that his preselection, after Robson rotation becomes part of our electoral system, will not be so significant.

This Bill is an amendment to the Discrimination Act. Ms Szuty explained that very carefully, and that does not need to be reiterated because she did such a good job. It is about discrimination, in the same way that marital status and other areas where people have a choice are dealt with. It fits into the Discrimination Bill so that it can be handled in the same way as other discrimination factors. Mr Berry also quoted me as saying something to the effect that if I were proved to be wrong I would reverse this decision. That is exactly what I said this morning to some of the union representatives, who clearly have spoken to Mr Berry since that time. But I did pre-empt it by saying, "I do not accept that that is what is going to happen. If I am proved to be wrong, then yes, I am capable of changing my mind". If that is the case, I will change my mind.

Mr Berry: It sure is. You have changed it since the last time.

MR MOORE: Mr Berry interjects that I have changed my mind since the last time. Mr Connolly much earlier made a similar interjection that I had voted against this very Bill. That reflects the very shallow level of the approach they have taken on this issue from the word go. It requires only a very quick reading of what happened last time to see that I have been completely consistent, and I explained that in my original speech.

The other issue raised by Mr Berry that I think needs to be dealt with is that this is a terrible way to deal with what really is, on one level, enforced unionism, remembering that unionism in this case applies to employee and employer organisations, such as the lawyers who were mentioned before. In dealing with

the Industrial Relations Legislation Amendment Bill in 1992 - and I will quote from the Senate *Hansard* of 4 June 1992 - Senator Bell talked about an amendment that later was carried. He said:

... the amendment to be moved by the Democrats will remove from the Bill any possibility of enforced unionism.

After an interjection by Senator Walters, he said:

I said that, because of the amendments I intend to move, the Bill will no longer contain any prospect of enforced unionism.

It certainly seems to be the case, since that was carried, that the Industrial Relations Legislation Amendment Bill was set up - with agreement, I must say, from Labor - to do away with that prospect of enforced unionism.

Mr Berry suggested that we should have dealt with this matter in the industrial relations legislation. I do not believe that that is the appropriate place. The appropriate place to deal with it is in the Discrimination Act because we are dealing with the situation where somebody is discriminated against because of their membership or non-membership - and it is really important to look at the flip side - of a union or professional organisation or organisation of employers or employees. He went on to say that, on the face of it, this is quite noble. It is not just on the face of it that it is noble; it is always important to protect people's freedoms. Mr Berry happened to get that one right; but, yes, there is some nobility about it.

To suggest that it would weaken the trade union movement, I think, is a furphy. If anything, it will strengthen the trade union movement. When the unions are working with people who are committed to their union, they will be that much stronger. The voluntary union of which I was a member in South Australia, the South Australian Institute of Teachers, allows that, and was a very effective union at that time.

The issues that need to be dealt with are those raised by Mr Lamont, who talked about unintended consequences. At least Mr Lamont dealt with the issue in somewhat more depth than was the case with his colleague Mr Berry, whose responses were very shallow indeed. Mr Lamont talked about common rule awards and the impact that this legislation may have. That certainly added some depth to the debate, but I do not accept the general rationale of what Mr Lamont was saying about employers being able to cajole, to bluff. Within the Discrimination Act there are the processes and the mechanisms to handle that sort of situation, and they have been used successfully up until now on other issues in terms of discrimination. However, I do recognise that the arguments put by Mr Lamont carried much more weight than the rather shallow approach taken by his colleague Mr Berry.

Madam Temporary Deputy Speaker, it is with pleasure that I look forward to this amendment to the Discrimination Act passing through this Assembly.

Mr Berry: Mention the Federal Industrial Relations Act, Michael.

MR MOORE: I did, and I quoted a passage from *Hansard* about it.

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Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Ms Szuty
Mr Westende

NOES, 8

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Ms Szuty
Mr Westende

NOES, 8

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Wood

Question so resolved in the affirmative.

Bill agreed to.

DOG CONTROL (AMENDMENT) BILL 1993

Debate resumed from 31 March 1993, on motion by **Ms Szuty**:

That this Bill be agreed to in principle.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.53): Madam Speaker, I take Mr Berry's call to indicate that the Government will be supporting Ms Szuty's amendments. We are still debating the application of one of her wishes. We have a drafting difficulty that is taking a little time to work through. For that reason, after discussion with Ms Szuty and others in the Assembly, we have agreed to adjourn the debate after my speech, so that we can refine that amendment.

Mr Moore: After the in-principle stage?

MR WOOD: Yes. There may be other speakers. Thank you, Mr Moore. The concern about dogs that attack people is widespread amongst the community, and properly so. I thank members generally for their interest in the subject. Mr Westende is preparing amendments. As Ms Szuty and Mr Westende know, we are continuing to follow up some of the thoughts that emerged at the seminar we ran recently, to see how we may further refine this Bill to do everything that is humanly possible to prevent dog attacks. We will never stop them altogether, but we must take every measure we can to reduce them to a bare minimum.

I think the clear message that has come from all over the community is that it is quite unacceptable that a person walking down the street should be attacked by a dog or even threatened by a dog. Society no longer accepts that. It may be that there will always be problems in your own backyard if your dog bites you. Indeed, the measures before us encompass that situation. That is the absolute responsibility - and fault, if you like - of that owner. I say that because a great number of attacks occur in a family's backyard, with the family's dog biting a member of the family. We have to understand that.

Mr Westende is proceeding, he tells me, with some of his amendments. I am not sure of the timing of all this. I am quite prepared for Ms Szuty's amendments to come through at her pace, and Mr Westende's likewise, and in due course I will bring some forward. In fact, in the end I may not have too many because they may well be encompassed by the proposals from other members of the Assembly. I have found support - almost unanimous support - for the view that we need to attend to the problem. We may bicker just a little about the precise wording that is to go into some of these amendments. That said, I indicate that the Government will be supporting the amendments proposed by Ms Szuty when we see the wording of the one still being drafted.

MR WESTENDE (11.57): The Liberal Party is quite happy with this outcome. As indicated privately to the Minister, we would be perfectly happy to submit our amendments to the Minister and have them considered by the working party that the Minister has appointed. It has become quite evident to me that the Dog Control Act needs tightening in many respects to promote the interests of both the dog owners and the general public. It is quite clear that dog ownership in the ACT is pretty high, and, unfortunately, so is the number of unregistered dogs.

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Madam Speaker, the amendments put forward by Ms Szuty, in our opinion, do not address the total problem and do not give a clear signal to the dog owners to get their act together. In fact, in some instances Ms Szuty's Bill raises some questions that we think should be answered. We believe that, if we can all work together constructively on Ms Szuty's amendments, other changes we might come up with and the changes of the working party, it will be a good Bill.

I specifically draw Ms Szuty's attention to the wording in clause 6. The change of wording proposed there is purely semantic. Whether the court thinks fit or whether it decides that there are extenuating circumstances, it still means that the court has to make a decision based on the evidence. Either way, it will not make the decision lightly. In fact the courts have been quite hesitant in determining that a dog should be destroyed. So in this sense I do not think that the amendment offered in clause 6 will change the situation.

There is also a problem with clause 8. This clause refers to the term "former keeper". There is a real problem because the word "keeper" is not defined. I believe that the intention is clear, but I think the Bill should make clear who the current keeper of an impounded dog will be. Will it be the pound or will it be the owner? Madam Speaker, the term "former keeper" also needs defining. The current Act does not define a keeper of a dog. Is it the person who feeds it, is it the person who owns it or is it a person who is looking after it, whether temporarily or permanently?

Madam Speaker, I also have some difficulty with the principle in paragraph 8(e) of the Territory footing the bill for a dog that has been impounded but not found guilty. This could mean that someone who has a gripe with a neighbour over a yapping dog, for instance, could file a complaint that the dog has threatened to attack or in fact did attack and could have the dog impounded under section 31 of the Act for up to 30 days. It would be a means of temporary relief. At the end of the period of impounding the Territory would have to pick up the bill for looking after the dog. Madam Speaker, I believe that Ms Szuty could have gone further with her amendment in this regard and placed some responsibility on those filing the complaint as well.

However, Madam Speaker, as I said, in general the Liberal Party agrees with Ms Szuty's intention. Whilst we think that in some instances the provisions of the Bill do not go far enough, I hope that with consultation between her and us, plus the Minister and the working party, we can come up with a good Bill and not waste the time of this house debating something that may very well be amended in the next fortnight or the next week or so. For that reason I am quite prepared to submit my proposed amendment to the Minister so that it can be investigated by the working party and then debated, if at all, concurrently with whatever the Minister and Ms Szuty are proposing. In that way we might finish up with a coordinated Bill, which in my opinion would be much better.

I congratulate Ms Szuty on agreeing to allow the Minister to defer this Bill for the time being. In due time Ms Szuty's ideas can be incorporated and we certainly will support them.

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

CITY COUNCIL AND LORD MAYOR

MR STEVENSON (12.03): I move:

That this Assembly calls on the Commonwealth Parliament to take the necessary actions to replace our current state-like form of government with a City Council and Lord Mayor.

Madam Speaker, the Abolish Self Government Coalition was formed to be the voice of the electorate. Canberrans never wanted a State-like government. They still do not. Our polls of thousands of people over the last four years have shown this again and again. Today I will present arguments to answer three questions: First of all, should self-government be abolished? Secondly, can it be replaced with a Canberra city council? Thirdly, are there methods available to achieve that?

We all understand that in 1978, for the first time ever in the ACT, the people of Canberra by themselves were asked a question at referendum. They were asked what form of government they wanted. They were given three choices. Seventy per cent said that they wanted some form of government other than the current State-like Legislative Assembly. The Abolish team was formed to give the people a voice where they had no voice, to stand up for the constitutional law and to get rid of this State-like self-government and replace it with a Canberra city council.

Madam Speaker, we do not have self-government. Again and again in this Assembly people have not been given the right to be self-governing. Their wishes have been trampled on. Firstly, Federal politicians refused to listen. Now, unfortunately, it is often the local politicians who refuse to listen. By all means let us call this place a Legislative Assembly, but we should never accept the misnomer and the myth of self-government.

Let us look at the difference between the current Legislative Assembly and a city council and lord mayor. The difference is simple. A State - in our case the Legislative Assembly - has the responsibility for health, education and policing. A municipal council, a city council, would look after roads, rates, rubbish, development, dogs and drains. The State-like functions of our Assembly and of any electorate make up some 80 per cent of the overall budget. If you look in the *Shorter Oxford English Dictionary on Historical Principles* and you go back to 1600, you will find that "municipal" means "self-governing form of council". Recently Kate Carnell was asked by Matthew Abraham:

What if the people say, "We want a City Council"?

On behalf of Liberal members and the Liberal Party, she said:

... yesterday we undertook that if that's what the people of Canberra want, some research we did a number of years ago suggested that the people of Canberra really wanted a city council style government, rather than one that had Chief Ministers and big cars and all those sorts of things and if they really want that then the Liberal Party will undertake to see how we can implement that ... possibly get the federal legislation changed if that's what it takes.

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Indeed, people in Canberra want a Canberra city council. Let us look at the costs involved with the ACT State-like Government. In 1989 and 1988 Trevor Kaine and Rosemary Follett said, "Taxes will not rise under self-government". Was that true? No. We had a never ending increase in taxes, charges, fines, rates, fees and everything else that could increase the costs to people of living in Canberra. The Stamp Duties and Taxes Act increased taxes on business. The one per cent property tax increased taxes. What about the cuts to non-government schools? Before the election Bill Wood said:

The ALP will maintain all existing funding arrangements [until after the election].

I added the words "until after the election". The people in Canberra voted 59 per cent to 35 per cent not to reduce budget amounts for non-government schools. What about the police budget cuts? The people disagreed 81 per cent to 17 per cent. If ever there was a government role in our lives, it is to protect life, liberty and property. That is the role of policing. Yet the Government cut police budgetary requirements. They also closed the Royal Canberra Hospital. Yet over 80 per cent of people voted against that. We know that over 60,000 signatures were signed to save the Royal Canberra Hospital. The Government also closed schools.

Madam Speaker, it is clear that the costs for a State-like parliament and the infrastructure necessary for the upkeep of the national capital have been beyond the capacity of the local Assembly and the people of Canberra to pay for; hence the closure of our hospital and schools and the many tax increases. Surely the founding fathers never intended that the people who live in Canberra carry the financial burden of the capital. Indeed, when this State-like form of government is abolished we will save millions of dollars on the costs of this Assembly alone. I believe that our latest estimate is that it costs more than \$1,000 for each page of what we say as it is recorded in *Hansard*. What about the new \$12.7m Legislative Assembly?

Madam Speaker, who should pay for the costs of the national capital? The national capital was built as the showpiece of this nation. I think most people would agree that that was the right thing to do for the Commonwealth seat of government. But the suggestion that people who live in Canberra can pay for it places a totally unreasonable burden on their representatives, because it cannot be paid for. It has not been paid for and it will not be paid for under this State-like form of Legislative Assembly that we have.

Let me make the point clearly. When we talk about a municipal council and a State-like government, they are different things. A State-like government is not a municipal council if you call it a municipal council. It is a State-like government. The only way we will have a Canberra city council is for the Federal Parliament to resume their responsibility for health, education, law and order and the very high costs of the infrastructure of Canberra.

What are the other effects of having a State-like government in the ACT? The suggestion was always that we would have more consultation. Wow! Need I say again and again that if there is one thing we do not get in Canberra it is consultation with the people. Certainly some groups have been set up, and on some occasions, I grant you, there has been consultation. There was consultation

when the flag was mooted, but in that consultation did the people of Canberra find out what was happening? Were they told that the crown was to be removed and that the scroll that had the words "For the Queen, the law and the people" was going to be removed? No, they were not. The Chief Minister knew full well but inadvertently omitted to mention it in any of the debates on the flag and in any of her talks to the media.

I moved a change to standing orders that would allow legislation to lie on the table here for at least 60 days so that the people of Canberra would have an opportunity to find out about it. What was the vote on that? It was 16 to one. It was suggested that there might be important administrative matters or urgent matters that had to be put through quickly. I would have thought a simple amendment - indeed, the one I proposed - would have well covered that. So do we get self-government in Canberra?

Ms Follett: On a point of order: Madam Speaker, Mr Stevenson is well into his time for this motion of his and he has yet to mention a city council or a lord mayor. I would ask you to draw his attention to relevance. I have no doubt whatsoever that he is going to ask for an extension of time in order to get to those points, which I rather resent.

MADAM SPEAKER: Mr Stevenson, I would like you to heed that point of order, please, and continue.

MR STEVENSON: Madam Speaker, I reject entirely the suggestion that I am not speaking to whether or not the State-like - - -

MADAM SPEAKER: Mr Stevenson, we are not arguing about it. I am simply asking you to keep it in mind and continue. If you choose not to continue, I will find another speaker.

MR STEVENSON: They also banned circuses, against the will of the people. What about fluoridation? Eighty-eight per cent of the submissions received at the fluoride inquiry were in opposition to fluoride. They were not even reported. So much for the committee system that we hear so much about. What happened recently when I called and when the people called for a referendum on fluoride just to give them a chance - not to say no, but to give them a chance? What did Mr Berry say? He said, "There will be no referendum". We do not have self-government here. He did not say that; I added it. We do not have self-government in Canberra. This is a bogus self-government. We have a State-like parliament that was forced upon the people, and the people have not benefited. They have had nothing but problems from it, in the main.

Let us look at the constitutional matters. I briefly cover these. They need more time. In 1909 the people of New South Wales made a contract with the Commonwealth to surrender land to be used for the national capital, the seat of government. The Australian Constitution clearly gives the exclusive responsibility for the peace, order and good government of the national capital to the Commonwealth Parliament. Section 125 states:

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

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Therefore, it can be viewed that, according to section 125, the Commonwealth does not have the authority to divest itself of that which constitutionally can belong only to it. Section 52 says:

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

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

Therefore, it can be viewed that, according to section 52, the Parliament has exclusive power to make laws for the seat of government, but it cannot delegate or relinquish that power without a Commonwealth referendum.

Indeed, a similar situation could well apply under the surrender and acceptance Acts of 1909. These Acts define the terms and rights under which the New South Wales Government, the New South Wales people, relinquished or surrendered the land and the Commonwealth Government acquired the land of the ACT. It could be viewed that, under the special meaning assigned to the word "surrender", the New South Wales people should have been consulted by a referendum when a change of use - self-government for the ACT - was proposed. I have spoken of the 1978 referendum, in which 70 per cent of people opposed this State-like form of government. It could well be held constitutionally that, as the Government asked and the people answered, that answer is constitutionally binding. It should be tested. I think that that answers the question: Should self-government be abolished?

Let me turn to the question: Can self-government be abolished and replaced with a Canberra city council? There is no question any more that self-government can be abolished. This was confirmed by a senior Commonwealth Government Cabinet Minister, Ros Kelly. I quote from the *Canberra Times*:

The Member for Canberra and the Minister for the Environment, Ros Kelly, doubted Canberra people wanted to change the system of self-government ... "But if the Assembly came to us and said they don't want those -

and she was referring to the functions of education, health and policing -

they want to hand them back to the federal government, well obviously we'd have a look at that." ... The Government would consider taking over health and education -

and naturally policing -

if the assembly wanted to hand back responsibility for those areas ...

So there is no question about whether self-government can be abolished. The Federal Government have acknowledged that indeed it can be. (*Extension of time granted*) Madam Speaker, Ros Kelly speaks with the authority of a Commonwealth Government Minister. She did not speak but merely voted in the Federal debates of 1990 and 1991 that followed on from the findings and recommendation of a joint committee that reviewed the first 1989 ACT election debacle. In the House of Representatives it was left to John Langmore to carry the can.

In the Senate Senators Margaret Reid and Bob McMullan cooperated closely. Together they twice led the notorious alliance of coalition and ALP senators against the Democrats and Senator Harradine's impressive resistance, and what resulted was the fraud of the year last year. The Liberal and ALP alliance opposed the Democrat move for a third option to the referendum question that we had in the ACT. What was the third option that the Democrats proposed? That was a single electorate with a Hare-Clark count. Was that system supported? Indeed, Professor Hughes, the ACT Electoral Commissioner, said that that would be the best system for the ACT.

What about the people of Canberra? Did they have a view on this? Indeed they did. We asked in our polls what electoral system they favoured. We acknowledge that they do not want anything to do with a State-like government; but, if they are to have something, what do they favour? Twenty-five per cent said 17 single-member electorates, 25 per cent said a Hare-Clark system and 25 per cent said a single electorate. Not only did the Federal ALP and the Liberal Party conspire to nobble the favourite; they did not even let it into the race - and this is called democracy in our nation.

The Liberal-ALP alliance also blocked the Democrat move to have a Hare-Clark count for the 1992 ACT election. They wanted to do something more sensible, but we got a modified d'Hondt system out of the ALP and the Liberal Party as they went even further - and it is hard to go further than d'Hondt - in their efforts to disadvantage small parties and Independents. It did not work totally.

What we have is the fraud of 1992. The people of Canberra have been disenfranchised. How? In the first ACT election, in 1989, and in the second ACT election, in 1992, 5.56 per cent of the vote earned a seat in this parliament. In the next election, in 1995, when the changes are made, it will require 12.5 per cent or 16.8 per cent of the vote. Surely the former Soviet Union has nothing on politicians in Australia. I could well applaud the move by Kate Carnell and the Liberals to support what they say is a municipal council, but I find it difficult to see that the reason for this switch is anything but electoral self-interest.

Who supports the abolition of this State-like parliament and its replacement with a city council? The *Sydney Morning Herald*, after the 1992 ACT election, editorialised that a referendum should have been held at that election on whether or not self-government should be abolished, and indeed it should have been. The *Canberra Times*, as we know, supports self-government - not the will of the people, not commonsense, not the constitutional law. Yet a former *Canberra Times* editor, Ian Mathews, late last year on the ABC spoke strongly for a municipal council. John Howard has spoken strongly against this bogus ACT Legislative Assembly and called for its removal. Ted Mack, a man that has the right to be called a representative in the House of Representatives and not just another party political hack, also came out strongly against self-government.

Our Chief Minister, Rosemary Follett, talks about the sovereign city-state of Canberra, but can this be anything but a fantasy? In the national capital of a federation, sovereignty cannot exist even in a State, let alone in the ACT, because the sovereignty must be divided. The Constitution - and I pull out my pocket copy that it is always handy to have with me - says at the start:

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Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland ...

It refers to an indissoluble Federal Commonwealth - and we hear talk about the sovereignty of the ACT. The Federal Government necessarily maintains some functions. A more exact way of putting it is that the ACT is now a colony of the Commonwealth Parliament. Consequently, the Legislative Assembly is a sham colonial legislature. Much more genuine self-government could be exercised by Canberra citizens through their four Federal members, but only if they were compelled to accept responsibility for the State-like functions of health, education and policing when they are taken back by the Commonwealth Parliament. The Canberra city council and lord mayor would have a much smaller ACT only bureaucracy, though the ACT citizens would probably have to pay tax for health, education and police services.

Madam Speaker, the Berlin wall came down; the Baltic nations were freed; the USSR is dissolved. Can self-government be abolished and replaced with a sensible Canberra city council? Of course. Behind these changes were people - not people who said that it could not happen, but people who said that it could and who made it happen. Our sham self-government, our bogus self-government, is not an immutable law. The only immutable law is that politicians will not be accountable until the people hold them to be or until we elect representatives who see themselves as servants of the electorate, not its masters.

MS FOLLETT (Chief Minister and Treasurer) (12.26): Madam Speaker, I would refer Mr Stevenson, amongst others, to the terms of his motion - which, as I said earlier, commits him to try to persuade us of the merits of a city council and a lord mayor. I think it is now on the record that during the very extended period of speaking by Mr Stevenson he mentioned the lord mayor not once and the city council hardly ever - very seldom. This should not surprise people, Madam Speaker, because at the very start of his remarks Mr Stevenson informed us that he would be speaking to three topics - firstly, should self-government be abolished; secondly, should it be replaced with a council; and, thirdly, could that be achieved?

The fact of the matter is that he spoke to none of those topics. All we heard was his usual misleading and entirely rhetorical diatribe against self-government. I do not know to whom he thinks he is appealing. Madam Speaker, it seems to me that a great deal of what Mr Stevenson said was, in fact, an argument for self-government. Mr Stevenson refreshed our memories about the referendum of 1978. Those of us who were residents and took part in that referendum - and Mr Stevenson was not one of them - well recall the result. But the most overwhelming impression that I had of that referendum process, Madam Speaker, was that it was conducted by the Commonwealth and that the results of it were completely ignored by the Commonwealth. History has told us that. History has made it very clear that the wish expressed by the great majority of Canberra residents, which was to maintain the status quo with the advisory council arrangement that was in place, was simply not abided by.

Madam Speaker, Mr Stevenson, also at the start of his comments, made a very strong pitch about the cost of self-government and the cost of the functions that are carried out by this Assembly. He seemed to me to be making a plea to the electorate to let somebody else pay for it all; if only we did not have self-government we would not have to pay for our own health, education and policing costs. Madam Speaker, I do not regard those comments by Mr Stevenson as merely naive; I regard them as totally misleading and disingenuous. He knows perfectly well that, even were those functions to be carried out by the Commonwealth or by New South Wales or by some other body on our behalf, it would be the citizens of the ACT who footed the bill. The only difference would be that we would have no control over that bill. I think Mr Stevenson is really attempting to mislead whatever remaining constituency he may have left.

Madam Speaker, the Government will not be supporting Mr Stevenson's motion. We consider it to be fundamentally flawed both in its concept and in its very terms. Mr Stevenson, as I mentioned before, has not related his argument to the terms of the motion.

MADAM SPEAKER: Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77 as amended by temporary order.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Campbell Child-Care Centre

MRS CARNELL: My question is to the Chief Minister. The Government recently spent a total of \$450,356 on the refurbishment of the Campbell child-care centre. The YWCA, who manage the child-care centre, pay no rent on the premises, yet operate it as a commercial enterprise. Given that the fee charged by them is \$136 per week and that this fee is roughly the same as the fees charged by other child-care centres, why did the Government spend nearly half a million dollars refurbishing the centre, which is operating as a commercial enterprise and charging the same fees as commercial enterprises, yet paying no rent to the ACT Government and therefore returning the ACT Government no dividend?

MS FOLLETT: I thank Mrs Carnell for the question. The reason why we have refurbished the Campbell Preschool into a child-care centre, and in fact the Acton child-care centre as well, is quite straightforward. It is this Government's wish, and in fact an election commitment that we gave, to provide child-care for the employees of the ACT Government Service. That is the prime purpose of both the Acton and the Campbell child-care centres. The Campbell Preschool required extensive refurbishment to create a viable and appropriate child-care centre. Mrs Carnell is correct in the cost of \$450,356. That cost was substantially more than, say, the Acton centre, which had previously operated as a child-care centre.

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These centres do provide ready access to child-care during the day for our own employees. They also are able to make spaces available for other government employees and, as well, for some members of the community. They get any spaces that are not currently in use. The fees that are paid at these child-care centres are the usual rate, as far as I am aware, and the usual arrangements apply for staff using those child-care centres, whereby they may have access to the various remissions and so on. Mrs Carnell has specifically asked why we allow the YWCA to operate the Campbell child-care centre as a profit making exercise. It is my understanding that it is not a profit making exercise and that the YWCA is not a profit making body.

Madam Speaker, I think that these arrangements are adequate and appropriate for our own employees. I would like to see further such child-care centres operated, if it is possible to do so, at other centres - for example, Tuggeranong - and also, if possible again, to operate them in conjunction, say, with the Commonwealth Government, which also has large numbers of employees in the ACT. It is because we wish women, in particular, not to be disadvantaged in the workplace, not to be disadvantaged in the ACT Government Service, that we have made these arrangements, and I think that that is an entirely appropriate approach, given the disadvantage that many women still face in the paid work force.

MRS CARNELL: I have a supplementary question. I understand that the Campbell child-care centre gives priority of access to staff of the ACT Government Service over members of the broader community. I also understand that of the 55 places at the centre only 15 are occupied by children of ACT Government Service employees. Is the Chief Minister concerned that the Campbell child-care centre is getting a commercial advantage, a commercial benefit, over other private child-care centres from this government policy? Will the Government change its policy and start collecting commercial rent from this commercial - I stress commercial - enterprise?

MS FOLLETT: Madam Speaker, I would say to Mrs Carnell again that it is not a commercial enterprise. The children enrolled at Campbell do include 15 children of ACT government employees. There are, in total, 40 children attending the centre. There are another 20 children of ACT government employees who are enrolled to commence, I am advised, by the end of June, so by that time the proportion of ACT Government Service workers with children at that centre will have increased. I think that the fact that we are able, by making these arrangements for our own Government Service employees, to free up other places in community child-care arrangements is again an added step that we have taken towards assisting women to get affordable and appropriate child-care. I think that Mrs Carnell would agree, even though she may not say that she agrees, that access to child-care is one of the most important aspects of women gaining a place in paid employment and being able to work productively and without the worry that might be associated with inappropriate child-care arrangements.

Economy

MR LAMONT: My question is also directed to the Chief Minister. Can the Chief Minister please advise the Assembly on the performance of the ACT in the recent Australian Bureau of Statistics survey on State accounts?

MS FOLLETT: Madam Speaker, I thank Mr Lamont for the question. I am very pleased to be able to advise the Assembly on this matter. The new State accounts publication was released by the Bureau of Statistics only on Friday of last week. It does provide us with some detailed quarterly information on economic performance. That information confirms that the ACT economy has performed strongly and well above the national trend.

According to the figures in the State accounts publication, the gross State product in the ACT actually increased by 6.9 per cent during 1991-92, and that compares to a figure of 1.9 per cent nationally. So it was a very good result. It was, in fact, the highest growth rate in GSP of any State or Territory in that period. For the year ended December 1992 the ACT's GSP increased by 5.6 per cent. That was the second highest, in fact behind only Queensland, so the overall level of economic production in the ACT is now very close to that of Tasmania. The ACT also recorded the highest growth in gross operating surplus in 1992. That reflects the improved profitability in most sectors of the local economy, but particularly in the construction industry. Madam Speaker, the gross State product figures do verify evidence from a range of sources and across a range of recent indicators which show the increased economic activity in the ACT.

I would like to point also to yesterday's retail trade statistics, also produced by the Australian Bureau of Statistics, which showed that the annual trend growth rate for retail turnover in the ACT was 7.1 per cent, and that compared to a figure of 2.6 per cent nationally. On those figures we were, in fact, again the second highest State or Territory, behind only Western Australia. I think that the strength of consumer demand and, as shown in the statistics, the strength of business investment that was evident in 1991-92 certainly has continued in recent quarters. The ACT's economy is currently amongst the healthiest in this country and that, of course, I think most significantly of all, has resulted in strong employment growth in the ACT, the actual creation of new jobs.

Government Service - Overtime and Redundancy Payments

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. I refer the Chief Minister to a question that I asked yesterday about allegations about redundancy payments in her department. I also quote, for the Chief Minister's interest, from the manual of her own Investigations Unit dated 18 January 1993, which says:

A Memorandum of Understanding has been entered into with the Australian Federal Police to ensure that the respective statutory obligations are met. Important, major and sensitive matters are referred to the police for investigation.

Has there been any contact between your department, its staff and the Australian Federal Police?

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MS FOLLETT: Madam Speaker, before I get to the last part of Mr De Domenico's question I would recommend to him that if he wants to remain as the Opposition spokesman on public service matters he really ought to find out a little bit about it. If he does not do so in a public service town like this he runs the risk of looking like a bit of a twit, or looking as though he is on a witch-hunt, and I certainly would not want that to be the case.

I should make it clear, Madam Speaker, that the Investigations Unit is part of the Office of Public Sector Management within my own department and it is responsible to and reports to the head of my department. You have to understand that the head of the department, the secretary of that department, does have management responsibility in these matters. The staff of the Investigations Unit operate, as do other staff of the public service, under the Public Service Act. They do not operate outside of that Act; they are not beyond that Act; and, of course, that Act is a tried and tested piece of legislation. In the day-to-day operations of this unit, and indeed all of the other units within my department, I do not have either a direct role or an indirect role. We have managers to perform those day-to-day management roles.

Madam Speaker, Mr De Domenico has asked why that report was not referred to the police. In answering his question I would like to say that I am aware of the general tenor of that report. Of course, the head of my department has kept me aware of that. I am aware of the general tenor of the recommendations in that report. I am aware also that the head of my department has exercised his judgment on how to proceed with that Investigations Unit report. He has exercised his judgment, exercised his management responsibilities, under the Public Service Act.

Madam Speaker, I support that state of affairs. I do not support politicians interfering in the day-to-day management of those sorts of matters, any more than I would support, for instance, my being asked to sign people's pay cheques, although I am, of course, responsible for appropriating the money which provides those pay cheques. I do not support my having to sign people's leave forms or their sick leave applications, although I am, of course, responsible for ensuring that their conditions of service are appropriate and are generally abided by. I do not believe, Madam Speaker, that I or any politician should interfere in an inquiry, a disciplinary matter, which is rightly handled in the general management sphere.

Madam Speaker, I would like to make it clear that the inquiry that is currently being carried out - I refer Mr De Domenico to, from memory, section 61 of the Public Service Act - is aimed at looking at allegations against a specific officer or officers over specific allegations of inappropriate or fraudulent behaviour. The report that is produced as a result of the inquiry will contain very sensitive material. It will contain very confidential material that relates to individuals and individual circumstances. I said yesterday that I would not be making that report public, and I repeat it today.

It is also the case that that report may well lead to further action. For example, there is nothing to prevent such a report subsequently being conveyed to the Federal Police for further action. There is nothing to prevent it entering the courts, for example. There is nothing to prevent it being the subject, for example, of a grievance matter, or a matter before the Merit and Protection Review Agency.

The fact that we have this report being done does not preclude other actions. Nevertheless, Madam Speaker, it is the case that arrangements have been made - I have been advised by the head of my department - to keep both the Australian Federal Police and the Director or Public Prosecutions appropriately informed on this matter.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. I am assuming, therefore, that there has been contact made with the Australian Federal Police. Will this now mean, Chief Minister, that the Australian Federal Police are also involved in the investigation? If so, who will lead the investigation - the Australian Federal Police or officers of your department?

MS FOLLETT: The inquiry that is going on at the moment under the Public Service Act is the only current inquiry that I am aware of. As I said before, it may subsequently lead to further inquiry and further action; but to the best of my knowledge there are not concurrent inquiries occurring.

Aborigines in Custody

MS SZUTY: My question without notice is to the Attorney-General, Mr Connolly, and it concerns Aboriginal deaths in custody. I gave the Attorney notice that I would be asking this question this afternoon. The most recent report of the "Deaths in Custody Australia" survey shows that in the ACT Aborigines are overrepresented in the figures of people taken into custody by a factor of 4.4. Can the Minister inform the Assembly as to what measures are being taken, or will be taken, to address this issue and to overcome this overrepresentation?

MR CONNOLLY: I thank Ms Szuty for the courtesy of advising me of this question because it did allow us to undertake some research to give a more comprehensive answer. The fact that Aboriginal people are overrepresented in police custody in the survey month of August 1992 by a factor of 4.4 times the average rate they should be is a matter of concern to government. It should, however, be viewed against the national average of overrepresentation by a factor of 26.2. The survey which I have of 1988 shows that then the level of overrepresentation in Australia was a factor of 27 and the ACT level was a factor of 11. While the level of overrepresentation of Aboriginal people in police custody in Australia has declined slightly from a factor of 27 to a factor of 26.2, the rate of overrepresentation in the ACT has declined dramatically - from a factor of 11 down to a factor of 4.4. That is still, however, too high. Members, I am sure, would agree that no ethnic or community group should be statistically overrepresented. We would expect that a justice system would result in people of all backgrounds coming before the justice system equally.

The Government has been taking a range of initiatives over the last 12 months or more to try to bring these figures down. These include the establishment by the Chief Minister of the ACT Aboriginal Advisory Council. The AFP has been running cultural awareness workshops amongst their front-line officers, and that is a very important factor. The AFP also has an Aboriginal liaison officer identified at a quite senior level within the organisation who liaises closely with local Aboriginal communities. There is a very effective mechanism in place so that when a person of Aboriginal descent is taken into police custody

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Aboriginal community groups in the ACT are notified immediately so that a prisoner's friend, as it were, can attend the police station and make representations on behalf of the person who has been arrested. This Assembly, some six months ago, passed a Bail Act which further clarifies the right of every person to have bail.

When we last had a survey or a census of ACT prisoners, that is, persons who had been sentenced, we were surprised to find that there was no person of Aboriginal origin among serving prisoners, so the problem, to the extent that there is a problem here, seems to focus on persons in police custody. An overrepresentation of 4.4 is too high, although it is amongst the lowest in the country and is well below the national level of overrepresentation of 26.2; but the ACT can take some pride in the fact that, whereas the national average level of overrepresentation has declined only a small amount - that is something that as a nation we need to address - in the ACT we have more than halved the level of overrepresentation. Ms Szuty raises a very serious point. Clearly we need to do more, but I hope that Ms Szuty would accept that some of the initiatives that have been implemented over the last couple of years at least have us moving in the right direction at a fairly rapid pace.

School Closures

MS ELLIS: My question is directed to the Minister for Education. Is there any suggestion that school closures are back on the agenda now that the Auditor-General is reviewing the finances of the Education Department?

MR WOOD: Madam Speaker, there certainly is not any suggestion that school closures are back on the agenda because of a routine Auditor-General review. I think one of the television stations in particular last night tried to draw some conclusions as a story that is fairly routine was beefed up. It is proper that the Auditor-General investigate agencies. I have not seen a story, for example, that the Auditor-General is carrying out a review of the land development program, which is happening. I think he is having a look at the health program.

These are normal processes for the Auditor-General. It is his task to scrutinise the way our money is expended, to look at the quality of management and accountability in the public sector, and certainly we would be looking, as an outcome, for improved ways of doing things. I think in part of the debate yesterday it was indicated that in the four years of self-government there had been very considerable improvements in the way that things were done. It is part of the Auditor-General's job to do this. I think it is quite wrong to draw the conclusion, as some did, that school closures are on the agenda. The Government sets the agenda in this matter and there is no plan from the Government to close schools. We have been quite clear and emphatic on that, as the Chief Minister was in the adjournment debate last night. That continues, and I want to add to that emphasis.

Rescue Services

MR HUMPHRIES: Madam Speaker, my question is to the Minister for police. I refer to the restructuring of the police rescue services in the ACT. The Minister would be aware of the contention of the Australian Federal Police Association that a considerable saving could be made by assigning north side of Canberra road rescue to the police rescue service rather than leaving it with the present fire rescue service. On the assumption that the Minister has actually examined that proposal and ascertained the extent of any saving, could he advise the Assembly as to what the extent of that saving would be across the whole of his portfolio responsibility?

MR CONNOLLY: Madam Speaker, I and police management do not believe that there could be any savings by giving the full responsibility for road rescue in the ACT to the police. This is an ambit claim from the Police Association which basically says that we should leave all road rescue to the police. It is the debate that has been going on in the ACT since the 1970s, or as far back as human memory persists. The same debate has been going on in other States of Australia. The Government has taken a decision that road rescue functions will be performed by the Fire Brigade, on the basis that we have to train Fire Brigade officers to undertake that type of duty as a proper ancillary to their prime responsibility of firefighting. We have to have fire officers on standby at 3 o'clock in the morning at all of the stations around Canberra - - -

Mr Humphries: Why?

Mr De Domenico: Why?

MR CONNOLLY: In order to provide appropriate fire coverage, Mr Humphries, so that your constituents; houses are not burned down, and in order, Mr De Domenico, to provide standards of fire coverage which comply with the national standards of urban fire cover so that Canberra ratepayers pay fire insurance premiums which are based on metropolitan standards rather than the massively inflated fire insurance premiums which they would have to pay if they lived in an area which did not comply with Australian standards of fire coverage. So we have to have that resource out there. We can use it to also perform road rescue.

We also have a group of police officers who are on standby at 3 o'clock in the morning at Weston Creek now and who are also available to attend road rescue on the south side. They think there would be savings if they could also attend road rescue on the north side. We think it makes a lot more sense to have those police officers on the street doing general policing, crime duties, rather than this ancillary duty. So I do not believe that there are savings to be achieved by this proposal, and police management are of a similar view.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker. On the assumption that there are no savings to be made, can the Minister tell the Assembly what loss to the government coffers the proposal by the Australian Federal Police Association would amount to? Can the Minister give me an indication of the financial extent of any change that that particular proposal would make?

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MR CONNOLLY: Madam Speaker, it would continue a duplication of services, and a duplication of services is essentially wasteful. We believe that it is more sensible to redeploy police resources to policing crime rather than having police officers on standby to perform rescue duties, and having on standby to perform rescue duties those fire officers that we would otherwise, in any event, be paying to be on standby. The savings that can be achieved by the rationalisation of police road rescue are in the order of some \$400,000, but we do not believe that there is any saving to be achieved by the Police Association claim. On the contrary, as it would avoid our saving, it would cost in the order of some \$400,000.

Car Thefts

MRS GRASSBY: My question is directed to the Attorney-General. Can the Attorney-General inform the Assembly whether there has been any reduction in the cost to the Canberra community of car theft claims?

MR CONNOLLY: Car theft was an issue that was agitated in this Assembly a couple of weeks ago. Indeed, I was the subject of a censure motion from Mr Humphries. Mr Humphries said, as recorded in *Hansard* on 30 March, that the indications are not that there is any significant decline at all in car theft. Things are getting worse, said the Liberals. I am afraid, Mr Humphries, that the NRMA's report on car theft in 1992 in the ACT and New South Wales has been released today. The rather large heading on the press release issued by the NRMA, not by the Labor Party, says, "ACT records 30 per cent reduction in cost of car theft claims". The trend which we identified and which you denied in your typical alarmist attempt to beat-up shock horror out in the community about law and order issues has been confirmed by the NRMA.

It is a good result, Madam Speaker, but we can do better. It shows that we have reduced the cost of car theft in the ACT in 1992 by 30 per cent. That is a good result. It shows that the rate of car theft for NRMA policyholders, and that is a good representative sample, is some 5.2 thefts per 1,000 motor vehicles in the ACT compared to some 14 in Sydney. This, "We are getting as bad as Sydney", which is the rhetoric which we usually hear from the Opposition, would indicate that we would need to be three times as bad as we are - in fact we are trending in the opposite direction - to approach Sydney rates of car theft. The NRMA do make the point, though, that theft of new cars is dropping dramatically, but theft of older cars remains a problem. The cars that are most likely to be stolen today are cars that are four to six years old, rather than the more valuable new cars, because the new cars are more secure.

We need to address the issue of the way these older cars are coming back into the market. We have recently instituted a program whereby motor vehicle registry officers are undergoing training with the Australian Federal Police in order to pick up what may be a stolen motor vehicle when it crosses the pits. Mr De Domenico, of course, would not have motor vehicle inspectors at the pits because he would want to flog off the Motor Vehicle Inspection Service.

Members who are concerned about fighting crime would be interested to know of the cooperation between the Motor Vehicle Registry and the police. That training now allows the motor vehicle inspectors to identify what may be either a stolen car or stolen parts. The stolen parts racket is probably at the heart of theft of motor vehicles in that age range. We have already started to identify vehicles that have been stolen or that contain significant parts that have been stolen, as a result of that training that has been around for only a month or so. It is already bearing fruit, which hopefully will indicate that we will continue to bring the trend down - down, Mr Humphries, not up.

Community Consultation

MR CORNWELL: Madam Speaker, pursuant to standing order 116 I would like to ask Mrs Carnell a question in relation to notice No. 6, which she has on the notice paper. I ask Mrs Carnell whether she is aware of any instances where the Government has made decisions affecting the people of Canberra without any consultation with those worthy citizens of the ACT?

MRS CARNELL: Thank you very much for the question, Mr Cornwell.

Mr Connolly: We will go and have a cup of tea while you sort this out amongst yourselves, if you like.

MRS CARNELL: I could try to do a Mr Berry. Due to the requirement to be brief, there is absolutely no way that I could go through all of the instances where this Government has failed to consult with the community, but I will go through a few glaring examples. First of all, of course, is the one that has been brought up in this place before, the hospice on Acton Peninsula. We all know that Mr Berry, on 27 April 1993, announced the hospice, and announced its siting on the Acton Peninsula before the NCPA committee especially set up to look at the overall plan for Acton had had a chance to report. The thing that really brings it into context is Mr Berry's comment that day when he said, "Well, the NCPA will just have to work around my decision".

Another good example is an announcement by the Attorney-General on 28 April 1993 that references to the Queen in all oaths and affirmations would be removed. Again, there was no public consultation; no consultation with the Assembly; no opportunity to see what the outcome of the republic debate may or may not be. The Attorney-General again, on 29 March 1993, announced that Supreme Court fees would go up dramatically. The Law Society received their letter on 25 March to tell them about it, and that was for an April implementation. Even the Federal Government was able to tell the Law Society of similar changes with five months' notice. Again, there was no consultation with Canberra's legal community. These are the sorts of changes that cost Canberrans substantially more money.

There was the Minister for Health's announcement on 17 February 1993 that smoking would be banned in ACT clubs and hotels. There was no consultation with the relevant industry groups before the announcement and it was made without reasonable lead time for implementation. Hardship will inevitably be caused to owners and to employees as well. Politicians are the servants, not the masters, and public consultation is the basis of good government. These are just a few of many examples of absolute lack of consultation by this Government, and I look forward to debating the motion.

Animal Welfare

MR STEVENSON: My question is to Bill Wood, the Minister for animal farewell. Is there a law in the ACT which makes it an offence to cause unreasonable pain to an animal?

MR WOOD: Mr Stevenson knows that we have the Animal Welfare Act, and we have general provisions, more widely, requiring that people will not cause unnecessary pain to animals. Mr Stevenson might care further to debate the issue of unnecessary pain and the processes that are long in place for dealing with matters such as horseracing. Mr Stevenson has been out on the stumps saying that horseracing is illegal when, in fact, it is not. He can say it as often as he likes, but it does not change the fact of the matter; horseracing is quite legal. If it is considered by a government officer or by any other person that the way a horse was whipped or ridden constituted unnecessary cruelty, rather different to or in excess of the codes of practice established in the racing industry around Australia, then there would be recourse to action to have that determined. Subsequently the court would determine whether there was an unnecessarily cruel act to an animal, in this case a horse. It is quite clear that horseracing in the ACT remains legal. Mrs Carnell is not acting illegally by getting a racehorse and at some time in the future successfully racing it. The Leader of the Opposition can be quite comfortable that she is doing the right thing, legally, in her enterprise.

MR STEVENSON: I ask a supplementary question. As there is no code of practice in the ACT for horseracing, and as it is also acknowledged by the ACT Racing Club that some of the practices involved in training and racing horses, such as whipping, cause pain, has the Minister taken any action to see that the law is complied with, or does he have any intention of seeing that the Animal Welfare Act is amended to correct the situation?

MR WOOD: There is no amendment to the Animal Welfare Act necessary. I think I have explained the situation. The absence of a code of practice - it is not far from being produced - does not render any part of the Act illegal. It does not change the situation. The general provisions relating to cruelty to animals are maintained. They are still there. Those general provisions, as I have said - I need to repeat it, obviously - still apply. There is no purpose in taking any action. The racing industry uses the code of practice established around the country for racing. That obviously will be a fairly significant part of the current consideration as we determine our own code of practice under the animal welfare legislation.

Ms Follett: Madam Speaker, I ask that further questions be placed on the notice paper.

Premature Births

MS FOLLETT: Madam Speaker, yesterday Mrs Carnell asked me a question relating to the practice of sending ACT women in certain circumstances to interstate hospitals to give birth, and I undertook to provide her with an answer. I will begin by clarifying the facts in relation to the incidents Mrs Carnell referred to in her statement regarding the transfer of premature babies interstate last week.

In the first instance, one premature baby of 26 weeks' gestation was transferred to the Royal Hospital for Women, Paddington, in the early hours of the morning of 6 May 1993. The mother of this baby was from Goulburn. The second case involved a woman pregnant with twins whose birth was imminent and who was considered to be in a high risk situation. She was also transferred to Sydney on 6 May 1993. It is important to note that at no time was transfer to anywhere other than Sydney contemplated. I am also advised that no woman was put on standby last week to have her baby delivered interstate, as was stated in this question by Mrs Carnell. Transfers such as these are organised through the neonatal emergency transport system. This system exists to provide access to high-level intensive medical care and it is accessed by the Woden Valley Hospital in cases where there is an overload on local facilities or exceptional medical circumstances exist.

The Woden Valley Hospital neonatal intensive care unit is staffed, funded and equipped for four ventilated cots. The transfers I have referred to were necessary because these cots were occupied. These two transfers are the only transfers which have been necessary in 1993. In normal circumstances the existing facilities at Woden Valley Hospital, including the neonatal intensive care unit, more than adequately address the needs of Canberra women. Clearly, Madam Speaker, women do not have to leave the ACT to give birth, except in exceptional cases of medical emergency. I believe that these facts demonstrate the Government's strong commitment to addressing the health needs of all women of the ACT.

Answers to Questions Without Notice

MS FOLLETT: Madam Speaker, I have some further answers to questions taken on notice. I have previously supplied these answers to the members asking the questions, but I would ask that they be incorporated in *Hansard*. The questions were: From Mr Kaine, on 16 February, regarding the effect of introducing a goods and services tax on the ACT, and he will not like that answer; from Mr Kaine again, on 25 February, regarding the contract for the manufacture of an ACT flag; and from Mr Humphries, on 25 February, regarding the staffing of MLAs' offices. I would ask for those answers to be incorporated in *Hansard*.

Leave granted.

Documents incorporated at Appendices 1, 2 and 3.

Religious Intolerance

MR CONNOLLY: Yesterday Mr Stevenson asked me whether there had been any consultation in relation to ratifying or implementing the United Nations declaration on the elimination of religious intolerance, and I undertook to take that on notice. The United Nations declaration on religious intolerance was a resolution of the General Assembly of the United Nations passed on 25 November 1981. It is a mere resolution of the Assembly; it is not a treaty, so the formal treaty consultation processes do not apply. However, in March of last year the Commonwealth Attorney wrote to every State Attorney indicating that it was the Commonwealth's intention to declare the religious declaration, which Australia had voted for, to be an international instrument relating to human rights and fundamental freedoms for the purposes of the Commonwealth Human Rights and Equal Opportunity Commission Act 1986. The effect of declaring it to be such an instrument is to extend the reporting functions of CHREOC to the rights recognised in the instrument. The Commonwealth invited the ACT to raise any objections to that course of action and I responded on 8 April 1992 saying that we had no objections to the Commonwealth's proposed course of action.

Mr Stevenson: But you did not know about it yesterday when I asked.

MR CONNOLLY: Madam Speaker, Mr Stevenson makes an inane and snide interjection that I did not know about it yesterday when he asked. Mr Stevenson, when anyone holds ministerial office - I am sure that those opposite who have held ministerial office would endorse this - if your recollection of a letter that you may have signed 12 months ago is not crystal clear, a sensible and prudent Minister says, "I will take that matter on notice and get back to you", rather than chancing your arm by saying what may or may not be a correct recollection and potentially misleading the house.

Madam Speaker, what I did yesterday when Mr Stevenson asked the question was to take it on notice, quickly find the answer and get back to him. To say snidely, "But you did not know that yesterday", Mr Stevenson, merely displays your lack of understanding of appropriate parliamentary procedure. I am sure that no member opposite when they were a Minister, no matter what vague recollection they may have had of a piece of paper they signed 12 months ago, would not have checked before answering. That is what I do. That is what most Ministers in most parliaments do.

PAPERS

MR BERRY (Deputy Chief Minister): Madam Speaker, for the information of members, I present, pursuant to the Drugs of Dependence Act 1989, the revised version of the 1991-92 report on the operation of the Act. This report was originally presented on 24 March 1993. Due to an oversight, the final page was not included in the original report.

For the information of members, I present the ACT Government Service quarterly staffing analyses for September 1992-93 and December 1992-93.

PRECEDENCE TO PRIVATE MEMBERS BUSINESS

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 22, private members business, relating to the proposed Canberra City Council, being called on forthwith.

MR HUMPHRIES (3.12): Madam Speaker, certainly the Opposition has had no notice of this matter. Obviously we are very happy to talk about private members business as a general rule, but I think that on Mr Stevenson's part it is most unorthodox and certainly unfair to other members of the chamber. I do not know whether I should apply these comments to that side of the chamber as well, but certainly as far as this side of the chamber is concerned there has been no notice of this matter. If Mr Stevenson expects to get support for this kind of thing he should, in fairness, canvass it among his colleagues first. I would not be prepared to support that motion at this time.

MR STEVENSON (3.12), in reply: I take Mr Humphries's words and I apologise for not mentioning it. However, as it was extending private members business, I thought it would be fair enough today.

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

CITY COUNCIL AND LORD MAYOR

Debate resumed.

MS FOLLETT (Chief Minister and Treasurer) (3.13): Madam Speaker, I will continue my remarks on this matter raised by Mr Stevenson by saying that I believe that his motion is fundamentally flawed both in its concept and in the very terms that it uses. If we look, first of all, at the terms that the motion uses, the key part of it is "to replace our current state-like form of government with a City Council and Lord Mayor". Those very words reveal, I believe, an overly simplistic, very imprecise, ambiguous and very generalised proposition from Mr Stevenson - a proposition which, as I said before, he did not even bother arguing for. Whether the words "a city council and lord mayor" are in the mouth of Mr Stevenson or, in fact, Mrs Carnell, I believe that it is their duty to spell out what it is that they mean. What does Mr Stevenson, for instance, mean by a city council or a lord mayor? He did not even mention the lord mayor.

It is quite fortuitous, Madam Speaker, that today the *Bulletin* magazine has a quite extensive coverage of city councils and lord mayors in Australia. It is headed, on the cover, "Pomp and Ermine. Big salaries, lots of ceremony. But what do we get from our lord mayors?". It is a good question and it is one that Mr Stevenson did not even hazard an answer to. If you look through the article very quickly, Madam Speaker, you will see that what the various cities get from their lord mayors varies enormously, and what those lord mayors get from their cities also varies enormously. The most notable, I think, is the Lord Mayor of Brisbane, who took a pay cut of \$60,000 to reduce his salary to \$125,000 a year.

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I leave with members what such a regime might mean for the people of the ACT. There are other lord mayors mentioned in this article who are voluntary. Of course, a voluntary position like that is open only to people who do not need to earn a living. I consider that kind of an arrangement to be totally undemocratic. We also have one of the lord mayors, Mr Reg Withers, whom some members may remember as the toe cutter, referred to by one of his colleagues, affectionately we are told, as "a jovial, scheming bastard". That was said by one of his friends.

So, Madam Speaker, I submit that Mr Stevenson had a duty to this Assembly to tell us what he meant. For all I know, the extent of Mr Stevenson's reforms, the extent perhaps of Mrs Carnell's reforms, would be simply to replace the title of the Legislative Assembly with the ACT or Canberra City Council, and substitute the title of Chief Minister for Lord Mayor. This may be merely a PR exercise, but I would put it to you that it is, certainly from Mr Stevenson and from Mrs Carnell, no more than a vote grabber. Madam Speaker, because I have had some four years' experience of Mr Stevenson's *modus operandi*, I would expect his proposal to be somewhat more radical than merely a change of name, but the terms of his motion and his argument for it certainly do not reveal any of that detail. I would like to ask what Mr Stevenson proposes to do with our health services, or with our education system, or with our police force and with the judiciary. Perhaps Mr Stevenson proposes that New South Wales should run our health and education systems, and perhaps Queensland might want to run our police force, or could we put it out to private tender? Madam Speaker, we really have no idea what this proposal by Mr Stevenson is about.

I think we should remember that in 1988 the Commonwealth, through the self-government package that was enacted - that package runs to well over 100 pages - conferred upon the ACT a complete system of government with very well-defined structures, institutions and processes. What Mr Stevenson and Mrs Carnell propose to do is to replace that and to hand back to the people of the Territory a five-word mandate; just five words - a city council and a lord mayor. The proposition, Madam Speaker, is at best half-baked and ill considered, and at worst, I believe, is yet another attempt to destabilise this Territory.

The Leader of the Opposition's contribution to date has also been half-baked but with, in my view, an additional and cynical overlay. As the *Canberra Times* has actually put it today, Mrs Carnell is seeking to mine the populist vein of vague dissatisfaction with self-government but without proposing a real alternative. From what I have heard and seen of Mrs Carnell's utterances, she would apparently have us retain most of our State-type functions, although, of course, that is far from clear. I would be very interested to hear the detail of the Leader of the Opposition's proposals. What would she, for instance, have us do with health, education, police services and the judiciary? To say that this would be determined following community consultation is simply not good enough. The community is entitled to know what it is that Mrs Carnell has in mind and what her alternative model is, even in its basic form.

Mr Kaine: Tell us about your budget, Rosemary.

MS FOLLETT: Mr Kaine, the former Leader of the Opposition, still the only Liberal with any commonsense, in my view, in some comments that he has made has rightly pointed out the vast flaws in his current leader's inanities on this subject. Mr Kaine was heard to say this morning:

... there has to be some logical debate about where the major portfolio areas of health and education and policing go to. Who's going to run it? Are we going to give them to New South Wales to run? Will we have a better hospital system if it's run by some bureaucrats in Sydney, than having it run by some bureaucrats in the ACT? I think not. Is it going to cost any less? I think not. There's got to be some logic to the debate.

Hear, hear, Mr Kaine! He went on further, later in his interview:

... how do we get a fair deal from the Commonwealth financially if we remove ourselves from the very forums in which the major financial decisions are taken? The Premiers Conference, the Loan Council and the like. Who's going to represent us there? Are we going to go back to some Federal Member from Melbourne Ports representing us in the Federal Parliament in these issues? That didn't work too well.

I could not agree with you more, Mr Kaine. It is a pity you did not explain it to Mrs Carnell.

Madam Speaker, I am always ready to listen and to take suggestions about how we can do things better, and to enter into informed debate about alternative structures of government. I think that draws a very clear distinction between my own approach, my Government's approach, and that of Mr Stevenson and Mrs Carnell. They merely throw up slogans. They throw up slogans, as did Dr Hewson, and expect people to like it. Well, they do not. I suspect that this was the same slogan that was thrown up at the Liberals' summit, because as Mr Kaine also pointed out, and I will quote it:

Quite frankly ... I ... felt that she'd been to a different summit than I'd been to.

He was speaking of Mrs Carnell. So, Madam Speaker, quite clearly, we have some communication difficulties across the way there.

I take no immediate comfort from the suggestion that we should adopt a city council model. There are still costs associated with running a council, and, as we have seen, some quite high costs; in fact, higher than we currently have. There are still costs associated with all of the functions that that council must carry out. In fact, the Brisbane City Council, with a smaller budget than the ACT and actually carrying out only 15 per cent of the functions that we do, still has 25 aldermen and a lord mayor, and they all get paid more than ACT Assembly members do. Madam Speaker, I put it to you that this proposal is half-baked at best, although I expect that Mrs Carnell will wish to support it.

I might also take the opportunity, Madam Speaker, quickly to emphasise the advantages that the ACT gains from our own particular self-governing status. The ACT is an equal partner in the federation with the States and the Northern Territory, so we have equality as citizens and as a parliament. As Chief Minister I participate with the Premiers and the Northern Territory Chief Minister at the Council of Australian Governments and at the Loan Council and at Premiers Conferences. The benefits to the Territory which derive from this level of

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participation are very real, as Mr Kaine knows. Developments include things like the mutual recognition of goods and occupations, national road and rail reform, and the work that is being undertaken towards a national electricity grid for south-eastern Australia. All of these developments will have important and, in my view, positive effects for this Territory. Yet, Mr Stevenson and Mrs Carnell, of course, would wish us not even to be in attendance at those forums.

Other issues which have been considered, and in some instances still are being considered, by heads of government, such as national ecologically sustainable development and greenhouse strategies, as well as social justice matters such as the national strategy on violence against women, will also have positive implications for the ACT, and we ought to be full partners in that debate. Mr Stevenson, and apparently Mrs Carnell, would consign the ACT to a position of a local council where our capacity to influence matters that directly affect this Territory is removed. I would like to reiterate the Government's opposition to this motion. (*Extension of time granted*)

I thank members. I will not be much longer. I reiterate the Government's opposition to this motion because it is flawed and I believe that the philosophy behind the motion is ill considered, and that is being generous towards it. Madam Speaker, I said at the outset that Mr Stevenson had not even attempted to debate the full extent of his motion, and I would like to repeat that. Mr Stevenson has not given us the slightest hint of what it is that he means by a council. He could well mean 26 members, as for Brisbane. After all, our budget is bigger than theirs, so maybe he means more than 26 members. He may well mean that the lord mayor should earn more than the lord mayor of Brisbane because of greater responsibilities. We would have no idea what his intentions are. Madam Speaker, we have no idea what the role of the lord mayor is; how the lord mayor, as proposed by Mr Stevenson, would be elected; or whether the lord mayor would be, as one of the lord mayors in the *Bulletin* article is described, a benevolent dictator - just a benevolent dictator. I believe that Mr Stevenson would really have us put back in time to the situation where the Commonwealth, through a Minister not elected by the people of this Territory, did in fact perform as a benevolent dictator. Well, on the good days it was benevolent.

Nevertheless, I think that we in this chamber must uphold the principles of democracy. We heard Mr Stevenson saying yesterday in the debate on the boxing legislation that he believed that it was inappropriate for the people of the Territory to have to abide by the laws of another State; yet he is telling us today that in major areas, for instance, health, education and policing, he would be quite happy to hand over the control of those issues to some other body, but he has not even told us who. It is possible that he may wish them to be run as a profit making exercise. It is possible that he may want to hand over matters to do with planning and land development to private enterprise. He has not said.

Madam Speaker, I believe that the motion that is before us is pure electioneering from Mr Stevenson. I think it is somewhat insulting not just to this chamber but to the people of the Territory as well to have such a half-baked proposition put before them when in fact such a proposition would affect every citizen of this Territory, would affect the decisions that are made over some of the most important areas of their lives. The proposition put by Mr Stevenson deserves to fail. The half-baked suggestions made by Mrs Carnell also deserve to fail,

Madam Speaker, and I believe that Mr Kaine, in his comments on those propositions, is absolutely correct. I know that Mr Kaine has been an ardent supporter of self-government. I know also that it has been Liberal policy for at least five years, and I am not aware that there has been any change from that policy. Madam Speaker, I would urge all members to vote against this motion, although I expect that Mrs Carnell, to be consistent with her recent statements, ought to feel at least morally obliged to support it.

MRS CARNELL (Leader of the Opposition) (3.28): May I start by restating the obvious? The Liberal Party totally supports self-government in the ACT.

Ms Follett: No, it is just you who does not. We know that.

MRS CARNELL: We totally support self-government in the ACT. What the Liberal Party also supports is community consultation and what the Liberal Party will be doing is embarking upon a structured and appropriate market research plan to find out what the people of the ACT really want, not just in the area of government but in lots of other areas. I know that that causes huge problems for the Labor Government, a government that has always suggested that it was heavily into consultation and in fact has come up with a number of plans, papers and whatever on community consultation, all of which were totally ignored.

What the Liberal Party is planning to do and has decided to do and has embarked upon is going down the track of an appropriate planned and professional approach to find out what the community want. What the Liberal Party has said is - surprise, surprise - that, if the people of the ACT are unhappy about their present style of government, then the Liberal Party - again surprise, surprise - will actually respond to that. We will see how we can better put together a Legislative Assembly, or whatever we call it, to reflect the wishes of the people of Canberra.

Quite honestly, the hypocrisy of the comments that the Chief Minister made before was stunning. Again I quote the hypocrisy of her comments. She said, quite categorically, that she needed - - -

Mr Lamont: This will be the same Liberal market research that gave us the GST and Fightback.

MRS CARNELL: I cannot yell that much.

MADAM SPEAKER: Order, please! Continue, Mrs Carnell.

MRS CARNELL: Thank you. The Chief Minister said that she wanted to see line and verse of what the Liberal Party were talking about before our public consultation, before we knew what the community wanted. Does that not reflect really interestingly on the Labor Party's attitude to the republic debate, the republic debate that we are supposed to have, not just as the ACT, but in Australia, with no information, with no knowledge of what we are really talking about, just a sort of an idea? We are supposed to be able to have a debate on that, quite rationally and quite acceptably, with no information, with no details; but when it comes to debating what the people of Canberra might want, what might reflect what they want as a community, all of a sudden we hear, "Oh, no, we cannot have that. It is totally unacceptable. We have to have all of the info before we even start the debate".

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That is the problem that the Liberal Party has with the Labor form of consultation. You make up your mind before you start and then attempt to convince the community later. That is not the way the Liberal Party believes this should be done. The Liberal Party and, from what I understood this morning, the Labor Party federally understand that parliamentary reform is a particularly important thing to become involved with; to look at ways that we could do what we do in this place better. I understand that Dr Blewett is doing a similar job on the hill. If it is wrong for us to look at ways of better reflecting the community, I really think that we are all here on false pretences, quite honestly. If we, as a Liberal Party, can find ways for the ACT Assembly to better represent the community, then I will be exceedingly proud to do so.

This shows quite categorically that the Labor Party is just not in touch with the community in the ACT. If the Labor Party does not know that out there in the community there is still a lot of disquiet with this Assembly, with some of our procedures, then again it is not in touch with the community. If we do not even want to reflect the views of the community, then quite honestly none of us should be here and we should rethink the whole thing. We must, as an Assembly, reflect the views of the community - their attitudes, their visions, and what they want for this place. That is the Liberal approach.

There are many questions that need to be answered. Mr Kaine was quite right this morning when he made the comment that, if we are looking at a better way to do it in the ACT, then we have to look at a lot of problems such as ministerial meetings and the like; such as how we would organise ourselves in a way that is not the same as anywhere else in Australia. We have a city-state here. We are not the same as New South Wales or Queensland or anywhere else. We are not the same as Brisbane or Newcastle or Queanbeyan either. So it seems quite logical to me, and also to a very large number of other Liberals and a large number of other Canberrans, that we should not just accept the model that we currently have for ever and ever as if it were somehow sacrosanct. That is just not an acceptable approach.

The Liberal Party also totally believe that it is essential for the people of the ACT to continue to have policy control over health, education and the police, so that is just another furphy that the Labor Party has brought up. We have not changed our track at all. This is exactly what we have said. I am quite confident that if Ms Follett could have found one quote of mine that said anything else she would have quoted it and quoted it. The fact is that it has never happened. We have never, ever, said anything else. What we have said is that we are willing to listen and that we have an appropriate way to do that.

Mr Stevenson's comments - I agree with Ms Follett - totally lack background and lack information. What the Liberal Party is saying is that we need, first of all, to find out what the community want in a sensible, a professional, a structured way. Then we have to look at the options, to look at ways of being able to reflect those needs and wants into sensible policy, hopefully under current legislation. Mr Stevenson's motion does none of that. Mr Stevenson's motion is glib. I accept Ms Follett's comments that it is just a vote catcher. Probably he brought it up today, and brought it up again this afternoon, because he did not like the Liberal Party talking about his issue, his baby.

Mr Stevenson: It is the people's issue, the people's baby.

MRS CARNELL: Okay, I accept that. It is a people's issue, and that is the reason that it desperately needs to be handled properly and appropriately. We cannot debate a motion when we do not know what the actual details of it are. We need to know - I accept Ms Follett's comments and Mr Kaine's comments - who will run health, education and the police. Quite honestly, New South Wales has not done all that well lately.

Mr Stevenson: I have already said that the Commonwealth would.

MRS CARNELL: The Commonwealth has no infrastructure to do so, Mr Stevenson, but I do not think we should enter into that debate here. The fact of the matter is that we in the ACT should have, and we in the Liberal Party support our having, control over our future, control over where we want the ACT to be; but to assume for one moment that this Assembly, for ever and a day, in its current structure, will reflect that is showing a huge lack of capacity for lateral thought and certainly a huge lack of vision.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.37): Madam Speaker, there is an old statement that is, I think, fairly appropriate to today's circumstances with the Liberal Party, and it says, "The more things change the more they stay the same". There have been a few changes in the Liberal Party recently. There have been changes of positions and changes of faces, but the party is still the same. It is still ridden with conflict; it is deeply divided; it is argumentative and distrustful of each other, scheming and insecure. It is still the same. We had the example with Mr Kaine this morning. They are so divided that their people do not even go to the same Liberal Party summit; they go to different summits. That is how divided they are. They cannot turn up at the same place. So there is nothing new in the Liberal Party.

There is enormous conflict over this issue. Mrs Carnell has been leader for a few weeks and we have an immediate bust-up on the matter of self-government. The party cannot run itself, so I think they should keep their hands off trying to do anything with self-government. Maybe Mr Kaine, when he makes his speech, will get up and deny it, but the corridors tell us that this morning his party room told him to shut up, not to talk on the issue. I will withdraw that if you think I am wrong. The Liberal Party also told that to Tony De Domenico a little while ago, but I think that Mr Kaine, if he was told something, would observe the request of his party, to which he has given many years of service. Mr Kaine is not new to these sorts of arguments in the Liberal Party, as the *Canberra Times* reports: "Liberal MHA faces party over stand on self-rule". So nothing has changed, Mr Kaine.

Mr Kaine: When was that, 1986?

MR WOOD: It was on 25 June 1986, Mr Kaine. Would you like to see it again?

Mr Kaine: No, I have read it.

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MR WOOD: Since that time when Mr Kaine was censured for supporting self-government he has not changed; he is honourable and consistent. The Liberal Party has adopted a policy of self-government that they would now dump, at a moment's notice, if they thought there was even one vote in it for them. That is the approach they have. It is quite clear in all this debate that Mrs Carnell is favourably disposed to the idea of a council. If you listen to her, if you read - - -

Mrs Carnell: I did not say that at all.

MR WOOD: No; I know that you are running a mile from it now, but the whole impact has been that this is worth thinking about. You certainly have not said, "We are going to have it". You have said, "We are going to think about it". The whole strategy clearly has been to talk up this issue to win something in the community. Mrs Carnell is presenting this nice soft face: "We will listen to you, the community, and do away with self-government; what better idea is there?". That is very much the strategy behind this.

It was interesting that in her speech she said that we need, I think - you can correct me - an appropriate debate, a planned debate, a planned discussion. Well, it did not start very well, because Mr Kaine gave you a caning as there was nothing planned around the weekend summit. He pointed out to the person who interviewed him that there was not a great deal of discussion about this; that there appears to be no planning. He was quite surprised by the way Mrs Carnell had taken on board this issue. So the conflict in the party continues. Yesterday they were at least flagellating themselves and conceding that they had never been very good at consultation. I do not think that bland words, trying to pick up a theme in the community to attract some support, will do them any good at all.

I come back to what form of government we should have in the ACT. Mrs Carnell said that we should do things differently.

Mrs Carnell: If that is what the community wants, yes.

MR WOOD: Where have you been? We have done things differently. This is an Assembly which is very different from anything else that operates in Australia. There is a great deal of support across Australia, certainly in rhetoric, for doing away with one level of government. We have done that. This is two levels of government in one, and that is a popular concept around the country, as I say.

Mr Humphries: But not in the ACT.

MR WOOD: So that is very different indeed.

Mr De Domenico: It is popular in Tumbarumba.

MADAM SPEAKER: Order! The Leader of the Opposition sat down when there was a bit of noise going on before. Her team may like to remember that.

MR WOOD: I do not think I interjected once, Madam Speaker. This Assembly, unique now with Queensland and the Northern Territory, has but one chamber. That is very different. This Assembly, unique around Australia, has an outstanding committee system. We have a very different system in the ACT, and it is one that I am sure many people would look at with favour because of the way it works.

There has been a great deal of discussion about health, law and order, and education. In fact Mrs Carnell, when she was talking on the radio - she denied a little while ago that she had said something like this - said that we talk about lots of things in the Assembly, including drugs, "when what we really care about is roads, rates, rubbish" - I repeat, "roads, rates, rubbish", municipal things - "education for our kids" - something different - "and those sorts of nitty-gritty life-type issues".

Mrs Carnell: It is not right.

MR WOOD: So the clear implication was that you really talk about a council-type administration. It is very clear. There it is. You go and have a read of it. If you wish, I could read the whole paragraph into the record.

There is a cynicism abroad - not from the Liberal Party, I do not believe, but from Mr Stevenson - about returning powers to the Federal Government or somewhere else. I do not think Mr Stevenson believes that if we gave education and health and whatever else back to the Feds there would be one more cent coming from that source to run those institutions. In fact the Federal Government will continue on the course it has been on for some years now of progressively reducing revenue to the ACT. That will not change. That is the reason we got self-government; it was to bring about these reductions. It might sound attractive to the community to give these things back and then the good old days will return, but that is just not on. It will not happen. The reductions will continue and, as Ms Follett said a little while ago, we will have absolutely no say in the way that things are done.

The Liberals are jumping up and down and changing tacks a little here, but Mr Stevenson strongly argues that someone else should run, for example, education. Mr Stevenson may not have been in Canberra in the 1960s and 1970s when this community was most emphatic that we must have our own education system. Mr Cornwell well remembers that argument. They said, "We do not want to be part of New South Wales. We are not satisfied. We want to have our own hands on our education system and we want to run that education system". That is what the community said and that is what they got via the ACT Schools Authority, a statutory body that was very well established and was appropriate to a federal system. Now that we have self-government it is appropriate that it be managed in the way it now is. The community wants to know all about its education system.

We have had a long debate recently about policing. I acknowledge that the community is very interested in this subject. Do you think they want to pass it back, as it was years ago, to some obscure bureaucrat who could make any decision that he or she liked? The ACT community will not want to pass back policing. The ACT community wants to have a direct say in policing, in health, and in these most significant matters. In fact, contrary to what Mrs Carnell says, what the ACT people really want to talk about is health and education and justice.

Mrs Carnell: That is what I said.

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MR WOOD: No, you did not say it. Read what you said there. This is what the ACT community want to talk about. (*Extension of time granted*) To suggest, as Mr Stevenson does, that we pass that back is to deny a lot of his rhetoric that we should listen to the community. The community wants a say in these things, and self-government is the way to do it. What some people really want, and I acknowledge this, is a return to the good old days when the Federal Government provided unlimited funds to a wonderful ACT and we were extremely well looked after.

Mr Cornwell: We had our hedges cut for us.

MR WOOD: We had our hedges cut; the acorns on the road could be swept up for us - all sorts of things. Those days have gone. Anybody in the community - obviously there still are such people - who would like to return to those days has the cargo cult mentality, because it is just not a possibility at all. So there is really no choice. We can return all this to the Federal Government - well, I do not think we can, but some people say so - and we would be a whole lot worse off.

It has been said that we would not have Ms Follett arguing for us at the Premiers Conferences. I would not be in the position that Gary Humphries was in at one stage. He will agree with this, although I think we have probably had more votes than when he was attending. I go to the Australian Education Council and many ministerial meetings and I put my hand up and it is counted. It is worth one vote, and the vote from New South Wales is still one vote. We are an equal partner in every one of those ministerial meetings. That is not something that anybody in this town would want to give up lightly.

Mr Humphries: Nor should we.

MR WOOD: It is a very important influence for a relatively small part of Australia. Certainly Mr Stevenson would give that up. I do not know where you Liberals stand, because you are shifting your ground so much. But that is very important. We are now, under the leadership of Ms Follett, a respected and equal partner in the affairs of this nation. Let us not give that up. Let us argue strongly to maintain this. Let us forget the cargo cult mentality that a few people retain.

MR KAINE (3.49): I am happy to participate in this debate because it seems to me that - - -

Mr Wood: Keep the pot stirring?

MR KAINE: There are a few people who seem to think that somehow I and my leader are in a position of fisticuffs on this issue, and that is an absurdity.

Mr Lamont: Never. You just attend different meetings on the weekend.

Mr Connolly: Just do her in on the radio.

MR KAINE: If you will stop the animals at the zoo during feeding time, I would appreciate it, Mr Deputy Speaker. I want to recap what has happened over the last four or five days. The first thing that happened was that last Sunday the Liberal Party convened a meeting of some of its members to discuss some very crucial issues. The first thing that came out of that meeting was a reaffirmation

that the principal role of the Liberal Party in the ACT over the next two years is to knock you lot out of the government benches. There was unanimous and unqualified reaffirmation of that fact. Is somebody going to tell me that my leader and I differ on that? If they believe that - - -

Ms Follett: We were not there.

MR KAINE: If you believe that you are wrong. The second thing that came out of that session on Sunday was that the Liberal Party needed to do what it has done before - it is not the first time - to reassess what it was that this community wanted from its Government. We went through this exercise a little over a year ago, leading up to the last election, and I am sure that the Labor Party did too, but with the effluxion of time people's attitudes change. So what is it that the people want? There is only one way you find that out. You go and ask them. Mr Stevenson has his methods and the Liberal Party has theirs, and they are not quite the same. But there is absolute unanimity on that second point. We have to find out what it is that the community wants. Unlike the Labor Party, we do not assume that we know. Again, if anybody thinks that Kate Carnell and I are divided on that issue they are patently and obviously wrong.

Then the public debate started. Kate Carnell attempted to explain on public radio what the outcomes were and Matthew Abraham said that there has been a policy shift on the part of the Liberal Party. There has been no policy shift at all. The Liberal Party has, for five years now, wholeheartedly supported the concept of self-government.

Mr Connolly: "... you'd create ... a Liberal Party policy, going to the next election supporting a city council style of government, or administration in the ACT?". Mrs Carnell: 'Simply put, yes!'

MR DEPUTY SPEAKER: Order!

MR KAINE: Mr Deputy Speaker, I do not think that I should have to debate this with all of the members of the Labor Party at once.

MR DEPUTY SPEAKER: I would remind the Attorney-General that he will have his chance.

MR KAINE: There is still a basic Liberal Party policy, as has always been the case, supportive of self-government for the Territory. But when you start saying to the community, "We want to know what you think", are you then at the same time going to say, "We do not care what you think; we are not going to do anything about it"? There is something that flows from a community consultation process. I know that the Labor Party does not want to know about that, but when you start a community consultation process you have to make it clear that the answer that you get back is something that you will consider seriously and see what you can do about implementing. If you do not do that it is a charade, and that is what the Labor Party does constantly. They talk about consultation. They go out and they ask people, like the last ratepayers survey which got stuffed under the carpet for six months because they did not want to admit what the community told them. We do not operate that way. We are interested in hearing what the community has to say, and, having said that, we have to give some sort of a commitment that we will listen to what they say and do what we can to put their wishes into effect.

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One of the issues on which people will have a view - they will have views about health, about education, about the bus system, about rates and rubbish, about policing - is whether what we have here today is what they really want in terms of a form of government. If they tell us that they would like something different we must look at it. Now comes the public perception precipitated by Matthew and some elements of the media, and stoked up by Mr Wood, that there is a difference of opinion between my leader and me.

Mr Lamont: There is.

MR KAINE: No, there is not. What I said when asked by the media was, "Yes, I have no difficulty with a public debate on this issue, but the public must be informed as to what the issues are". There are a number of issues, some of which have been traversed, and I will run through them again.

The first one is that there happens to be a self-government Act. It is a Commonwealth self-government Act that specifies in some respects the form of government that we have. The only way that can be changed is to persuade the Commonwealth Parliament to change it. If anybody thinks the Commonwealth is going to drop the major issues it has on its agenda to amend the Australian Capital Territory (Self-Government) Act today or tomorrow or next week, they are wrong. That is not going to happen. People need to understand that it is not sufficient to say, "We would like a city council", because that does not change anything. There is a huge process that has to go on. When people are asked for that view, they need to be aware that it is not that simple. There is a self-government Act, and one of the things that Act says is that the Assembly will elect a Chief Minister and the Chief Minister will appoint other Ministers. It does not say that the Assembly will elect a lord mayor. That is set in the statute under which we operate. Those things cannot readily be changed. One thing people need to understand is the process of change if they want something different.

The second thing they need to understand is the nature of this Government, the fact that we do run our health system, our education system, our police force. If they opt for some other form of government than that we have now, they have to understand what flows from that - that education and health may well be run by New South Wales from Sydney - and what are the consequences for the community. Again, it is not a simple thing. A simple "Yes, we would like a local council" does not even begin to address the question.

There are the other ramifications I have mentioned, and which the Chief Minister has mentioned. If the community opts for a city council style of government and we change the title of the Chief Minister to lord mayor, we immediately remove ourselves from those forums of influence at the Commonwealth level. Lord mayors and mayors do not sit on the Premiers Conference and they do not sit on the Loan Council and they do not sit on ministerial conferences. So we lose a great deal. As long as the community is aware of that and takes all those factors into account when they venture their opinion about what form of government they want, we cannot do other than accept the result of any public consultation on the process. Whether we agree with it or not is not the point at issue.

I happen to believe in what we have now. As Mr Wood said, I was put through the griller in 1986 because I believed in what we have now. This is not the first time I have said what I think ought to be the case. I think what we have is pretty good. If the community does not agree with that, then we have a problem. It is not only the Opposition that has a problem; the Government has a problem, because they have to listen too. I am open to change. Most of you will know that four years ago, when we first came together, I was advocating a different form of government from what we have now. I was advocating a collegiate form of government where all 17 of us would be involved in the process of decision making and government, rather than only half of us. That, however, was rejected by most of the people involved. We did not achieve it. But for anybody to say that I am bound to one particular form of government and am not prepared to consider another is wrong.

I come back to the point that, if we seek public opinion and the public says, "We want a change", that decision had better be made in the light of their being fully informed. They have to understand the ramifications of it and what the net consequences are for those very people who might, at a superficial look, decide that they need something different. For all of those reasons, there has to be a long public information program; there has to be a long program of community consultation. We may well end up with a city council. If at the end of the day we do, I will accept that, but in the meantime, right here and now, because that community consultation process has not taken place, I, for one, cannot support Mr Stevenson's motion. I refute the allegation people have tried to stir up that there are major differences of opinion between me and my leader on this issue. It simply is not so.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.59):

Compere: Were you surprised to see Ms Carnell talking about it in the way she did?

Trevor Kaine: Quite frankly, yes, I was, because I almost felt that she'd been to a different summit than I'd been to.

However, as Mr Kaine just told us, it is terrible to see that there are attempts to suggest that he has a different view from Mrs Carnell. I cannot imagine where people would get that impression!

Mr Deputy Speaker, the poor old Liberal Party really have a problem. They sat down a few weeks ago, they had their little coup, they installed Mrs Carnell, and they headed off on this campaign of populism: "We are all things to all people. We want to spend more, we want to tax less. Anything you want we will give you". They have been caught out on the second sitting day - in fact, on the first sitting day, because the silly remarks that have caused Mrs Carnell all these problems were uttered yesterday and Mr Kaine's response was uttered in this place last night.

The *Canberra Times* ran an editorial on this, which must be something of a record. Usually a new leader of a political party enjoys something of a honeymoon with the press. There is a period in which a new leader of a party is given some scope for error, but Mrs Carnell must have established a record as being

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the only opposition leader in Australia who, on her second sitting day, has been basically described as a goose by the major metropolitan newspaper in her city for this attempt at populism, which they are backtracking on desperately.

Mr Wood: Read it into the record.

MR CONNOLLY: In a radio interview Mr Abraham said:

... you'd create a policy, a Liberal Party policy, going to the next election supporting a city council style of government, or administration in the ACT?

Mrs Carnell replied:

Simply put, yes.

I am sure that later on, when there was a phone-in, Mrs Carnell would have been beaming, because all of the anti-self-government sentiment was stirred up. They were all ringing in saying, "We hate self-government; we did not want it; we do not like self-government; Mrs Carnell is on the right track". So there it was, this grab for populism, and it did stir up an element of support.

What Mrs Carnell and the Liberal Party should realise - Mr Kaine, I think, always did realise it - is that sometimes political leaders have to display a little bit of leadership. Sometimes political leaders have to say things to the people that they do not necessarily like to hear. In relation to policing, every citizen of the ACT, for example, would like to have a police officer permanently stationed at their house, because then their house would be totally free from burglary. Every citizen in the ACT would like that, but they cannot have it. Every citizen in the ACT would like more expenditure on every area of government administration.

Whenever we look at your comments in this place, they are "Spend more, spend more; we do not have enough". Not enough neonatal units was your big issue today and yesterday - spend more, spend more, spend more. Every time we look at revenue - tax less, tax less, tax less. You attacked me for some fees and charges: "There is a terrible fee and charge, a terrible tax; you are raising too much money; you are not spending enough money". It is mindless populism and it will get you in trouble, as it has got you in trouble on this issue.

Responsible politicians on both sides, of both major parties, and the two Independents, have consistently said to the public of Canberra, "We know that you have some problems with the concept of self-government. We know that a lot of you would have preferred it if the good old bountiful Commonwealth had continued to look after this place. We would have liked it too. It is great when the good old voters of Parramatta and Fremantle are prepared to subsidise Canberra". But those times are gone, and political leaders of this party, of your party in the past, the two Independents, have said words to that effect at public meetings around Canberra - I have heard various members say that - when this anti-self-government issue is raised.

The responsible line that political leaders of both parties and the Independents have taken is, "We know that a lot of you did not like self-government, but the Commonwealth imposed it on us. It is never going to take it back. We have to make it work. We have to take responsibility for these difficult issues of health, of education, of policing". You look at the debates on public affairs in this Territory

in this small parliament and you look at debates in other parliaments in Australia, and essentially they are about the same issues. They are about how we divide the cake, how we allocate funds to human services like health and education, how we provide security in the community, and how we pay for it - not how we get the Commonwealth or some bountiful fairy godmother to pay for it.

That is the approach that responsible political leaders have been taking up to date, and it is not an approach which necessarily guarantees popularity. I am sure that many of us would have known that at public meetings in past election campaigns and during past periods of debate we could have tapped a wellspring of populism by bagging the self-government idea and pushing this nonsense about a city council. Everybody seems to think that a city council would solve all our problems. But responsible political leaders have avoided doing that.

Mrs Carnell, it is very unfortunate that your first utterance as Leader of the Opposition that has caused any particular controversy or notice has been such a silly one, such a populist one, such an attempt to delve back into that anti-self-government feeling. It worked; I grant you that it worked. You wanted to go for a populist approach, and it worked. You got the calls coming in. They were ringing up Matthew Abraham and saying, "Yes, we do not like self-government. That is a great idea. Mrs Carnell is on the right track". But it is irresponsible and short-sighted and a significant abdication of the responsibility I would have thought your party vested in you when they elected you leader.

It required Mr Kaine to get up in this place last night and on Matthew Abraham's program this morning to make it abundantly clear that it is not the Liberal Party policy to move to this silly concept of local government, that the Liberal Party acknowledges that we have to pay for our affairs ourselves, and that we as elected representatives of the people of Canberra in this Assembly have to make the decisions about the future of Canberra. You served your party and yourself poorly, Mrs Carnell, by that cheap run at populism, and you have been caught out by it. The fact that the editorial in this morning's newspaper, on your second day as Opposition Leader, had to take you to task for such silly and irresponsible statements does not bode well for your period as Liberal leader, but it is reassuring to see that the party at least has had second thoughts and is retreating from this foolish position and will be voting with the Government to oppose Mr Stevenson's motion.

MR HUMPHRIES (4.06): Madam Speaker, I do not know what it is exactly that Mrs Carnell has done here, but I can say one thing: She has certainly scared the living daylights out of those opposite. I have never seen a group of people more terrified of taking part in a debate than these people opposite, even to the extent of supporting Dennis Stevenson to bring the debate on today so that they could nip it in the bud. This is the extent of their terror. It really is quite extraordinary. What is going on here? They are afraid to embark on this debate because they do not believe that they can control the outcome. Unlike, say, the republican debate, those opposite believe that the end result might be disadvantageous to their own interests - perhaps they are even thinking of their own personal interests - and certainly would fly against the particular position the party has adopted in the past.

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I, too, am always afraid about debate where the result might affect my personal position and where at the end of the day it might result in some very dramatic change which I cannot predict. That is certainly a matter for great concern in any debate, irrespective of what area of life we might be talking about. But I do not believe that that is ever a good argument for saying, "It is an issue that concerns people, it actually has people in this community which we serve concerned and agitated, but we should not go down that path and explore that debate". Of course we must. The *Canberra Times* this morning did not call Mrs Carnell a goose. It certainly made some comments that were not flattering, but it also said, and this is the important point about this comment:

This is not to say that the style of ACT Government should be set in stone. There is always scope for improvement.

That is the issue that I think Mrs Carnell and my party have raised properly in the last few days - improvement in the nature of self-government. Those opposite are afraid of some of those options, and I might say that I do not much embrace some of the options either. But the point is that we cannot have a debate without looking at all the options. You cannot say to people, "Yes, we can debate self-government; but, no, we cannot debate options A, B, C or D". That is just not possible. We do have to have this debate. This is a debate that the people of the ACT have wanted for some time, and it is a debate that we in this party have finally acknowledged, perhaps a little belatedly, ought to take place.

There are lies, damned lies and selective quotations. Let me quote more extensively from the transcript of Mrs Carnell's comments on the Matthew Abraham program yesterday on the ABC. It was quoted by Mr Connolly but, I am afraid, not very accurately. Mrs Carnell said, referring to a city-style council:

If the people of Canberra really want that, then the Liberal Party will undertake to see how we can implement that under the current federal legislation. Or, possibly, see if we can get the federal legislation changed, if that's what it takes.

Mr Abraham then said:

... you'd create ... a Liberal Party policy, going to the next election supporting a city council style of government, or administration in the ACT?

Mrs Carnell answered:

Simply put, yes.

It was predicated on that phrase of what the people of Canberra really wanted. It would be equally true to say that, if it had been put to her, "If the people of Canberra wanted the present arrangements to be in place without any change you would go to the next ACT election with that as your policy?", she would equally have said, "Simply put, yes". The hallmark of this approach, a hallmark we have not seen in this chamber for some time, a hallmark we have not seen from this Government for some time, is to say, "We will listen to what the people of Canberra want; we will consult and we will take notice" - not the sham

consultation we get from this Government, not "We will listen to you if it suits us, but if it doesn't we won't"; not "We want to hear what you have to say, but if you disagree with our preferred announced policy, particularly at the last election, you can go jump in the lake", and the Acton Peninsula is quite nearby. That is the approach you get from this Government. That is not the approach we are taking up in this party at this time.

Mr Kaine is quite right to say that the ACT does stand to lose under some of the options that might be canvassed and might be supported by some people in this debate. I, for one, agree that it would be most unfortunate if the ACT voted itself off ministerial councils because of the way in which change in self-government occurred, if any occurred at all as a result of this debate. But I, for one, believe that there are other options than simply saying that we change names and we lose our position on these councils. I do not believe that it is absolutely essential that every person who sits on one of these councils be called a Minister. It may well be possible to change the way in which we do business in this Territory and preserve our capacity to take part in these debates. I might quibble slightly also with Mr Wood's assertion that the ACT's vote is worth just as much as that of New South Wales. I would not like to be putting my position against New South Wales and expect to get listened to more than New South Wales does in one of those bodies, but that is a debate for another day.

We are right to be looking at protecting the sorts of things Mr Kaine referred to in his comments on the Matthew Abraham program this morning. We should not lose our role in those national bodies, but it does not mean that the debate ends there - we might lose that position, therefore we do not have any further debate; we might end up with some different structure, part time or full time; we might end up with some different role for particular Ministers, therefore we cannot have the debate. That is stupid. Nobody has suggested that.

It has been part of the tactic employed by the Government in this debate that they have deliberately thrown up ridiculous options, options that are designed to frighten and mislead, for the sake of pouring scorn on this proposal to have a debate. The idea that, because Sallyanne Atkinson was paid more than the Prime Minister, we should therefore reject the idea of looking at a new form of government in the ACT is about the weakest argument I have heard from Ms Follett for a long time. Goodness me! There are some very important considerations to be looking at in this debate, and we must embark on that debate. In my view, those opposite who say that we can afford not to do so know that they will be left behind.

The person who originated this debate today was Mr Stevenson, and I have some words to say about him in this debate. He says that he knows that the people of the ACT do not want what they have and he knows that what they want is a city council. First of all, let me say to Mr Stevenson that he sits in this place as the sole representative of the Abolish Self Government Coalition. He would have to concede that a city council is a form of self-government. If that is what he wants, is he really being true to the title with which he won so many votes at the last ACT election? I would suggest not. Mr Stevenson is in favour of self-government; he just wants a different form of self-government.

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He also says that he knows definitively at this stage, before any debate has taken place, before the people of the ACT have had a chance to make a proper input into this debate, that they do not want what they have now and that they definitely want a city style of council. I have had great problems with Mr Stevenson's so-called opinion polling in the past, his surveying of people. I do not know that his surveying is terribly reliable or accurate. Certainly on only one occasion that I can recall has he actually tabled in this Assembly any of the questions he has asked and the number of people that have been asked those questions or any of the other information concerning this surveying of his.

Mr Stevenson: It has been read out many times.

MR HUMPHRIES: No; he has very rarely presented numbers of people who have actually taken part in debates. He has very rarely presented the way in which he has conducted those debates, the sorts of people who have done it. He has never told us whether the people who have asked these questions have Abolish Self Government stickers on their lapels or have otherwise identified where they come from.

If you want to know how accurate the polling Dennis Stevenson does is, look to the *Canberra Chronicle* of 12 February 1992, just before the 1992 ACT election. In an ad Mr Stevenson placed, for the rather inappropriately named Abolish Self Government Coalition, headed "Help Abolish Self-Government", he said: "Of 2,200 people we surveyed, 75 per cent want it abolished and 58 per cent said they will vote for abolitionist candidates". He said that 58 per cent would vote for abolitionist candidates, three days before the 1992 ACT election. We all know that at the 1992 ACT election three days later less than 8 per cent - 7.5 per cent, I think - of ACT electors voted for abolitionist candidates. There was only one set, the Abolish Self Government Coalition.

So we have an opinion poll by Mr Stevenson which said that 58 per cent were going to vote for his party, and in fact only 7 per cent voted for his party. Either there was a massive shift in voter support and sympathy over the space of three days or his opinion polling is not worth a pinch of excrement, and I suggest that the latter is the case. I am not going to rely on Dennis polls to find out what people in the ACT really want. I am going to engage, I hope, through my party in a process which is rather more scientific and which does find out what the people of this Territory want. If it is different from what we have now, I will be keen to explore how we can achieve that.

MR LAMONT (4.17): This debate has turned into what, quite appropriately, it would have been turned into had Mr Stevenson been at the Liberal Party Eagle Hawk retreat on the weekend, and that is a realisation by some of the political strategists in the Liberal Party that they need to be seen to be different from the Liberal Party which contested the last ACT election just 12 short months ago and the Federal election that has been won overwhelmingly by the Labor Party in recent weeks. They have attempted to change the view of the people of Canberra as to how they regard the Liberal Party. This should be regarded by Mrs Carnell as a free lesson. You are getting off very lightly. The lesson is very simple: Populism does not work. Simply put, to get on Matthew Abraham's program on Monday, the day after your retreat to your eyrie at Eagle Hawk, to be dragged along by a radio announcer-commentator-journalist, to be led by the nose down the path that you are now, I suggest, embarrassed to acknowledge, is the first lesson that you, as a leader in this Assembly, should take notice of.

Simply put, Mrs Carnell, it is not good enough to stand up and say, "Yes, I believe that a shire council or a town council is the way to proceed". It is quite obvious that you have no understanding of what effect those words would have on the political processes in the city, the political processes in this chamber and the standard of debate, if true parliamentary reform is what you are about. I doubt that it is, because your own party has recently deposed the only member on your side of the house who has stood up in this chamber and talked with any intelligence and sincerity about parliamentary reform in the ACT. You thought so much of his policy on parliamentary reform that you dumped him two weeks ago. Now you are dragged into a debate that you should have had more political sense than to get involved in on a program that has nothing more to do than try to increase the ratings for Matt. Good on him; he was smarter than you, Mrs Carnell.

Mr De Domenico: You appear on it every couple of weeks, Mr Lamont.

MR LAMONT: Yes, and, as you know, he was smarter than you, Mr De Domenico. What has happened, Mrs Carnell, is that you have been sucked in. You have used very emotive words, if there is a genuine desire to see parliamentary reform on the agenda. In all of the comments that have been made this afternoon by you and your colleagues, you have been backing away at a hundred thousand miles an hour from what you and your colleague Mr Kaine publicly acknowledged were your two different positions.

It is very simple to judge that. As we are quoting what has been said on that great radio station, the ABC, the compere said:

Were you surprised to see Ms Carnell talking about it in the way she did?

Trevor Kaine replied:

Quite frankly, yes, I was, because I almost felt that she'd been to a different summit than I'd been to.

That is what he had said.

Mr De Domenico: No, he just left early.

MR LAMONT: He left early? I am surprised that he was invited.

Mr Moore: He has left early tonight too.

MR LAMONT: As he has left early tonight. Mr Kaine went on to say:

... in broad terms ... I think it's too late to turn the clock back and try and massively change the structure that's been created over a period of about five years.

The arguments to be put for retention of self-government, in the format of the current federal legislative structure, have been put no more eloquently this afternoon than by the former Leader of the Opposition.

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Mrs Carnell, not only have you reduced the currency of the position of the Leader of the Opposition; you have also played into the hands of the one person in this Assembly whose view it is - and I acknowledge that it is his consistent view - to abolish all forms of self-government.

Mr Stevenson: Nonsense!

MR LAMONT: Dennis, you have also expressed a desire to see other managerial arrangements put into place, but I would suggest to you that they are not forms of self-government.

I say quite clearly, Mrs Carnell, that what you have proposed in public, what you are now trying to back away from, you should regard as your first and only free lesson from this Assembly. Your political naivety and inexperience will be not be able to be used as an excuse in the future. What you should do is check the intent and the importance of the words you are going to use and the types of policies you wish to put forward. I believe that you have got off pretty lightly. One thing I am pleased to see is that the discipline you have exerted in your party room today has worked to a marked degree this afternoon in this debate. I believe that it was important to bring it on. I certainly hope that you are able to continue that discipline, Mrs Carnell, although I somehow doubt it.

If you are genuinely concerned about parliamentary reform in the ACT, I suggest that your second lesson for the day should be that you approach the other representative groups in this chamber to ascertain, if there is to be a concerted push to review our processes, whether or not there can be a unified Assembly position. That is not one of the things you have done. I suggest that you do not have the experience to be able to do that. That is an approach that has seen, as an example, the successful operation of the committee structure. Procedural matters are dealt with by discussion amongst the members of this Assembly after representations from members of the public or because of cross-party discussions. That is what Mr Kaine has been able to do - and I note the return of Mr Kaine. Mr Kaine, did you leave early on Sunday?

Mr Kaine: No.

MR LAMONT: I am sorry; did you say that no, you did not leave early on Sunday? On the one hand, you were unaware of the shire council proposal because you left early; but you did not leave early. I am not too sure, Mr Kaine, whether you are suggesting that on the one hand you were aware - - -

Mr Kaine: Maybe I was at a different summit.

MR LAMONT: Here are the two propositions, Mr Kaine: Either what has been said by Mrs Carnell this afternoon - that you had left early and were unaware of this matter - is an attempt to mislead this Assembly and is wrong, for which Mrs Carnell should at least apologise; or you did leave early, despite your assurances just now that you did not. If that is the case and you did leave early, I believe that you should apologise for misleading this Assembly. You can take your pick in the party room tomorrow. Either one of you can come back into this Assembly and apologise, and we would be happy to accept from either of you a statement that today you misled the Assembly. You can make that decision, Mr Kaine. You can apologise now or Mrs Carnell can apologise tomorrow. You take your pick.

What we see, Madam Speaker, is a ragtag - that is the best and most generous description you can put here of what these people have attempted to do. Mr Stevenson has been absolutely consistent in the way he has approached the issue he has put this afternoon. The Labor Party will not be supporting the proposition, because we believe that, in terms of the way in which this issue has been portrayed, Dennis has been consistently wrong.

MR CORNWELL (4.28): Madam Speaker, I listened with interest to Mr Stevenson's supposed populist speech. I do not believe, however, that he has any convincing backing out there in the community to suggest, as he did, the motion he has put down on the notice paper. It is Mr Stevenson's motion; he is entitled to put forward the motion, but he has not got the backing of the community, in my opinion. One thing I would like to say before I explain that is that, as far as I am concerned, self-determination is not negotiable. We have to accept our responsibilities in this Territory for our actions. Other people on both sides of the house, I am pleased to say, have made that quite clear. It is an absurdity to suggest that the Commonwealth Government is going to take back the responsibility for this Territory. I was certainly one who was most actively involved in the self-government push, but I would never delude myself into imagining that those groups of which I was a member were responsible for achieving self-government.

The simple fact is that the Federal Parliament got fed up with looking after the ACT. I remember quite vividly an issue involving the Melba pharmacy which ended up on the desk of the Federal Minister for Health. Michael MacKellar probably did not even know where Melba was, but it ended up on his desk. What an absurdity! The question of whether or not a pharmacy in a health centre should stay open or not ended up on the desk of the Federal Minister for Health. That is what Mr Stevenson is suggesting this Territory of almost 300,000 people should go back to. I can assure you that, if we are stupid enough to support that view, the Federal Parliament certainly will not be. They do not want to get involved in this.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to put forthwith without debate.

Question resolved in the negative.

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CITY COUNCIL AND LORD MAYOR

Debate resumed.

MR CORNWELL: I took the view, and it was certainly the view of others involved in the push for self-government, that it would take something like three Assembly elections before the population settled down and accepted the inevitability of self-government. That may well have been put back by one election because of the disaster that occurred in relation to the first Assembly election, which I think took the wind out of everybody's sails. We assumed that we had an intelligent electorate, and I have to say that I think they let themselves down badly by the approach they adopted. However, I think it is also fair to say that this Assembly has improved markedly upon that performance. Indeed, I believe that one of the reasons for that is that the electorate itself realised its mistake in the first election and took action in the second to make sure that it was not repeated. I believe that they will take further action in the next election to finish the job they started last year, 1992.

We have criticised the Government, and correctly, for its lack of consultation with the community, but that is a question of the Government's approach to consultation. It is not a criticism of the capacity to do so in this Territory. We have a better opportunity here to consult the community than anywhere else in the country, and I believe that we should prize that. Mr Stevenson wants to give that away and give it back to the Commonwealth, where we would have a Minister from somewhere else in Australia who is remote and removed from the day-to-day activities and problems this city faces. I do not want to see that.

I believe that we have the opportunity to improve our consultation. It is a matter of the Government seizing the initiative. The opportunity is there, and that is one of the areas we would support you in addressing. It is one of those areas of improvement that the entire Assembly could address. I believe that there is a good deal of pretentiousness in this place, and I think that should be looked at. It is not the fault of this Assembly. It was thrust upon us, to some extent. It was not entirely the fault of the First Assembly. We have loaded ourselves up with motor cars - - -

Mr Stevenson: Speak for yourself.

MR CORNWELL: Yes, I acknowledge Mr Stevenson's interjection, to his credit. We have loaded ourselves with a quite liberal superannuation scheme. Perhaps the form of this place could be addressed.

Mr Connolly: No, it is not. It is the Public Service scheme. It is not that liberal.

MR CORNWELL: One moment. I am making these comments because I am attempting to identify attitudes that are out there in the community. You may find this sensitive, but you are going to have to listen because I have the floor. The point I am making is that these are areas that could be addressed and they are areas that we are quite happy to look at. This is what we are referring to in terms of addressing this whole question of the Assembly. Mr Stevenson's motion, however, does not talk about that. Mr Stevenson wants to replace our current State-like form of government with a city council and lord mayor.

Mr Berry: No, he does not. Do not take any notice of him.

MR CORNWELL: Just a moment. Apart from that being somewhat incongruous, I admit, Mr Berry, Mr Stevenson is the Abolish Self Government spokesman and sole representative, which would make me question the real support for his views out there in the community. Mr Stevenson, if you had the support you claim in putting forward even this motion, I suggest that you would have more representatives of your party in this Assembly right now. However, you have not gone all the way. You have cut back, have you not? You are not saying that we should abolish the Assembly completely, because I suspect that you know that that cannot be done. I suspect that you realise that the people of the ACT would not stand for it, that they do want some form of representation. But I suggest to you, Mr Stevenson, that they do not want a city council and a lord mayor.

Mr Stevenson: That is not correct.

MR CORNWELL: I see. I will not rely on the Dennis poll; I will rely upon the one definitive poll that has been held on this issue, and that is the self-government referendum in 1978. What was the percentage? First of all, 63 per cent of the population voted for proposal C, which was:

That the present arrangements for governing the ACT should continue for the time being.

That was a very crucial tail to that question - "for the time being". In 1978, we were happy with the Commonwealth. The fact is that it was after that that I believe, and many others do too, the situation in this place started to deteriorate. I think it also became apparent, even to the Commonwealth, that they could not continue to administer this Territory in the way they had in the past. However, that was the majority: 63 per cent said that the present arrangements for governing the ACT should continue for the time being. A further 30 per cent voted for proposal A, which was:

That self-government be granted to the ACT by delegating functions to a locally elected legislative body in the stages set out in the statement, published in the *Commonwealth of Australia Gazette* of 24 October 1978 ...

Finally, 6 per cent voted for proposal B, which was:

That a locally elected legislative body be established in the ACT with local government-type legislative and executive functions.

Six per cent of the people voted for that proposal.

Mr Stevenson: That is exactly what it was then.

MR CORNWELL: Are you trying to tell me and the rest of this Assembly, Mr Stevenson, that in the interim another 44 per cent of the electorate have swung over to that idea of municipal-type government?

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Mr Stevenson: No, it is more than that. Have you done the polls? You have had four years.

MR CORNWELL: I am talking of a full-blown referendum, not a Dennis poll, where you go out and talk to a few people.

Mr Stevenson: No; I asked: Have you done them?

MR CORNWELL: It is absolutely absurd to suggest that. This is the definitive vote on that, and they managed 6 per cent. I say no more.

MS ELLIS (4.38): Madam Speaker, I want to make only a couple of very brief points, and they are points that need to be made to bring this debate back to some central consideration. When self-government was imposed on this Territory by the Federal Government, as we all acknowledge that it was, it was my opinion, as an observer of the government system in the ACT, that it would take probably three periods of government for the system to settle down - for the community to get used to having its own self-governing body, for the self-governing body to get used to using the community and interacting with it, and for the bureaucracy to get used to its role in the new structure. I also predicted, unfortunately correctly and in a fairly private manner, that the First Assembly would be a difficult one.

Mr Moore: What a lovely word.

MS ELLIS: I used that word long before it was proven to be inadequate. The reason for that, of course, was that, in this learning curve that all sectors of the community had to face, it also had to learn how to vote in its own representatives. It played around with that in that First Assembly, and we know that.

As for the propositions being put forward by Mrs Carnell, whether they be accurately reflected as a call for a city council or in another way, the thing that is upsetting me tremendously is that the comments made have ripped open the whole question of whether or not we self-govern, how we self-govern, at what level we self-govern, and with what responsibility we self-govern. It is not parliamentary reform in a sensible way. It is ripping open all of that residue of uncertainty out there in the community, and for what purpose?

All that this will do is push back what I believe to be the very important progress the movement to self-government has made in this Territory. I think it is to be condemned for that very reason. It is a retrograde step that I do not believe anybody, other than maybe Mr Stevenson, could have possibly considered taking in this chamber. In the short period I have been here, along with a number of other people, including Mrs Carnell, even I have learnt that this is a very valuable institution.

Mr Moore: She has too. Look how she has been backing down today.

MS ELLIS: I would doubt it. The community is now getting used to it. It is now starting to applaud the work that is done, the interaction that occurs, and the outcomes that are possible. Why on earth put all of that into question and put it in danger for the sake of some stupid debate at some stupid community level about whether or not we should have self-government? It is here, and I am afraid that the only result that has been reached by Mrs Carnell's comments is to open up that whole debate. If you want to reform parliament, call it parliamentary reform and do it, but do not do it in this way.

MRS GRASSBY (4.41): Madam Speaker, I could not agree more with Ms Ellis's comment about opening up the debate being an absolute waste of time. When I first came to Canberra the thing I found very difficult was that we were tagged onto a Minister for Territories who cared very little about Canberra, other than when the public servants had to go up the hill and ask for more money because they had not balanced the budget. That irked many members on the hill, who felt that they could not get enough money for their electorates. Being the wife of a member with a large country electorate, I know that members felt that they were denied much and that Canberra was given the lot. I could understand why the Federal Government was very happy to hand over self-government to Canberra.

I think the people of Canberra have learnt that it is important that we have a say in how we run Canberra and how we spend our money. There is a very good saying, "No taxation without representation", and that is what self-government gave us. It gave us representation. It gave us the power to make decisions on where we spend our money. Do we spend it on education? Do we spend it on health? Do we spend it on roads? Do we spend it on other fancy things? We voted people into this house to make that decision.

In the very first Assembly we did have some people who came here with some rather ridiculous ideas and, unfortunately, we are left with one. I am quite sure that at the next election he will disappear too. The people of Canberra are starting to see that they have a government and an opposition that care about what happens in Canberra, that want to see Canberra a better place, that want to keep Canberra the way the people want it. I think that is what everybody here wants, other than one person.

As Ms Ellis said, opening the wounds of this debate was a very silly thing to do. It has given an opportunity to those people out there who live in what I call la-la-land and have a dream that we can have everything we want and everybody else in Australia will pay for it. We know that that is not so. Mr Kaine knows that that is not so. He has been in politics a long time, and he knows it. Ms Follett was also with Mr Kaine in the First Assembly. They know that you just cannot have everything you want, but at least when you have a government here you have a say. That does not happen when you are tacked onto the Minister for Territories, who does not live here and does not care very much, with public servants making decisions for us, planners making decisions we do not like, and other people deciding what we have to do. We vote people in here, and if we do not like them we get rid of them. We have a say in what we have.

I think it is very silly to open up a debate on whether we are going to have self-government, whether we are going to have a council, whether we are going to have this or that or something else. It is important that the people out there know that we do have a stable government and a stable opposition, and that in the next Assembly that is what it will all be about and we will not have crazy people sitting here who want to abolish it.

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MR DE DOMENICO (4.45): Madam Speaker, I suggest that we get back to the notice on the daily program, which states:

Proposed Canberra City Council - Mr Stevenson to move the motion appearing on the Notice Paper in his name.

I think it is likely that the only person who is going to vote for that motion is Mr Stevenson.

Ms Follett: And Mrs Carnell. She has to vote for it.

MR DE DOMENICO: With respect, Chief Minister, every speaker that has preceded me has said that they are supportive of self-government, including Mrs Carnell. So what are we here for? I can understand that members opposite will try to play politics with whatever issue is before them, and that is fine. Perhaps that is what some of us are here to do. In reality - and reality is something Mr Stevenson and some of the people who support him find difficult to believe - what we are saying is this: The ACT will continue to be self-governing, notwithstanding the format self-government takes from time to time, depending on the wishes of the community. Self-government is here to stay because no Federal government of any political persuasion in their right mind would take back the responsibility which now is ours and should be ours.

Ms Ellis: And we would not want them to.

MR DE DOMENICO: We would not want them to, as Ms Ellis says; to that I say, "Hear, hear". I have heard a lot about the supposed rift between Mr Kaine and Mrs Carnell. From time to time you will find, on all sorts of issues, that there will be differences of opinion between members of the Liberal Party, whether they be members of the Parliamentary Liberal Party or ordinary members of the Liberal Party. What a fine thing that is. Would it not be boring and would it not be terrible if we were all like the members opposite - whatever faction has the numbers, they have to do what they tell them because if they do not they are gone. What a poor situation Canberra would be in if every party operated the same way. Yes, sometimes, from time to time, I will disagree with Mrs Carnell on certain issues. I have the right as a member of the Liberal Party to say that. She will disagree with me. We will both disagree with Mr Kaine. He will disagree with me and others. That is fantastic and that is the way the Liberal Party works. The Liberal Party works on choice. Mr Berry used the two words "choice" and "flexibility" this morning, and he mentioned freedom of the individual.

There were times when Mr Kaine put forward ideas for a different form of self-government. When I was president of the Chamber of Commerce and had not been elected to this place I heard Mr Kaine talk about a collegiate system of government. I was one of those people who happened to agree with Mr Kaine when he said that. As Mr Kaine said, that was not the view of the then Legislative Assembly; so it did not happen. Big deal! Mr Kaine still has not resiled from those views, on what he said today; nor should he. That is the basis of what I am here to say. We are here to debate this motion of Mr Stevenson's on a proposed Canberra city council. I think it was Mr Lamont who said that Mr Stevenson seems to have changed his point of view. Mr Humphries said it as well. Apparently Mr Stevenson is no longer here to say that he wants to abolish self-government. He is now saying, "Well, some sort of self-government is not too bad now".

Mr Stevenson: It is the capital S and the capital G. We know what self-government we refer to.

MR DE DOMENICO: Now we are getting back to semantics. I will not take any of those - - -

Mr Stevenson: The correct definition of the words. There is nothing more important.

MADAM SPEAKER: Order!

MR DE DOMENICO: Madam Speaker, we are now starting to polarise a bit more. As I said, I would not ever dare to pre-empt the vote of this Assembly, but it seems to me, from what I have heard said so far, that we are likely very shortly - when I sit down, in fact, which should be sooner rather than later - to be voting on this motion and I am suggesting that Mr Stevenson will not be successful. It has been a very interesting debate. The Labor Party has played politics, saying, "Well done" and "Touche, touche".

Mr Berry: Gotcha.

MR DE DOMENICO: No, I would not say, "Gotcha". Have a look at the votes on other issues that are more important than this, Mr Berry, and see how you have gone. As I say, it has been a very interesting debate. Self-government is here to stay. We all know that it is here to stay. There is nothing wrong with going out to the community, who, after all, elect us, and saying, "Hey, listen, if you are not happy with the way we do things, have some input, and if we can we will take heed of what you say because, after all, we are supposed to be here to help you". Having said all that, Madam Speaker, it has been a very interesting debate, and I and the Liberal Party will not be supporting this motion.

MS SZUTY (4.50): Madam Speaker, I wish to make only four points in this debate. They have been covered to a degree by other speakers, but I wish to raise some new issues as well. The first point that I would like to make revolves around the use of words that Mr Stevenson has in this motion, namely, "replace our current state-like form of government". The point is, as Mr Wood said earlier, that we have both State government responsibilities, such as education, health and police, and local government responsibilities, such as roads and rubbish. When Mr Connolly expressed his views in this debate he articulated that difference very well.

The second point I wish to make supports Mr Kaine's view of the disadvantages of adopting a city council and lord mayor structure. We heard from Mr Kaine this morning on radio 2CN and again in this chamber that the ACT would be severely disadvantaged in major forums in Australia, most particularly Premiers Conferences. Again, Mr Wood made the point that our representation at other ministerial conferences around Australia on matters such as education, health and justice, for example, would be a problem for us. I would like to make the point that this would result in a major devaluing of the ACT in the eyes of other jurisdictions around Australia. I do not believe that that is something the ACT can afford at this time.

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A third point is that the Federal Government has chosen the form of government the ACT will have. It is clear, and it has always been clear to me and to other speakers in this debate, that the Federal Government's intention was to give the ACT responsibility for its own affairs. Let us get on and do the job.

The final point I wish to make is one which concerns the action that we as Assembly members can take to increase our credibility in the eyes of our electorate, and it relates to our own behaviour as MLAs. Mr Cornwell made quite a few eloquent remarks on this subject. I believe that it is part of the community's desire to see the ACT Legislative Assembly as a city council. To my mind, part of the reason for that relates to the view that community members have that they want us to be accessible, approachable and responsive to local issues. I believe that we can do this without necessarily changing the structure of government that we have.

It was said in the *Canberra Times* editorial today that Mr Humphries referred to that one of the greatest strengths of this Assembly is the committee system; the work that Assembly committees accomplish in a non-partisan way, addressing many issues of community concern. We have fine examples of this. The Conservation, Heritage and Environment Committee has produced a report, "Renewable Energy - The Case for Energy Efficiency in the ACT"; the Planning, Development and Infrastructure Committee inquired into the possible use of the \$19m casino premium and came up with a unanimous report; the Social Policy Committee in December last year produced a report on aged accommodation and support services which was supported by all groupings in this Assembly.

In concluding, I would like to re-emphasise what I consider to be the most important component of this debate. The public standing of this Assembly in the community is in our own hands. It is up to us to perform as a credible State and local parliament and to earn the respect of those people in the ACT that we represent.

MR MOORE (4.54): My response when I heard Mrs Carnell start to raise this issue was, "Well, it does not worry me very much whether I am called MLA or MLC; what the hell". If we want to call it a Legislative Assembly, that is fine; if we want to call it a legislative council, that is fine. That is the level that the Liberals are now coming back to; they want to talk about a council but really it is about changing names. The community feeling on this issue came out of funding. What many people who objected to self-government were frightened of - they knew because they were involved in the public service and were aware of how public services operate - was that when we got self-government it would be a method used to cut our funding. That was obvious. That is exactly why we got it. There is no doubt in most people's minds that the real objection to self-government was over that issue. That was the reason that originally I took up petitions to say that we ought to have a referendum first. It was part of doing that. That is something that Mr Stevenson never did, because he did not come to Canberra until just before the election.

Mr Stevenson: That is not true. Why don't you check your facts?

MADAM SPEAKER: Order!

Mr Stevenson: When did I come?

MR MOORE: But this issue, currently - - -

Mr Stevenson: You have not got a clue, Michael. You are talking through your hat.

MR MOORE: Maybe he put himself on the electoral roll a bit late. The issue here is that our new Leader of the Opposition, the new Liberal leader, got caught out on the radio. With a bit of inexperience she answered a question with one word, "Yes". That is very silly on the radio. She said, "In simple terms, yes". It would have been far better to have explained where you were. I would claim that the truth of the matter is that there is not one person, not a single person in this Assembly, who would genuinely change this form of parliament that we have, other than to make some modifications to how the system works. That is the backdown we have already heard from the Liberals today. I accept that there are some modifications that all of us would be interested in and would accept, but there is not one person here who would change the form in the sense of Mr Stevenson's motion.

I would say that Mr Stevenson, over the last four years, basically has continued to dupe a small section of the community - that section of the community is getting smaller and smaller - over what - - -

Mr Stevenson: You would say that only in here. You would not say that outside.

MR MOORE: Mr Stevenson interjects that I would say that only in here; that I would never say it outside. That is absolutely correct. Why would I be so stupid? That is one of the advantages of having a parliamentary form of democracy. We have the protection of the parliament to say things. That is why I will continue to say a number of other things. Mr Stevenson's real agenda was to get in here to be part of a parliament in order to run his own agenda right across Australia, and that agenda is akin to the hard right, to the League of Rights, to the new world order. He runs all those issues.

Only a few minutes ago Mr Stevenson commented about a referendum. His comment was, "Yes, that fraud of an electoral system". The one genuine form of polling that was done was a referendum, and that referendum was on our form of electoral system. Now Mr Stevenson rejects that as a fraud because the question - - -

Mr Stevenson: Do you deny that they did not ask the other questions?

MR MOORE: He rejects that because the question was not what he wanted. As far as his polling goes, the question is always what everybody wants, so there is never a fraud; we have one result.

MADAM SPEAKER: Order! You will have your turn, Mr Stevenson.

MR MOORE: It seems to me that, if Mr Stevenson was really genuine about his polling and about community interest, his question, and he would live by it, would be: "Should someone who is elected to abolish self-government resign?". The answer would be overwhelmingly yes. There is no doubt at all about that. Of course, he will not ask that question. It comes back to the same thing over his calling the referendum a fraud; it is about the questions you ask. It is about the questions you ask, Mr Stevenson. That is why you are a fraud; that is why you continue to dupe a small section of the people of Canberra.

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This Assembly is different - there is no question about that - from other parliaments in Australia and from local councils, and Mr Wood dealt with that particularly well. One of the interesting things is that he referred to the committee system, and the editorial in today's paper complimented this Assembly on the strength of its committee system. That is one thing that we have that works very much like a number of city councils, and effectively as far as city councils go, but it is the one thing that Mr Stevenson will not participate in. There is the irony; there is the hypocrisy of this sort of motion.

The next point I would like to make is that there is a growing interest in Australia in the notion of regional government as opposed to State government. Historically we have been formed through State governments, so no doubt that will remain for quite some time; but there is growing interest in a regional style of government. Members of parliament that I talk to from other States are very interested in what happens in the ACT in the sense of a regional government. There are only two levels of government here and they think it is very interesting. Most of them who take the time to have a look at what goes on here are particularly complimentary.

I think that is one of the ironies of this sort of issue being raised by the new Leader of the Opposition. But I have conceded that she has backed down today. She has backed down very considerably from her position, and I think appropriately so. It is an important position in terms of image and it is appropriate to quote the editorial from the *Canberra Times* today. It said:

Any continuing image problem of the second Assembly is probably most contributed to by the musical chairs of the Liberal Party.

Mr Connolly: I am sorry; I did not catch that. Could you run that again?

MR MOORE: The musical chairs of the Liberal Party. We can see them more effectively here than anywhere else. It also pointed out that this particular attempt at populism by Mrs Carnell was mischievous, and I think that that is right. We have seen that sort of mischievousness from Mr Stevenson for the last four years and it has been pushed into a corner and, by and large, ignored, quite appropriately. But it is entirely inappropriate to run that sort of line from the position of Leader of the Opposition, so it is refreshing that we have had such a backdown today.

I think the best thing to do to make everybody happy is to move an amendment to this motion, but I want a bit more time for consultation with other members before I move it. I will foreshadow what I would be interested in doing. We can talk about it over the next few weeks, or months, or years, or whatever. Mr Stevenson's motion reads:

That this Assembly calls on the Commonwealth Parliament to take the necessary actions ...

Instead of talking of what he has talked about, we could take out those other words and put in, "to replace our name of Legislative Assembly with the name Legislative Council", and then everybody would be happy. We could have a legislative council. That is the issue I will leave you with.

Mr Wood: What's in a name? A rose by any other.

MR MOORE: I hear Mr Wood slip into Shakespeare's *Romeo and Juliet*. That appeals to me because I have had a great deal to do with Shakespeare. I am tempted to keep it going, but I shall leave it there with a final suggestion to members: We really could be a legislative council. We could write after our names "MLC". If anybody is a little bit worried about that, you are entitled to "MP" anyway, because you are a member of parliament. You could write "MP" instead of "MLC" or "MLA". There is a whole series of choices you could make.

Ms Follett: What about lord mayor?

MR MOORE: I do not think "LM" is very good; 17 people could not use that. It seems to me, Madam Speaker, that we have some options. The best thing that we can do in this Assembly is feel pretty relaxed about the fact that Mr Stevenson is able to dupe some of the people but he is not duping anybody in this Assembly.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.03): Clearly, the Labor Party and the Government would resist this sort of nonsense that has been proposed by Mr Stevenson. I agree with Mr Moore that one of the biggest - - -

Mr Moore: On this occasion.

MR BERRY: No, I agree with Mr Moore on a lot of occasions. On this particular one it is so clear that the biggest shonk in this Assembly is Mr Stevenson. This man, as he has been appropriately described, has duped the ACT community and he continues to do so. The biggest shock would be to Dennis Stevenson if his motion worked; he would not want that to occur. If he thought it was going to happen he would not do it because he would not be able to pursue his dark agenda. There will be more on this dark agenda as time passes. Dennis would have been applauding the white supremacists in Queensland daubing neo-Nazi slogans on the synagogue. That is the sort of dark agenda that we will see from this man time and time again. He will be exposed; it just takes time. Let us not kid ourselves about where Dennis Stevenson comes from. He likes this formal approach because it enables him to run those dark agendas that he runs quietly all the time. But he will get his.

There is a similarity, though, with Mrs Carnell. Dennis pretends that he is all things to all people too, and Mrs Carnell, trying to be popular, said, "Here is a damn good idea; I can make myself a bit popular here as well". The words are pretty clear:

... you'd create a policy, a Liberal Party policy, going to the next election -

that is you, Mrs Carnell -

supporting a city council style of government, or administration in the ACT?

Mrs Carnell, you replied:

Simply put, yes.

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Somebody is misleading this Assembly, because Trevor says that he thought he had been at a different summit from Mrs Carnell, and Mrs Carnell says that he left late. Mr Kaine said that he did not leave late. Somebody is misleading somebody. It seems to me that what has been discovered this afternoon is that Mrs Carnell is trying a populist line again. Whenever the Government does anything out there it is too high, too low, too fast, too slow, tax more, spend, tax less, too many, too little. She is trying to attract as much attention to her warm and fluffy self as she possibly can, and this has been just another attempt at that. Thankfully, it has failed and she has been exposed for it.

I think the most telling thing that has been said today has related to the new world record that my colleague related to you a little while ago. Mrs Carnell, in a couple of sitting days, has had people editorialising against her and has been discovered as a result of this dodgy deal, this attempt to present herself as all things to everybody out there in the community. No, the Labor Government will not support this shonky motion by Mr Dennis Stevenson, but it has helped us expose Mrs Carnell for what she is - a populist. Thank you. Dennis, you can rail at us all now.

MR STEVENSON (5.07), in reply: To do so in 10 minutes and rebut some 16 statements is beyond me. However, I will try to deal with a few of the more bizarre. First, there is the idea that we should be an equal partner with the States. People do not care about it. What does it mean? Does it mean anything practically, apart from the fact that pollies can fly around Australia on their unaccounted for cash and enjoy the high life? What does it mean to the citizens of Canberra who pay taxes, rates, fines and fees and have had their water allowances and other things reduced? What does it mean? It may mean something to you; it does not mean much to the people of Canberra.

The Chief Minister began with her usual tactic that they teach you in socialist school; when you have nothing worth while to say you make false accusations. Let us look at the false accusations that she made. She said that I was saying that if we did not have self-government we would not have to pay for our own health, education and policing. Is that true? No, that is not true. What did I say? I acknowledge that the ACT citizens would have a responsibility for paying taxes for health, education, and law and order.

She also said, "He did not tell us who would look after health, education and policing", and I said that it was the Commonwealth Government. If the Pinocchio affliction was real, perhaps the Chief Minister would have a nose that would rival the Black Mountain tower. She said that I did not address the question of whether our State-like government should be abolished and replaced with a council. What an absolute absurdity! These are misleading statements and they are deliberately so. I said that it was undemocratic and unwanted; that 70 per cent of people voted against that form of government. I said that it was unnecessary - - -

Mr Berry: Madam Speaker, I take a point of order. I think Mr Stevenson has implied that the Chief Minister has misled the Assembly. He should be forced to withdraw that immediately.

MR STEVENSON: That is exactly what she said about me.

MADAM SPEAKER: Mr Stevenson, you are not permitted to impute improper motives to people. Would you withdraw your imputation that the Chief Minister misled the Assembly.

MR STEVENSON: Indeed, if I am not allowed to impugn those motives. She said that I was disingenuous. When you look at the dictionary it means "lacking in frankness; insincere; covertly guileful; who really do not believe the opinion they defend". I have just shown that what she said was not true. The proof of it lies in *Hansard*. People like Mr Moore can make claim after claim in this house that is totally unsubstantiated, and would be in a court of law, but he does not have the guts to do it outside. He is a little man, indeed. I consider that Rosemary Follett is as bogus a Chief Minister as the idea that this Assembly is democratic. This is the person who said that taxes would not rise after self-government. This is the person who voted against the right of Canberrans to have 60 days to look at legislation that passes through this house. This is the person who is prompting - - -

Mr Moore: I take a point of order, Madam Speaker. I refer to standing order 52. I believe that Mr Stevenson was reflecting upon a vote of the Assembly. I think that is entirely inappropriate.

MR STEVENSON: Nonsense! I was making a comment. This is the - - -

MADAM SPEAKER: Just a minute. Let me think about this.

MR STEVENSON: It is just a waste of time.

MADAM SPEAKER: Just take it easy, Mr Stevenson. I believe that you understand the provisions of that standing order, Mr Stevenson. I think you are wavering in that direction. Just keep it in mind, please, and do not shout.

MR STEVENSON: I thought it was a factual statement that Rosemary Follett voted with the other 15 people against my motion to grant Canberrans the right to have a minimum of 60 days to hear of matters that are tabled in this parliament.

Mr Moore: I take a point of order, Madam Speaker. The point of order I just raised was under standing order 52, which reads:

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

Mr Stevenson is not moving that that motion be rescinded; he is reflecting on the vote. I think that is entirely inappropriate and that he ought to pay attention to the standing orders.

MADAM SPEAKER: Mr Stevenson, as I have said, I think you are wavering to the point of reflecting rather than just making an accurate statement. If you stay on the side of making an accurate statement I will leave you be. Please proceed.

MR STEVENSON: The accurate statement is that Rosemary Follett, along with 15 other people in this Assembly, voted to not allow the citizens of Canberra 60 days minimum time for laws that are tabled in this parliament. It remains a fact, and it will always be a fact; but I will certainly give them another chance to change their mind.

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We are told that the Federal Parliament will not take self-government back. I can just see these people talking in the Kremlin, and in Germany and so on, saying, "Boris, the Berlin Wall will never come down; freedom will never be achieved by the captive nations". I can hear the various people that made those statements saying, "The USSR will never be dissolved. It will never happen. The Government will never do it. The dictatorial government will never do that".

Mr Moore: I take a point of order, Madam Speaker. Standing order 58 provides that members shall not digress from the subject matter of any question under discussion, except under certain circumstances. I would suggest that Mr Stevenson, in talking about the Berlin Wall and so forth, is making somewhat of a digression.

MADAM SPEAKER: Mr Stevenson, please link that to the main point of the debate and then proceed.

MR STEVENSON: The main point of the debate is that of course self-government can be abolished if people see themselves as public servants instead of public tyrants and dictators. The idea that the Federal Government will not back down is a nonsense. It has been proven so again and again.

Mr Moore: I raise a point of order, Madam Speaker. I draw your attention to standing order 62, which deals with irrelevance or tedious repetition. We have certainly heard Mr Stevenson use this line time and time again. Could you draw his attention to the importance of standing order 62?

MR STEVENSON: What goes around, comes around. There will be a time when someone has a very important debate in which they want to make some points and finds a hell of a problem getting through with it. Whatever he can do I can do a lot better.

MADAM SPEAKER: Mr Stevenson, it is quite in order for points of order to be raised, however taxing they may be to you.

MR STEVENSON: I will well recall and in the future will know.

MADAM SPEAKER: You will be granted an extension of time if you seek it. Would you please keep your remarks both relevant and non-repetitive. Please continue.

MR STEVENSON: The Federal Government backed down on the ID card and they backed down on the Bill of Rights, and they would back down on self-government if we had the courage to take the matter to them.

Mr Moore: I raise a point of order, Madam Speaker. Once again, standing order 58 deals with digressing. I think that Mr Stevenson, in talking about the card and all those things, is really not being relevant to what we are doing.

MADAM SPEAKER: Mr Stevenson, I think there is a challenge there for you to try to make the point of your argument a little clearer. Would you please continue.

MR STEVENSON: Madam Speaker, may I make the point that the attempt by Mr Moore is simply to waste time, or to make some sort of vague point that he sees. It has nothing whatsoever to do with relevance. Perhaps that point could be made when he brings up the point of order in the future.

MADAM SPEAKER: Thank you, Mr Stevenson. Now, would you please continue.

MR STEVENSON: We are told that the ACT community want to have a direct say in health, education and policing. The statements that many people made here acknowledge that the Federal Government is not democratic; the Federal Government will not listen to the people of Canberra. What a condemnation by people, most of whom are in the parties, against their own parties federally! They acknowledge that they are dictatorial and will not listen to the people of Canberra. The same argument for a so-called State-like government such as in the ACT can be made for any area with some 280,000 people. Why not Blacktown? Why not Newcastle? Why not Geelong in Victoria? Why not the Illawarra region? What a nonsense!

What is the difference? What is the crucial difference in the ACT? The crucial difference is that the ACT has a special place in the Constitution. There is no other place mentioned in the Constitution like the ACT. It is the seat of government. I brought up the very relevant points of the constitutional matters in my debate, and not one of the 16 members who spoke even addressed it. I well recall that on 4 July 1989 I moved that the constitutional legitimacy of the ACT self-government be looked at. But once again we had a 16 : 1 vote because the members here would not even brook looking at the question.

Mr Moore: I raise a point of order, Madam Speaker.

MR STEVENSON: Mr Moore makes some statement about the High Court. Let me make a point about the High Court.

Mr Moore: I think once again that Mr Stevenson is reflecting upon a vote of the Assembly. You have mentioned this to him on a number of occasions, Madam Speaker. I would hate to have to raise matters of order to the standing order 200 level.

MADAM SPEAKER: Yes, it might be tedious repetition, Mr Moore. Mr Stevenson, I think "reflect" is very widely interpreted in standing orders, and really it does mean not even talking about them to any extent. I would like you to bear that in mind.

MR STEVENSON: I seek a short extension of time to finish off what I was saying. (*Extension of time granted*) Mr Kaine said that the Commonwealth is not going to drop everything and abolish self-government or change the self-government Act. The interesting thing is that that is exactly what they did when it came to blocking the ACT being able to develop a contractual arrangement with the Australian Electoral Commission to run the next ACT election. As there was no complaint about that from local members, what then happened was that we established our own ACT Electoral Commission. If you say to people around the country, "We established our own Electoral Commission", they say, "What, in tiny little Canberra?". You say, "Yes".

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They say, "Didn't you have one there?". You say, "Yes, we have the Australian Electoral Commission here". They say, "Well, can't they do it? Can't they run it?". You say, "They ran the 1989 one and they ran the 1992 one". People say, "What happened?". You say, "It must have been because the ACT legislators wanted to spend a lot more of the taxpayers' money". What an absolute nonsense that is! Where is the value of that?

We have a situation where the Chief Minister says that we must uphold the principle of democracy. This is the person who talks about consultation like a drunk talks about becoming a non-alcoholic. I think it is a sad situation that we have so many people not prepared to do what the people want. It might be a cute idea for politicians to think that they are above it all, to think that they are a group of elitists. The way some of the people in the Labor Party operate in this Assembly specifically would give you the idea that they feel that they have the divine right of kings.

Mrs Grassby: Madam Speaker, I take a point of order. Is it relevant? This does not seem like it is relevant to the point.

MADAM SPEAKER: I would ask you to focus on the motion, Mr Stevenson.

MR STEVENSON: Perhaps the relevance is whether or not people in Canberra are benefiting from this ACT Legislative Assembly. I would suggest - - -

Mr Moore: We notice that you are taking the super now, too.

MR STEVENSON: Mr Moore says that he notices that I am taking the super. Let us take a look at that. I refused the super. Unfortunately the money is taken straight out of the pay-packet. I tried to do something about it, but was unable to. If you come up with a good idea or if you - - -

Mr Moore: Oh, you are taking it now.

MADAM SPEAKER: Order!

MR STEVENSON: Will you vote with me to amend the Act? Just give me a yes.

Mr Moore: Or will you just knock it back?

MADAM SPEAKER: Order!

MR STEVENSON: Okay. So put up or shut up.

MADAM SPEAKER: Order, Mr Stevenson!

MR STEVENSON: Thank you, Madam Speaker. Vote with me to amend the Act. Give me an opportunity to reject it.

Mr Moore: I take a point of order, Madam Speaker, under standing order 62. If the member continues to be irrelevant or to use repetition you have the prerogative of ordering the member to cease speaking. I would ask you to consider that as a possibility.

MADAM SPEAKER: Thank you, Mr Moore. I believe that you have one minute and 53 seconds left, Mr Stevenson. I will not deny you any of your time. Please continue.

MR STEVENSON: Thank you, Madam Speaker. We have had self-government for four years and we had an interesting anniversary date yesterday, 11 May. People talk about our polls. I have suggested that the last and final thing people can do if they do not agree with them is to do their own. I know, as everyone here knows, that the parties do their own polling. This has relevance to the debate because they talk about whether or not we should follow the will of the people. It is one thing to conduct polling so that you find out what the people's concerns are and then can use them in a soapsuds advertisement to try to get people to buy your product.

It is an altogether different thing to say, "We are genuinely looking for what the people of this community want us to do, and when they tell us that we will do that". If only the Liberal Party would do that and get back to the old Liberal principles of long gone years - not as long as the Labor principles - when they represented the people. It is interesting that the Labor Party, the Liberal Party and the Democrats, all these parties, start out with the idea of representing the people, but what happens? Let me conclude with a statement by Edmund Burke in a letter to the Sheriffs in Bristol on 3 April 1777:

If you ask me what a free government is, I answer that, for any practical purpose, it is what the people think so, and that they, and not I, are the natural, lawful, and competent judges of this matter.

Question put:

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

The Assembly voted -

AYES, 1

Mr Stevenson

NOES, 16

Mr Berry
Mrs Carnell
Mr Connolly
Mr Cornwell
Mr De Domenico
Ms Ellis
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Westende
Mr Wood

Question so resolved in the negative.

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ADJOURNMENT

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

That the Assembly do now adjourn.

Community Consultation

MRS CARNELL (Leader of the Opposition) (5.24): I would like to read a letter from me to the editor in response to the editorial today. It states:

I totally reject any notion that I was being "mischievous" by talking about the concept of asking the community how they want to be governed. (Editorial, CT, 12.5.93) The interpretation placed on my remarks is that of the media, not my remarks themselves.

Your editorial says I was "floating the idea of (my) party's supporting a more council-like government for the ACT". What I said, in a Media Release I issued on Monday 10 May 1993, was: "In the past, the people of Canberra have sent us a clear message: they want Council-style government. If this is still the case, we will look at how to deliver a Council-style of Government within the framework of existing Commonwealth legislation. As a Party representative of a large proportion of the people of Canberra, it is our duty to consider how appropriate all structures of Government are for the people of the ACT.

If there is anything wrong with my statement suggesting that the Liberal Party should be responsive to the people in the community, then The Canberra Times are as out-of-touch as my critics in the Labor Party.

Your editorial rightly says "This is not to say that the style of ACT Government should be set in stone. There is always scope for improvement".

That is what I said, in different words. And if the community agrees then, as I said, it is my aim, as well as that of the Liberal Party, to make the ACT Legislative Assembly more responsive to that wish.

Yours Sincerely,

Community Consultation

MR LAMONT (5.27): I wish to quote from a letter that I am writing to the editor of the *Canberra Times*. It says: "In reference to Mrs Carnell's letter and your editorial of yesterday, congratulations to Mrs Carnell for standing up in the Assembly and reading out this letter to you after she had just voted in a way that is diametrically opposed to the sentiment expressed in her letter".

Question resolved in the affirmative.

Assembly adjourned at 5.27 pm