



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 April 1994

Tuesday, 19 April 1994

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MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave to move a motion regarding the recording of proceedings today, Tuesday, 19 April 1994.

Leave granted.

MS FOLLETT: I move:

That the Assembly authorises:

- (1) the recording on video tape without sound by television networks of proceedings during question time, today, Tuesday, 19 April 1994;
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule; and
- (3) the taking of still photographs during question time, today, and the use of such photographs in the print media generally.

Question resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Assembly Members - Office Accommodation

MRS CARNELL: Madam Speaker, my question without notice is directed to you. Is it true that Mr Berry is to remain on the Executive level of the Assembly building and occupy the area set aside for a future fifth Minister? Why is this the case when Mr Berry has no ministerial responsibility? What will be the total cost of his relocation to his new office, including plumbing, carpentry and electrical work? How do you justify this expense, given that the Assembly has been in these premises for only three weeks?

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MADAM SPEAKER: Thank you for the question, Mrs Carnell. To answer the first part of your question, Mr Berry was invited to stay on that floor, and the arrangements on the Executive floor are up to the Executive. To answer the second part of your question, to my knowledge there will be no expenses entailed in his move. I will have that followed up and, should there be any expenses, I will inform you.

Commercial and Retail Tenancies

MS ELLIS: My question is directed to the Attorney-General in his capacity as Minister responsible for consumer affairs. Will the Minister inform the Assembly of any progress on the issue of commercial and retail tenancies?

MR CONNOLLY: I thank Ms Ellis for the question. There was some uncertainty in the community following the decision of landlord interests to withdraw from a consultative process on the code of practice for retail tenancies. There is clearly a strong perception in the community, particularly from small business interests, that some form of regulation is necessary in this environment. I am now able to advise the Assembly that, despite the withdrawal and the breakdown of those negotiations, the Government will be proceeding by way of legislation, which I expect to bring forward in the next sittings, to provide for a commercial and retail tenancy tribunal and to provide for a code to be made in much the same way as a regulation. It will be made by the Minister but subject to Assembly disallowance and, subject to Mr Moore getting the votes, which I am sure he will - in fact, we may already have done it - subject also to amendment in this place.

During the break in Assembly sittings I will have some final consultations with landlord and tenant interests. I can advise the Assembly that the scheme of the new proposal will be legislation that allows a code to be made by regulation. Clearly, the work that has been done over three years of very long negotiations between landlord and tenant interests will form the basis of the code to be made in this place. Members will have the opportunity, both through informal discussions - I hope to provide members with a copy of it before it is tabled in this place - and on the floor of this place through the new procedures, to settle the final form of that code. It clearly is an area where small business have been saying for a long time that Government action was necessary. This Government has promised action. We regret that the negotiations broke down, but we will not allow that to allow us to falter in our determination to provide relief.

Assembly Members - Staff Entitlements

MR DE DOMENICO: My question without notice is to the Chief Minister. Madam Speaker, it follows the question asked of you by Mrs Carnell. Chief Minister, will Mr Berry receive the same staff salary arrangements as other Labor backbenchers? If not, why not? Are all Mr Berry's former ministerial staff to be accommodated on the staff of other Ministers at similar pay scales or will they remain on Mr Berry's staff at considerably reduced salary levels?

MS FOLLETT: I thank Mr De Domenico for the question. I would say at the outset that, under a determination signed by Mr Kaine as Chief Minister, staff who are affected by a change in their employer's status have a period of two weeks in which nothing changes. We are well within that two-week period. Do I make that clear? I consider that Mr Kaine's action, taken when he was Chief Minister, was appropriate. It is my intention that staff should be adversely affected as little as possible by changes in the status of their employer. Nevertheless, in regard to Mr Berry, he has been affected, obviously, by a motion passing in this chamber, and that does affect not only his own remuneration, which is determined by the Remuneration Tribunal, but also that of his staff entitlement. As far as I am aware, there is no proposal other than that Mr Berry should have the same entitlements as do other backbenchers.

Assembly Building - Artworks

MS SZUTY: My question without notice is also to you, Madam Speaker, and relates to the selection, acquisition and display of artworks in our new Assembly building and the ongoing management of this collection. I note that you have established a Public Art Advisory Committee to advise you with regard to these matters. I ask: Can you inform the Assembly as to how interested Assembly members can participate in the decision making process in relation to matters concerning artworks in the Assembly building?

MADAM SPEAKER: I will take that question on notice and inform the Assembly in due course.

Council on the Ageing

MR KAINÉ: I ask a question of the Chief Minister, which I think is quite appropriate, in light of the response to the earlier question that the Government seems prepared to keep Mr Berry in the standard to which he has become accustomed. My question, however, relates to the Council on the Ageing. The Chief Minister no doubt knows that the council indicated yesterday that they had insufficient funds to continue operations through to June of this year. Has the Chief Minister taken the trouble to find out how much money they require to complete their operations for this year and, if so, has she indicated that she will provide the funds to keep that organisation in place?

MS FOLLETT: As Mr Kaine is aware, I was present when Mr Rope for the Council on the Ageing made those comments, and of course I will follow up his statement. I think it is appropriate to advise the Assembly that the ACT Government has contributed very significantly towards COTA's operating costs in the ACT, and I can give you some information on what precisely our contribution has been. In the 1993-94 financial year, COTA received a recurrent community services grant of \$73,820 for operational expenses. The grant they received in the previous year, in 1992-93, had included a 4 per cent indexation and superannuation component. So it is a fact that COTA's funding has increased over the years. They also receive an additional sum each year of \$10,580 to assist with the operating costs of the Hughes Community Centre.

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The ACT Government gave COTA a one-off grant of some \$6,000 during 1993-94 to cover some unforeseen expenses they had had. In addition, they receive some \$3,000 from the ACT Government towards the cost of producing their annual publication, the *Directory of Services for the Ageing in the ACT*.

COTA has also received a grant from the ACT Cultural Council since 1990. That grant is to coordinate and deliver the Seniors Week activities. As is the usual practice with these grants, the early funding was quite considerable - about \$22,000 in 1990-91 - and subsequent funding for the Seniors Week purpose has been gradually reduced. That practice is fairly usual and is designed to allow an event to become well established and then to move towards a more self-sufficient form of operation. So in that way the Government is able to fund a range of new events within the limited resources we have. COTA has received considerable funding from the ACT Government. I will, of course, follow up on the specific difficulty they now find themselves in; but it is the case that the Government has even given COTA one-off funding to help them with previous unforeseen difficulties they were having.

MR KAINE: I ask a supplementary question, Madam Speaker. I am pleased that the Chief Minister is up to speed on how much money has been given to the Council on the Ageing in this current year; but the fact is, my information says, that they are approximately \$12,000 short. There are reasons for that, which we can go into in another place. If they do not get supplementation of about \$12,000 they will virtually have to close their doors at the end of May. Will the Chief Minister give a commitment that she will not permit that to occur?

MS FOLLETT: Madam Speaker, I was present when Mr Rope made his comments and, from memory, he made no reference to closing their doors. What he did say was that towards the end of this year COTA would have to dip into some reserve funds they had set aside to meet some of their staff expenses, such as leave entitlements, superannuation and so on. I think we need to be very clear that in the comments I heard Mr Rope make there was no allusion to the closing of COTA's doors. I have said that I will follow up on the specific difficulties they may be having, and I will.

Community Art Program

MRS GRASSBY: My question is to the Minister for Urban Services. Can the Minister inform the Assembly of details of the community art program at the Woden bus interchange?

MR LAMONT: I thank the member for her question. Madam Speaker, this Friday I will be launching a community art program associated with the opening of the refurbished Woden bus interchange. The community art program that is being proposed for this area is as a result of cooperation and coordination between officers of the city management section of my department, and the Woden Plaza Community Centre Inc., along with the

Woden Plaza management and a whole range of local community and business organisations. The theme of the mural will be the Woden environment and the design will include images of the Woden community lifestyle, the built environment, and some graphic location information. I look forward to being able to launch this program on Friday.

MRS GRASSBY: I ask a supplementary question, Madam Speaker. Does the Minister see this form of community art as being better on environmental, economic and social grounds than other programs currently being trialled?

MR LAMONT: I thank the member for her supplementary question. I suppose that to some extent that depends upon one's assessment of the differences between what is generically referred to as street art and what we have come to understand and know as community art. Ms Szuty has been extremely involved in setting up a pilot program for street art in an area we have identified for that purpose in Belconnen. I suppose that at this stage the difference between the two is that the community is providing the basis of funds for the community art program at the Woden bus interchange.

We have agreed, as a one-off situation, to provide some funding for the street art in Belconnen. I do have some concerns in relation to the continuation of that program, principally on the basis of the funding of it and a requirement that the community be involved in setting up and supporting the continuation of that street art program. I indicate on the record that in the next couple of days I will be writing to Ms Szuty outlining those concerns and encouraging this program to more closely attune itself to the type of community art program outlined for the mural at the Woden interchange.

Assembly Members - Staff Entitlements

MR HUMPHRIES: Madam Speaker, my question is to the Chief Minister. I remind the Chief Minister of several letters and telephone calls between my office and hers over the past 13 months concerning the review of staffing levels of non-executive Liberal MLAs. May I refresh the Chief Minister's memory as to what she told the Assembly's Estimates Committee on 30 September last year concerning the report of the Office of Public Sector Management on this subject. She said:

I freely admit, Madam Chair, that the report is on my desk and I have yet to consider it. I freely admit that.

Those comments were made well over six months ago. The report itself was commissioned apparently something like six months before that. The Chief Minister went on to tell the committee that she did not know exactly how long the report had been there. Can the Chief Minister tell the Assembly precisely what it is that is preventing her from considering and acting upon that report? Can she indicate approximately when a decision will be made on the matter, on which she was able to make a decision much more rapidly in respect of other members of the Assembly in the past?

MS FOLLETT: Madam Speaker, I will take Mr Humphries's question on notice and advise him as soon as I possibly can.

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Superannuants

MR MOORE: Madam Speaker, my question is also to the Chief Minister and concerns Senior Citizens Week. The Chief Minister would recognise, I am sure, the inequitable situation where a certain category of senior citizens on superannuation benefits are in fact worse off than those people who are on the pension. Chief Minister, what are you doing to rectify this problem?

Mr Berry: On a point of order: Madam Speaker, I think that is probably a Federal Minister's area of jurisdiction and hardly something the Chief Minister can deal with.

MADAM SPEAKER: Thank you for bringing that to my attention. The question should relate to matters about which the Chief Minister has responsibility. Mr Moore, do you want to refine your question? It does seem, on the surface, to relate to income maintenance matters, which are Federal matters, not local.

MR MOORE: Indeed, Madam Speaker; but the Chief Minister does have responsibility in this area. Her response might deal with how she has approached Federal Ministers or how she is working on that. I asked what she is doing to rectify a situation about certain citizens in the ACT, and I think that is a perfectly reasonable way to ask the question. I wonder whether the Chief Minister is prepared to provide an answer to that; otherwise I can always ask another question of one of the other Ministers.

MS FOLLETT: Madam Speaker, I reiterate what you have said, and that is that I am not responsible for income maintenance matters. That is a Federal Government responsibility, and I am sure that Mr Moore is well aware of that. Mr Moore has made the assertion that there are superannuants who are worse off than pensioners. I presume that he means age pensioners. I do not think that assertion ought to be taken at face value. There may well be some superannuants or others on fixed incomes who may be better off under the age pension, but I think as a general statement it probably does not hold water.

The approach the ACT Government has taken has been, first of all, to review our concessions regime, which we did in last year's budget. That review was aimed at increasing concessions to those people in the community who are in greatest need, whatever their source of income. Many people did gain from that review. In particular, the concession on electricity for winter heating was extended to a larger number of low income people and for a longer period over the winter months.

There are also a range of other concessions the Territory offers. They are mostly aimed at pensioners, of course, and include things such as the rates rebate, motor vehicle registration rebates and so on. One of the less well-known and less well-utilised concessions that are available in the Territory relates to the capacity to defer rates. I believe that this scheme would have great attraction for many low income people, particularly people on fixed superannuation income, for instance. They are able to defer their rates, and they are also able to defer them, if they are entitled to a concessional rate, at the concessional rate. I think that is a significant advantage to people on low incomes.

I am very well aware that the rates are a significant bill in most households, and for low income households they must be quite a challenge every year. I think people on fixed incomes ought to take more notice of that deferral capacity.

We also have a range of other concessions available. For instance, there is a spectacles concession, there are concessions available on gas, and so on. If Mr Moore would like a full listing of all the concessions that are available and the conditions for them, I am happy to supply that. I repeat that the question of income maintenance is one for the Federal Government.

Assembly Members - Office Accommodation

MR WESTENDE: Madam Speaker, my question without notice is directed to the Chief Minister. Is the office space allocated to Mr Berry and his staff the same as for other backbenchers, and, if not, why not?

MS FOLLETT: Madam Speaker, not being responsible for the office space for other backbenchers, I hesitate to give a definitive answer. From my casual observation, the office space Mr Berry now has appears to be about the same as that of other backbenchers. I am not responsible for the office space of backbenchers, but I am happy to consult with the Speaker and provide Mr Westende with a more detailed answer.

Government Service - Commercial Dealings Safeguards

MR STEVENSON: My question is to the Chief Minister and concerns safeguards in commercial dealings with people or companies outside the public service. What specific policies or operating procedures are followed by the ACT Government when dealing with companies, groups or individuals outside the public service, these policies being particularly to protect public money and property?

MS FOLLETT: Madam Speaker, if Mr Stevenson is referring to the general matter of government purchasing and contracting and that kind of relationship with commercial companies, I suggest that the question might more appropriately be directed to the Minister for Urban Services. There are guidelines available on that kind of matter in tendering processes. It is a very general question Mr Stevenson has asked. I think that, in consultation with the Minister for Urban Services, it might be best if I were to review all of the material that is available to protect public money and provide him with a comprehensive answer - unless he wishes to be a little more specific in what it is he is looking for.

MR STEVENSON: By way of a supplementary question, perhaps I could be a bit more specific and say "with an organisation like VITAB" - not VITAB, but in that sort of situation, that sort of commercial dealing.

MS FOLLETT: I will take that on notice, Madam Speaker.

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Assembly Members - Office Accommodation

MR CORNWELL: My question is also directed to the Chief Minister. I ask: Chief Minister, why have you chosen to re-create the position of Cabinet Secretary for Mr Berry, a position you regarded as unnecessary from mid-1991 until now? When Mrs Grassby filled this same position and you had fewer members in this house, was she provided with a ministerial office or any other extra entitlements such as Mr Berry will be getting?

MS FOLLETT: Mr Cornwell has asked, first of all, why we have revived the position of Cabinet Secretary. It is for the very good reason that we have amongst our ranks a member of caucus who has had some five years' experience at senior levels in government and in opposition.

Mr De Domenico: And has the numbers in the left wing as well. That had nothing to do with it, did it?

MADAM SPEAKER: Order! The Chief Minister is answering the question.

MS FOLLETT: I was unwilling to forgo the advantage of that experience. Madam Speaker, we have used the position of Cabinet Secretary during both Mrs Grassby's time and Mr Wood's time. The position is a non-executive position, as members are well aware in their more sane moments. It is a mechanical position where the member is involved in the more mechanical aspects of the operation of Cabinet, doing, amongst other things, the recording of decisions and so on.

Mr Kaine: Why do you not give Annette and Ellnor a job in the Cabinet as well?

Mr De Domenico: And an en suite too.

MS FOLLETT: Madam Speaker, I know the point the surly people opposite are trying to make. They have tried and tried. They are not making that point; they are looking surlier by the moment. The fact of the matter is that I have been advised, somewhat informally perhaps, that the size of Mr Berry's new accommodation is approximately the same as Mr Moore's and that there is no en suite.

I realise that the allocation of offices is a matter for you, Madam Speaker, but I think it would be silly to overlook the fact that it was a source of considerable contention between backbenchers opposite and other backbenchers in this place. This is a fruitless witch-hunt that the Liberals are embarked upon. As I said, I think they are looking surlier by the moment. How far does their blood lust go? Do they want a public execution or would a mere whipping do?

Mr De Domenico: Social justice and fairness and equity.

Mr Lamont: Why do you not ask Mrs Carnell for some of her staff entitlement and then you will stop your bitching?

MS FOLLETT: Yes. As I said, I believe that they are flogging a dead horse. I have no doubt that they will be touting all of these little scandals publicly, as is their wont; but it does not make it any truer.

Land and Planning Appeals

MR BERRY: Madam Speaker, I have a question for Mr Wood, the Minister for the Environment, Land and Planning. I know that his answer will enlighten the Opposition members. Yesterday and today they have been exposed for their greedy little operation with the Minister for Sport, Recreation and Racing in Victoria, who, I understand, was under the griller today. You might be able to shorten their long faces with this answer.

Mr Humphries: Let us have some relevance, Madam Speaker. You are not interested, Madam Speaker, in a point of order?

MADAM SPEAKER: Order! Mr Humphries, if you have a point of order stand up and take a point of order. Mr Berry, would you get to your question.

MR BERRY: Thank you, Madam Speaker; I will. Is it the case, as headlined last week in the *Canberra Times*, that the ACT appeals body lacks the power to enforce its decisions?

MR WOOD: Madam Speaker, there was a headline in the *Canberra Times* last week, as Mr Berry indicates, that the appeals mechanisms in the ACT were somehow not enforceable. "ACT's appeals body lacks power to act" was the headline. I think there is a problem in newspapers, as I perceive it, in that the person who writes the story is not the person who writes the headline, and perhaps the subeditors are not always able to pick up the meaning in the story.

The fact is that any exploration of the powers to enforce decisions of the Land and Planning Appeals Board or of the AAT shows that the decisions can be enforced. Their decisions are binding and the amendments that were brought into this chamber last year make that very clear. I would wish to point that out to the community. It is the case that ultimately the mechanism is enforceable in a court of law. That was, I think, the point that was in the Attorney's letter to a person in Kaleen and was the point of the headline. It is clear that the registrar of the Land and Planning Appeals Board has the power to put out an order requiring some person to cease work or to do work in conformity with the decision of the Land and Planning Appeals Board. That should be very carefully stated. The power is there. The registrar may undertake action and, if that action is not followed, court processes can follow, with a fine of up to \$20,000.

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Mr Moore: What are the costs of going to court?

MR WOOD: There are no costs to the person because the Government initiates that action, and would do so if an order had not been obeyed. It is a good point, Mr Moore; the Government would initiate that action. I think that is a point that the person who was complaining did not fully understand, because they received a very legal letter. So I want to make that clear. This Assembly has been very specific about the need to allow for appeals and for those appeals to be enforceable. It is very much the case that they are enforceable.

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

Government Service

MS FOLLETT: I would like to clarify an answer that I gave last week in response to a question without notice from Mr Kaine concerning the separate service. Clarify is one way of putting it; correct is another way. Madam Speaker, in my answer to Mr Kaine I made reference to two Bills being introduced in the Assembly this week - the Public Sector Management Bill and the Public Sector Management (Consequential and Transitional Provisions) Bill. Madam Speaker, the Public Sector Management Bill will be introduced in the Assembly this week. However, the Public Sector Management (Consequential and Transitional Provisions) Bill, which is a technical and mechanical Bill, will be ready for introduction in time for the cognate debate in May.

Mr Kaine: In May? The committee has yet to consider them.

MS FOLLETT: You will not need that bit.

Building Approvals

MR WOOD: Madam Speaker, last week Mr Moore asked me about waiting times for design and siting applications or building permits. I have a little more elaboration. I indicated that 10 days was a target. There was previously a target that 80 per cent of applications should be able to be accommodated within 10 days. Now that we have an appeals mechanism, that target has been revised to 65 per cent in 10 days, to take account of the number of applications which require public notification and hence cannot be processed in that period. I think they are still aiming to meet that. It is also the case, as I said, that there was a rush of applications early this year. Madam Speaker, I should also point out that, coincidentally, the Building Section undertook a survey of its clients and found a very high level of satisfaction from them. As we all know, they are very demanding.

ANSWERS TO QUESTIONS ON NOTICE

MR CORNWELL: Madam Speaker, I raise a matter under standing order 118A. It concerns you, Madam Speaker. It refers to my question on notice No. 1223, which was due to be answered on 2 April this year. Could you provide an answer today or, if not, could you indicate to the Assembly when the answer will be provided?

MADAM SPEAKER: Mr Cornwell, I have no recollection of even seeing the question. I will take advice and I will get back to you.

MR CORNWELL: Thank you.

SUBORDINATE LEGISLATION

Paper

MR BERRY: I seek leave of the Assembly to present subordinate legislation.

Leave granted.

MR BERRY: Pursuant to section 6 of the Subordinate Laws Act 1989, I present determination No. 19 of 1994, made under the Health Act.

LAND (PLANNING AND ENVIRONMENT) ACT LEASES

Paper

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, and pursuant to the Land (Planning and Environment) Act 1991, I present a statement which details the leases granted in the quarter ended 31 March 1994.

AGEING

Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the ageing.

Leave granted.

MS FOLLETT: This week is ACT Seniors Week and this year, 1994, is the International Year of the Family. Both these events provide an opportunity to acknowledge the valuable contribution that older people make to family life in the ACT and to the well-being of our community. Indeed, the theme for Seniors Week is "Seniors Are Part of the Family Too". Older people are indeed part of the family, but this

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theme suggests that sometimes older people feel that they are not valued by the community. This has been compounded by predictions of the future costs of Australia's ageing population and the perception in the community that older people are dependent and a burden to others.

The recent report of the Economic Planning Advisory Council, *Australia's Ageing Society*, focused on the increased demands on retirement incomes, health expenditure, home and community care, and the economy more generally that could be expected as a result of the ageing of the Australian population. This view needs to be balanced by an emphasis on the significant contribution older people make to our society - not just in a host of ways which are largely unrecognised because they are voluntary, but also in terms of economics. Not only are older people carers and volunteers; they are also consumers and hold a high percentage of the nation's wealth.

In this statement, Madam Speaker, I wish to focus on the contribution older people make to our community, because this is often unrecognised, and to address some of the myths that surround ageing. I also wish to outline Government initiatives in the area of ageing that will ensure that we plan for an ageing ACT population in a systematic and timely way.

One of the first myths to tackle is that older people are a drain on our community. According to an Australian Bureau of Statistics survey of families, many Canberrans have a kin network that extends well beyond the immediate household. Many ACT residents receive support from family members not living with them. This support includes income support, help to find jobs, free accommodation, and help with personal care and transport. Many of the family members providing this invaluable support are older people.

Older people are often the carers of people in our community who are young, sick, disabled or frail. The survey conducted by the bureau showed that grandparents constituted 58 per cent of all people who usually provided weekly care to children under 12 years of age. The survey also indicated that in the ACT in the previous 10-year period 22,800 residents received help from family members to purchase a home or land or to conduct home improvements and that over 8,000 people received an inheritance of land, a house or other residence. Older people are often the providers of these material benefits, but such statistics do not indicate the wealth of skills, experiences and caring that older people also share with their families. Older people contribute greatly to ACT families.

Older people also contribute to our community in other ways. They often give up their own time to work in our social clubs, community service organisations, sporting groups and educational institutions in a voluntary capacity. It is difficult to see how these organisations could maintain the level and quality of their activities without the input of these volunteers. The fact is that older people are a very valuable resource. They are the major group of volunteers in our community. It has been estimated that at least a quarter of older Australians are active in their local communities as volunteers, particularly in social services, but also in less visible ways.

In order to recognise the outstanding contribution older people make to the ACT community in a voluntary capacity, the Government is establishing a Senior Volunteers Recognition Day to coincide with the United Nations International Day of the Elderly. Each year five or more senior volunteers will be selected from those nominated by community organisations. The selected senior volunteers will be guests of honour throughout the day and, at a special function, will receive an award as a token of the Government's appreciation of their efforts. Although five people represent only a small proportion of the army of older volunteers working in Canberra, I hope that Senior Volunteers Recognition Day will draw to the attention of the whole community the vital and active role played by older people in our community. The inaugural Senior Volunteers Recognition Day will be held on 1 October this year, the International Day of the Elderly. Officers of my department will consult with various community organisations to determine the protocol for the day.

One of the most insidious myths about ageing is that older people are all the same; that they are frail, both mentally and physically, and incapable of looking after themselves. It would surprise many people to realise that most people experience very little measurable decline in mental function with older age. The vast majority of people in their sixties are unaffected by dementias, and, while this figure increases significantly for people in their eighties, even then most people are dementia free.

Similarly, it is not widely realised that most older people are fit, well and able to live independently at home making few demands on the community. In 1993 the Australian Bureau of Statistics conducted a survey of disability, ageing and carers. The survey was conducted in private homes as well as in hospitals, nursing homes, hostels and retirement villages. While the bureau's survey indicated that disability increases with age, it also showed that people aged 75 years or over make up only 17 per cent of people with a disability who need assistance. It may also surprise people to realise that there may be little difference between a very fit 70-year-old and a moderately fit 30-year-old. Most people over 60 years report their own health as good or fair; very few older people describe their health as poor.

So the real picture is that, rather than being cared for, many older people care for others. They often care for their partners, and sometimes for their own parents and other relatives when they need assistance with everyday living. It is this support and the support provided by the home and community care program that enable most older people to remain in their own homes rather than in hostels and nursing homes. Indeed, only about 3 per cent of older people in the ACT are in nursing homes and about 4 per cent in hostels.

I assume that members are aware that the home and community care program provides many home help and personal care services. It helps older people to modify their homes so that their homes are better suited to their needs. It provides services to enable carers of older people and those with a disability to have some respite from their caring role. The program provides services to assist those people who cannot access public transport. Through the home and community care program older people can arrange to have community nurses or other paramedical service providers visit them in their homes.

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The program can act as a source of information and provide an advocacy service when needed. This very valuable program receives about half of its funding from the ACT Government and the rest of its funding from the Commonwealth. Through this program the risk of older people being prematurely admitted to residential care is reduced.

Madam Speaker, what seems to make a fundamental difference to people's ageing is their attitude to the ageing process and the community's attitude to older people. The Government believes that it is vital to promote a positive attitude to ageing, and it is for this reason that it is developing a healthy ageing policy. Many older people in our community have made valuable contributions to this process.

Another common myth is that at the age of 60 or 65 years people become incapable of productive work. In fact, quite the reverse is the case. Research suggests that older people are just as productive as younger people, particularly in jobs that do not require constant physical effort or fast reaction times. Older workers have the advantage of the accumulation of experience and skills. They have fewer workplace accidents, less absenteeism and lower rates of job turnover.

Madam Speaker, the important message to be highlighted by these myths about ageing is that it is no longer appropriate to impose stereotypes of what it means to be a certain age. Nonetheless, while growing older may not be the negative experience that many younger people envisage, older people do have special needs, and there are many issues associated with ageing which need to be addressed by the Government and the community.

Like the rest of Australia, the ACT population is ageing. In the ACT it is expected that the number of people aged 65 or more will increase by more than 60 per cent between 1992 and 2007. Given the youthfulness of our population compared to other parts of Australia, this is no cause for alarm. However, the Government believes that it is important to put in place now mechanisms to cater in a planned way for our increasingly ageing population. With this in mind, I have established an Interdepartmental Committee on Services for Older Citizens charged with the tasks of developing options to address existing gaps and deficiencies in services for older people; identifying the emerging needs of older people in the ACT; and developing a policy framework for providing services to older people in the ACT.

With the assistance of advice from the interdepartmental committee, this year the Government intends to develop a three-year draft forward plan for older citizens in the ACT. The plan will address in a systematic and thorough way the challenges arising from the ageing of the ACT population. The plan will build on the valuable work already carried out by the Legislative Assembly's Standing Committee on Social Policy, the successful ageing ACT project, the ACT Council on the Ageing and others. It will be released for public comment on 1 October 1994, the United Nations International Day of the Elderly. Consultation will ensure that this plan gives close consideration to the present and future needs of older people in the ACT.

Among the matters that will need to be addressed by the plan is how to maintain the quality of life of people as they age. This involves issues such as access to convenient transport; a safe, attractive and well-designed environment; positive community attitudes to ageing; healthy lifestyles; education and employment opportunities; appropriate accommodation options; accessible and useful information; and, most importantly, consideration of access and equity issues, how to cater for the special needs of some older people and how to promote self-determination.

Accommodation and support services will also be key elements of the plan. In this area the Government will wish to present strategies which involve all relevant ACT government agencies and which over the long term cohesively implement the Government's positive response to the Social Policy Committee report. Of course, the Government already recognises the increasing number of older people in the community who need affordable and secure housing and has sought to assist older people maintain the quality of their lives and their independence.

The ACT Housing Trust, through its public rental housing and its aged persons units, currently provides a significant amount of accommodation for older people who are financially disadvantaged. It also provides mortgage relief, home ownership assistance and housing assistance for people with special needs. At the same time the ACT Housing Trust is exploring options that may help older people who do not qualify for aged persons units and yet find it difficult to afford accommodation that meets their needs. These options include the possibility of providing off-budget loans to older people, shared equity schemes, reverse equity schemes, home swap schemes and joint ventures with community or private organisations to build affordable accommodation.

Other measures now in place to assist those older people in the community in greatest need include the provision of concessions to ACT pensioner concession card holders. Such concessions are available in relation to charges and services, including rates, bus travel, electricity, ambulance and special needs transport, meals at day care centres, rent of ACT Housing Trust dwellings, medical and dental related services and equipment, vehicle registration and licence fees, and recreational facilities. It has been brought to my attention that some older people in the community may not be aware of the benefits to which they are legally entitled, especially those provided by the Commonwealth Department of Social Security. In addition, recent changes to the eligibility criteria for the pensioner concession card may have been slow to come to the attention of people who have a new entitlement. For this reason the Government has made available during Seniors Week a kit containing a range of information, including information on benefits available to older people and how to reduce expenditure or seek financial planning advice. I am sure that older people will find this information useful.

One of the dilemmas confronting some older people on low incomes who are not eligible for the pensioner concession card is the desire to remain in their family home and still maintain a reasonable quality of life. Insufficient income to pay the rates or to do maintenance on the home becomes a problem. The Government has sought to assist such people through its rates deferment scheme. Anyone having difficulty in paying their rates can apply to have their rates deferred. Older people can defer the payment of their rates to a later date when they are better off, or can arrange for the deferred rates to be paid out of their estate. Interest is charged on the deferred rates at a reasonable rate, and

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legislation will be introduced soon to enable rates to be deferred at the concessional rate rather than at their full level. This scheme assists older people to conserve their income and to have the quality of life they deserve. I would urge all older people in this situation to consider it as an option.

Madam Speaker, as can be seen from these measures, the Government targets its social welfare measures to those in greatest need in order to achieve the best results with the limited funds available. The seniors card scheme, on the other hand, is intended to recognise the contribution older Canberrans have made and continue to make to our community in many different ways. Anyone 60 years or over can apply for a seniors card regardless of their financial status. The variety of the 300-odd businesses that belong to the scheme makes the seniors card a very valuable asset for older citizens of the ACT. Yesterday I launched the *1994 ACT Seniors' Card Directory* when I officially opened Seniors Week at the Council on the Ageing (ACT) offices. During Seniors Week seniors card holders will be able to travel on ACTION buses free of charge.

Madam Speaker, the points I have made in the statement today illustrate that the Government cares about older people in the ACT and is planning strategically for their future. Perhaps most importantly, my remarks reflect the philosophical approach which starts from the belief that older people have a major contribution to make to our community. They must also have a say if we are to deliver services and policies that are truly relevant to their needs. I present a copy of this statement and move:

That the Assembly takes note of the paper.

MR KAINE (3.21): Madam Speaker, there are many areas in which this Government has demonstrated that it lacks any commitment and, in some cases, lacks integrity; but in no area is that more true than in connection with the Government's position towards our seniors.

Mr Wood: Run off!

Mr Connolly: You are huffing and puffing and blowing our house down.

MR KAINE: Just wait and listen. I could have been harsher in my words. Madam Speaker, the Chief Minister began her speech by suggesting that there was a theme that suggests that sometimes older people feel that they are not valued by the community. There is no question that the older community in this city are well aware that they are not valued by this Government. Nothing that the Chief Minister has said today will change that feeling; in fact, what she said will add to it. This speech, like everything else that the Chief Minister has said for the last three years, is nothing but platitudes. There is not one thing in it that indicates that the Government intends to take any action at all. All we are going to have is an interdepartmental committee.

Madam Speaker, this statement is typical of what the Chief Minister has been saying for three years now, and it is typical of the action from this Government - there has been none. Earlier in question time I raised the question of supporting the Council on the Ageing, the only body that speaks for nearly 30,000 people in this community.

Last year, in launching Seniors Week, the Chief Minister made a point of noting how highly she valued the advice that this body gave her. It was proved pretty soon how highly she valued it, because the first thing the Council on the Ageing did was to say to the Chief Minister, "We want to be able to give you good advice, but we need a research assistant to allow us to do it", and the Chief Minister refused to provide assistance. It took about two days to prove just how highly valued that advice was.

Here we are, one year later, and we find that this organisation that the Chief Minister values so highly is on the point of collapse financially, and the Chief Minister does not even know whether she is prepared to keep them open. She knew, as I knew, yesterday that this organisation is in financial difficulty. It does not matter that she gave them \$70,000 last year and \$73,000 this year. The fact is that they do not have sufficient funds to remain in operation and to do the function that they were established to do. This is the organisation that the Chief Minister values so highly. But it does not end there. That is just an indication of how the Government really feels about our ageing community.

I would like to review, on the one hand, some of the things that the Chief Minister said and, on the other, the things that she has failed to do over the last three years. I need to go no further than the statement that she made at this time last year in her annual speech on Seniors Week. It was the usual platitudes. It started with Ms Follett stating:

The Government has a strong commitment to ensuring that the welfare of this important group within our community is safeguarded.

They are good words, but what did she do as a result of that? The answer is absolutely nothing. I would like to refer to the statement that the Chief Minister put out with her budget last year. It is called "Towards a Social Justice Budget Statement". There are some good words in it too. She defines what she means by "social justice" as follows:

There are four key principles which underpin a socially just community ...

I will abbreviate them. The first principle is:

the principle of equity requires fairness in the distribution of wealth, goods and services, power and the capacity to access opportunities and resources.

Good. The second one is:

the principle of access dictates that all members of the community, regardless of income level, are entitled to resources and services ...

The third one is:

the principle of participation means that all members of the community should have the opportunity to participate in decisions relating to issues which directly affect their lives;

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The final one is:

the principle of rights requires that every member of the community has equal basic rights and the ability to exercise these independent of social and economic circumstances.

That is fine, but what has the Chief Minister done for these 30,000 people in our community over 55? Absolutely nothing. Fine words, but no action. But we are now going to have an interdepartmental committee. We know what interdepartmental committees are for. They are to bury things that are an embarrassment to the Government, and they will stay buried for years. If we look at what the Government has done, not only over the last year but over the last three years, we find that, in concert with the statement about welfare and important groups and all that sort of stuff, the Government has paid a lot of lip-service to youth, to women, even to the environment, to the extent that these three have their own special budgets. But where is the special budget for the 30,000 ageing people? There is none.

The Chief Minister noted that the 1991 census showed an increasingly ageing community, and she talked about that. I suggest that this Government is stuck in a 1991 time warp, because they have done nothing since then. I would like to review their budgets for the last three years. I have the papers in front of me. In the Budget Strategy Statement for July 1991 the Chief Minister said, as she always does, "Social justice will be integral to our approach". Where is the social justice for the 30,000 ageing people? The only thing that she talked about, even in that Budget Strategy Statement, in connection with the ageing was concessions. Of course, they go way beyond ageing people. All kinds of people other than the ageing get concessions.

There was a passing reference to the ageing, although she did not use the word "ageing", in the statement that the Government was looking at concessions. But what happened to them? Nothing happened until two years later in the 1993 budget. And what did she do about concessions for the ageing? She reduced them. She took away some of the concessions that have to do with registration of motor vehicles, concessions for rates and concessions for the diesel fuel that people use to heat their homes. That had a major impact on people, but it was not the impact that the Chief Minister was talking about; it was an adverse impact.

I turn to the 1991 budget speech. Again, there were lots of words about social justice and the like. The Chief Minister listed the organisations that she consulted - the big community consultation scam again - in preparing a budget. The Council on the Ageing was not listed amongst them, and it was obvious that they were not consulted either. I move on to the Budget Strategy Paper for 1992. The Council on the Ageing was not consulted again. Again, she listed the organisations that she consulted in preparing a budget, but there was no mention of the Council on the Ageing. Why? She did not consult with them. The 1992 budget speech really set the tone because it began with the statement:

It is unashamedly a Labor Budget.

It is a Budget which recognises the needs of our community.

Further down the speech stated:

We will protect those in need in our community.

Then the Chief Minister talked about a lot of things, but again she did not mention the ageing. There was not one word on the ageing in any of those four budget papers. At page 3 of the 1992 budget speech she stated:

This Budget delivers ... to all members of the community.

I defy the Chief Minister to show me where in her 1992-93 budget she delivered anything to the ageing. There is nothing there. So it goes on. In fact, in that budget speech she did acknowledge the needs of the ageing. The words are there: "We acknowledge the needs of the ageing". But when you get to the comments on the expenditure part of her budget, the only reference to the ageing is a reference to the home and community care program. She neglected to say that this Government has frozen contributions to the home and community care program at the 1990-91 levels. They have not been increased since. This is this Government's commitment to the ageing! There has been no commitment whatsoever from this Government to the ageing.

So the question is: What should the Government be doing? The need has been clearly defined. We have had two comprehensive reports from committees of this Assembly over the last three years. One committee, chaired by Mr Wood, produced probably the most comprehensive report that has ever been tabled in this Assembly in its five-year life. Last year a second report was tabled by Ms Ellis following another very comprehensive review of the needs of the ageing. Of course, only a matter of weeks ago the Council on the Ageing submitted to the Chief Minister their proposals for the 1994-95 budget. That document merely restates all of the things that were dealt with in the two previous reports presented by our own committees.

The requirements have been well and truly spelt out. And what does the Government intend to do? It intends to have an interdepartmental committee. What on earth do we need an interdepartmental committee to do? Are they going to spell out in any more detail than has been spelt out already what the requirements are? No, they are not. This is an interdepartmental committee. It does not even incorporate the Council on the Ageing. This peak body represents 30,000 citizens. It is one of the bigger minority groups in this community. It has given the Government all of the advice that it has available to it, using the resources that it has, and the best the Government can say is, "We will have an interdepartmental committee to review what you have already told us. We do not believe you. We do not trust you".

Look at what this interdepartmental committee is going to do. They are going to develop a plan. You can imagine how long this is going to take. We have an election less than a year away, and they are going to develop a plan. They are going to look at such issues as access to convenient transport. What the hell is there to look at? Other issues to be looked at include a safe, attractive and well-designed environment; positive community attitudes to the ageing; healthy lifestyles; and appropriate accommodation options.

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The Chief Minister has finally come down with her response to a most comprehensive committee report that dealt with accommodation for the ageing. She brought down a reply only two days ago, although that report goes back for many months. Yet here we are told that we are now going to have an interdepartmental committee to develop a plan to look at appropriate accommodation options. It is simply another ploy on the part of this Government to delay doing anything for this sector of our community.

We are told that the interdepartmental committee will look at accessible and useful information. Two years ago the Chief Minister talked in her then budget speech about having accessible information through our shopfronts. Why has she not done it? I asked her a question about that last year. I said, "Why do you not put into the shopfronts some people who are expert in matters affecting the ageing?". That was an awful surprise to her. She had never thought of that. A year later she has not done it either, but the interdepartmental committee is going to look at accessible and useful information.

Finally - and most importantly, the Chief Minister says - we are going to look at consideration of access and equity issues. Within the last year the Chief Minister has made much of the fact that she has introduced access and equity directions to the entire ACT public service. Is she now saying that that action was not worth the paper it was written on; that it has produced nothing; and that we are now to have an interdepartmental committee to develop a plan that looks at access and equity issues? The answer is yes. That is exactly what she means and, as always, she does not intend to do a darn thing. She has a budget coming up in less than two months now, in which she could have done something for the ageing community - just once - to show that all these good words that she uses in fact have some substance to them and that she really intends to do something. But no. I predict that the budget that is coming up in June will be just as devoid of mention of the ageing as have the last three.

Mr Berry: Put the dollars on it and tell us where the money is coming from.

MR KAINE: You have \$1.2 billion to play with, Ex-Minister. Think about it. When you read this statement, it is unbelievable that the Chief Minister could get to her feet and say this. While all this is going on the ACT Housing Trust is exploring options that may help older people who do not qualify for aged persons units. At this stage of self-government the ACT Housing Trust will be exploring options. In other words, "We will look at it; we will talk about it; we will think about it; but we will not do anything".

Madam Speaker, there is no doubt whatsoever that this Government has no commitment to the ageing. They seem to have totally overlooked the fact that you have a voting bloc of 30,000 people out there. This Government does not care. They seem to believe that they are all silvertails or something. The only conclusion that I can draw, Madam Speaker, is that if you are over 55 the Follett Government have written you off, so do not expect anything from the Government. That is the bottom line as far as this "socially just" Government is concerned.

MR CORNWELL (3.36): Madam Speaker, I rise to support Mr Kaine's comments. I think probably the best example I can give is the Chief Minister's response only last Thursday to the report of the Standing Committee on Social Policy on aged accommodation and support services in the ACT. I can best describe the heavily qualified comments that she made as the artilleryman's option - the gunna option, I suppose, but let us call it the artilleryman's option. Let me give you some examples of these heavily qualified statements. The Chief Minister said that the Government has made considerable progress in arguing the ACT's case on the inadequate number of Commonwealth subsidised nursing home beds. That is considerable progress in arguing the case, not in doing anything about it. She also said:

The Government is expecting an outcome by the end of the 1993-94 financial year.

Again, further ahead we hope that something might happen. She said:

I understand that the very high dependency level of ACT nursing home residents ... The unusually high dependency levels which exist in the ACT will enable the Government to argue ...

The Chief Minister went on to say that she expects that this case will be put to the Commonwealth in the first half of the next financial year. She also said:

The Government has also been addressing the problems related to the funding of dementia places in hostels.

What has been the Government's response? They have again raised this matter in discussions with the Commonwealth. The Chief Minister said:

The Government is also aware of the need to provide crisis care for aged people in the ACT.

Consideration is being given to the city parks depot adjacent to the Burrangiri complex at Rivett. The Chief Minister said:

I would now like to address the issue of a purpose built facility to cater for younger people with disabilities.

She said that the needs of this group are quite diverse and that by the end of May 1994 the Government will have considered a range of options. Again, there have been no decisions, just a whole flow of words. The response goes on:

The Government recognises that the needs ...

... the Government ... is also investigating programs ...

The Government strongly supports the concept of active ageing ...

The Government also has a long-term plan to address aged care ...

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These are not words I am making up. I am reading them from the Chief Minister's response last Thursday to the report of the Standing Committee on Social Policy on aged accommodation and support services. Nothing that we have seen in the ministerial statement on ageing today changes my view that last week's response was simply a string of platitudes to the same extent as today's ministerial statement is. Mr Kaine has quite rightly identified that nothing is being done. The Chief Minister, in her statement today, says at page 5:

... the Government is establishing a Senior Volunteers Recognition Day ... Each year five or more senior volunteers will be selected from those nominated by community organisations. The selected senior volunteers will be guests of honour throughout the day and, at a special function, will receive an award as a token of the Government's appreciation ...

How true - as a token.

Mr De Domenico: Another photo opportunity for the Chief Minister.

MR CORNWELL: Correct; another photo opportunity for the Chief Minister, Mr De Domenico. It is certainly a token of the Government's appreciation. She goes on to state, as Mr Kaine properly identified:

... I have established an Interdepartmental Committee on Services for Older Citizens ...

As Mr Kaine quite rightly said, the committee is charged with the task of developing options to address existing gaps and deficiencies in the services for older people. What on earth has the Social Policy Committee been doing? What on earth have innumerable committees, not only in this Assembly but outside in the community, been doing if they have not - - -

Mr Kaine: What on earth has the Council on the Ageing been doing?

MR CORNWELL: Indeed. What have they been doing if they have not been identifying these things? Does your political correctness stretch so far that you do not trust anybody unless you can hand-pick a committee to investigate these matters? You go on to talk about the various issues that the committee is going to look at - access to convenient transport; a safe, attractive and well-designed environment; positive community attitudes to ageing - I do not quite know what that means; healthy lifestyles; education and employment opportunities; appropriate accommodation options.

The one thing they will not address is how these people are going to live. That surely is the fundamental point and is a matter of considerable concern to ageing people. It is all very well to talk about what you are doing for the ageing citizens of this city, but I would suggest to you that far too much of it is selective assistance - and, of course, no more so than in the treatment of superannuants in this city, a very neglected group. If people

cannot get the pensioner concession card, what is the solution? There is no solution from this Government. They talk about a seniors card. I accept that that is available to everybody, but what is their answer to the superannuants sitting on expensive properties where there are very high rates?

Mr De Domenico: Platitudes.

MR CORNWELL: Platitudes. The Chief Minister's answer to this is:

Older people can defer the payment of their rates to a later date when they are better off ...

I must admit that I am a little apprehensive about this. I have an 89-year-old father-in-law. I am not sure that he would be in any position to defer his rates to a later date when he was better off. This is a nonsense from whoever wrote this rubbish. The Chief Minister went on:

... or can arrange for the deferred rates to be paid out of their estate.

This indicates the abysmal ignorance of this Government in their attitude to such people. They do not seem to realise that elderly people do not wish to leave debts. They do not wish to leave debts to be picked up by their children. They have a fundamental objection to this. It is a great pity that the Chief Minister herself is not here to listen to what I am saying. She has left the chamber. She has made her statement - - -

Mr Berry: That might send you a message about the quality of what you are saying.

MR CORNWELL: No; that is an indication of what - - -

Mr Kaine: She is demonstrating her interest in the ageing by not even being here for the debate.

MR CORNWELL: Correct; that is an indication of her genuine interest in the ageing. She is not even in the chamber - and this is the person who has just made a ministerial statement on the ageing. I think really the evidence as presented there - - -

Mr De Domenico: She will be backed up by Mr Berry when we hear from him in a minute.

MR CORNWELL: Yes. The problem with this Government is that it does not address the social needs of people; it selectively addresses them. They talk about social welfare measures for those in greatest need. I suggest that you are being selective even in that area. I believe that, quite properly, the needs of the ageing that you are neglecting will come home to you all to roost at the next election.

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MRS CARNELL (Leader of the Opposition) (3.45): Madam Speaker, I would like to add a couple of statements to those that have already been very adequately made by Mr Kaine and Mr Cornwell. In a very interesting part of the Chief Minister's statement she talked about support for the home and community care program - which, to quote her, "enables most older people to remain in their own homes rather than in hostels and nursing homes". What a very laudable statement, Madam Speaker. Unfortunately, she forgot to say that she has virtually frozen funds to the home and community care program, the HACC program, at the 1991-92 levels at a time when she herself says that our ageing population is increasing, and increasing quite dramatically.

The Commonwealth has understood that these services are absolutely essential for the ageing population all over Australia, and they have made more money available on a dollar-for-dollar basis to the State governments. But has the ACT picked that up? No, they have not. Why? Simply because they do not care. They do not care about our ageing population. The Commonwealth Government has made more money available, because they understand that more money needs to go into home and community care services. What is the outcome of this funding freeze by the ACT Government? What has happened? Obviously, we have waiting list problems in our home and community care area. It is hard to get house cleaning services. At times it is almost impossible to get your grass cut. In fact, little old ladies are living in darkness because they cannot change a light bulb.

Mr Kaine: There will not even be a number to call in May, because they will have closed up office.

MRS CARNELL: That is right. Why? Because there just is not any money left in the HACC program. That is because the ACT Government has not made money available. The Chief Minister goes on to say that she is very proud that only 3 per cent of older people are in nursing homes and 4 per cent in hostels. The reason only 3 per cent and 4 per cent are in those establishments is that there just are not any beds for them. The ACT Council on the Ageing say that there are over 40 people currently waiting for beds in nursing homes in the ACT. Those are people who are in all sorts of difficulty waiting for those beds.

Why are people waiting? Because no sensible decision has been made on the Jindalee nursing home. How often in this place have we debated what should happen with Jindalee? The Council on the Ageing say that COTA has reports from residents and their carers that Jindalee is not meeting the individual needs of residents; that there is an obvious lack of occupational and diversional therapy; that good nutrition is a problem; that personal care is a problem. Yet no decision has been made on the Jindalee nursing home, even though two Assembly reports have suggested that Jindalee at least partially, if not totally, must be sold and that a stand-alone facility or two facilities should be built. Nothing has happened, except that the standard of care at Jindalee has continued to decrease because there are funding problems.

What happens to elderly people who need health care in this Territory? They go on waiting lists. They go on waiting lists that are approaching 4,000. It is regularly our elderly who are suffering most, because it is regularly those people who are on elective surgery lists. Elective surgery can make the difference between whether you can live on your own and whether you cannot; but unfortunately, if you cannot live in your own home, there is nowhere to go. That is the reality for the ageing in Canberra.

What happens if you are lucky enough to actually get a hospital bed? You are discharged very quickly. Mr Berry has often said, "Is it not wonderful? We are discharging patients quicker". It is wonderful. But what happens when they go home? Where is the respite care? There is not any. Where are the HACC services to help them stay at home after they have been discharged from hospital substantially quicker than they have in the past? There simply are not any. Again, those are comments not from me but from the Council on the Ageing. They are saying that there just must be services. What services? Of course, the convalescent unit that has been promised by every government that has looked after this Territory since self-government. What do we have? Nothing.

Mr Berry tells us that the convalescent unit is no longer on the agenda - not in the foreseeable future, anyway. So how can you discharge people from hospital when there is nowhere for them to go and there are no services at home? It is simply impossible. That is what we are doing to our elderly people, to our ageing people, in the ACT. We must be willing to have more than just a plan, more than just an interdepartmental committee. I was fascinated by Ms Follett's comments on her plan. She says, "We will have a three-year draft" - and I stress the word "draft" - "forward plan by October this year". She gives absolutely no timeframe for the real plan. By the time we have a plan it will all be too late. It will certainly be after the next election. Then, of course, she will not have to do anything, because she will not be in government to do it - which will be a very good thing for the ageing in Canberra. This statement is just a sham. I think the Chief Minister should have said nothing today. It would have served her better.

Question resolved in the affirmative.

ANSWERS TO QUESTIONS ON NOTICE

MADAM SPEAKER: Members, I would like to respond now to the question that Mr Cornwell put to me earlier. First of all, Mr Cornwell, I would like to point out that the provisions of standing order 118A actually refer to a Minister. I do not fit that category. The standing order as it currently stands does not include me. That is just a point of clarification. However, we do endeavour to give these answers on time.

I apologise for an unintended slur on my secretariat staff. I never did actually receive a question, but I was informed that a question was in the pipeline. I recall that there was a question in the pipeline, and obviously it was the one that you were referring to, Mr Cornwell, relating to Christmas cards. I am very pleased to say that the answer is here, and I have authorised it for release to you. That is that problem solved.

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MR CORNWELL: Madam Speaker, I seek leave to speak briefly on the matter that you raise.

Leave granted.

MR CORNWELL: I accept the predicament about whether the Speaker is a Minister; but, if we have the option to ask you questions, then standing orders might need to be examined to see whether we can accommodate this difficulty somewhere along the line.

MADAM SPEAKER: That is right. That is indeed the logical conclusion, Mr Cornwell, and perhaps my Committee on Administration and Procedures should undertake to follow that up.

MR CORNWELL: Thank you.

MADAM SPEAKER: Here is the answer, Mr Cornwell, and I am happy to forward it to you.

MR CORNWELL: Thank you.

CANBERRA CLINICAL SCHOOL Ministerial Statement

MR CONNOLLY (Attorney-General and Minister for Health): I ask for leave of the Assembly to make a ministerial statement on the establishment of the Canberra clinical school.

Leave granted.

MR CONNOLLY: Madam Speaker, it is with some regret that I am delivering this ministerial statement today. As you are aware, the Canberra clinical school is now a reality. It is a great achievement and one which my predecessor, Mr Berry, brought to fruition. He can rightly claim satisfaction in seeing it take place. Madam Speaker, the second Labor Government agreed in principle to the establishment of a clinical school that would place a strong emphasis on primary and aged care services. This emphasis was intended to ensure that medical education would be balanced and would expose medical students to all levels of health service delivery.

A negotiating team was established to consult with key stakeholders as well as interested persons and organisations and to develop a vision for a clinical school in the ACT. The Government agreed to the signing of a memorandum of understanding with the University of Sydney, which is, of course, one of Australia's most long-established and respected medical faculties. The memorandum gave effect to the establishment of the clinical school and was signed on 2 March of last year. It was stated in the memorandum of understanding that the clinical school would be administered by an associate dean who would be a professor of the University of Sydney responsible through the dean of the faculty of medicine in that university to the senate of that university.

The position of dean was subsequently interviewed for in November 1993 and the successful applicant, Professor Paul Gatenby, has now taken up his appointment within the Canberra clinical school and is currently at Woden Valley Hospital. Professor Gatenby comes to the ACT well qualified for his position. For the past 20 years Professor Gatenby has taught both undergraduate and postgraduate medical students at the Royal Prince Alfred Hospital in Sydney.

Madam Speaker, the establishment of the Canberra clinical school is a matter of great significance to ACT health. It will provide a dimension that has not previously been available to our hospitals. It will provide the ACT health system with the opportunity to integrate services to patients, teaching and clinical research faculties within a new organisational framework. Firstly, this framework will be reflected within both hospitals and then, by embracing community services within that structure, a completely integrated system of patient care will be developed across all ACT health services.

The Canberra clinical school will have a primary focus on the continuum of client care, including domiciliary services, in a variety of publicly funded health facilities such as the community and aged care facilities. Training will take medical students through primary and preventative care to the acute stages of illness and post-acute care. Therefore, the overarching principle for the clinical school in the ACT will be to ensure that health care is focused upon the total needs of clients. This integrated system will be complemented by a new proactive approach to clinical teaching and also by the evaluation of, and research into, health outcomes and health related interventions.

Research is an intrinsic part of a teaching hospital, and the establishment of a clinical school will certainly lead to increased opportunities in the ACT for medical research into health science and related areas. The establishment of the school will also stimulate greater links between locally based researchers in health related fields and those undertaking research and development in advanced technology in the ACT. Both the John Curtin School of Medical Research and Woden Valley Hospital are at the forefront of research in the medical field. With the establishment of the clinical school will come enhanced opportunities for discoveries in, and advancement of, medical science. As well, existing links with the National Centre for Epidemiology and Population Health and with the University of Canberra and the Australian National University will be strengthened by the advent of the clinical school.

It is also expected that with the establishment of the clinical school local firms will develop a stronger focus in the areas of diagnostic services, pharmaceutical and equipment supplies and advances in biotechnology. All the different research bodies will be winners in this process, and there are opportunities for the clinical school to attract private sector endowments and sponsorships to advance specific research projects. It is a well-recognised fact that when general hospitals become teaching hospitals there is a significant increase in morale and sense of purpose. The presence and stimulus of students help to inspire greater creativity, and a greater emphasis is placed on accountability.

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The next task in the establishment of the school is the selection of crucial members of academic staff. When the school is fully established it will consist of eight academic units: Medicine, surgery, obstetrics and gynaecology, paediatrics, psychiatry, diagnostic services, primary care and, importantly - given the Chief Minister's recent statement - aged care. We will have a speciality in aged care. The creation of the school will lead to the appointment of a further six to 10 highly qualified people to the hospital, which in turn will increase the overall level of expertise available to the community in both the ACT and surrounding regions. It is essential that these appointments be made as soon as possible, both to expedite the development of the clinical school and to meet the urgent needs of certain disciplines within the health system.

It is envisaged that the process of establishing the school will be divided into two phases, the first being the setting up of a program that can deal with the final three clinical years of the current six-year course at the University of Sydney. This phase will commence from the beginning of 1995 and will include the development of a curriculum for undergraduate medical students at teaching venues which will come under the auspices of the Canberra clinical school. The second part of the process will be the introduction of the four-year postgraduate degree in 1997, which will obviously provide a further professional development opportunity for medical professionals in Canberra. A postgraduate program will build on the existing research and development strengths of the ACT medical community, particularly those existing in the well-developed community medicine network and the John Curtin School of Medical Research.

Mr Deputy Speaker, the establishment of the clinical school will bring a number of other benefits to the ACT. Up to 90 students will eventually be taking up places in the ACT, and there is a possibility of attracting overseas students who will enrol or are enrolled in the school of medicine at the University of Sydney to further their training here in Canberra. This will impact on the local economy through the provision of accommodation and services for students. The Canberra Business Council believes that the establishment of the clinical school will also have a considerable multiplier effect on Canberra's employment base.

Mr Deputy Speaker, with the commissioning of the major components of the \$172m redevelopment project for the Woden Valley Hospital and the establishment of the Canberra clinical school as part of the faculty of medicine in the University of Sydney, Canberra has now been provided with a unique opportunity to develop and augment centres of medical excellence. The development of these centres of excellence will be based on the delineation of roles between hospitals and a coordinated approach to the provision of a continuum of care and services to the health clients of the ACT and surrounding regional New South Wales. Mr Deputy Speaker, I intend to take every advantage of these opportunities to improve the health services and the overall well-being of the people of Canberra and the surrounding region. I present a copy of this statement and move:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (4.00): I add my total support to the clinical school proposal. It is something that, as the Minister knows, the Opposition has supported right from its inception; in fact, as far back as the Board of Health days I was interested - - -

Mr Berry: Then why did you not do it when you had government?

MRS CARNELL: Because it was not on the agenda then.

Mr Berry: Yes, it was.

MRS CARNELL: It was being put there by the Board of Health, of which I was part. Mr Berry, if I were you I would not say anything, because we all know what your view was at that stage.

Mr Berry: That we did not need the Board of Health, did you say?

MRS CARNELL: That you did not need the clinical school as well. Finally, you saw the light, and I was very pleased about that.

I was very pleased today to hear the new Minister speak about the need to attract private sector endowments. I would like to use this opportunity to encourage the Minister to spend a little more time and to lend his support to the establishment of a private sector foundation associated with the clinical school - something that a number of people have been trying to get off the ground for a very long time now but which lacked the support, or seemed to lack the support, of the previous Minister. A private sector foundation is very important and is very much a part of other clinical schools around Australia. If we are to attract private sector endowments, to quote the Minister's speech, we are going to have to show that every member of this Assembly is totally behind the clinical school and that the Minister, particularly, is willing to get out there and market this proposal to the various entities that are likely to want to give us some money. This is the last clinical school that is likely to be established in Australia, at least in the foreseeable future, and I think we have a great capacity to attract private sector operations, drug companies and companies that provide technology to hospitals, if we are willing to give them the kudos for making substantial donations - something that the ACT, I am sure, would find very beneficial.

There have been, over the last couple of years, a number of meetings of interested parties to set up this private sector foundation. I am sure the Minister will find that there are a number of very influential people in this city who are very willing to be part of that if the Minister comes in and lends his support. I think that is the one thing - - -

Mr Berry: It has been done already, Kate.

MRS CARNELL: I know that it has, because I was at the meetings.

Mr Berry: Why did you not admit it instead - - -

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MRS CARNELL: No; I was at the meetings, at almost all of the meetings. I could not manage a couple of them. I noticed that you were not. This private sector foundation has been languishing and it does need a kick-start, Minister. I urge you to go down that track.

MR BERRY (4.03): I just cannot help but have a little one also on this subject. This is a feather in the cap of a Labor government. It is the only government that has had the courage to take on this issue. It was something that was first raised with the first Labor Government in 1989 and I expected that over time it would have germinated, as it has done. But that Labor Government was interrupted in terms of its pursuit. The Liberal led Alliance Government came into office and the great lead in the saddlebags as far as the Liberals were concerned, Mr Humphries, came onto the scene. No matter how much pressure could have been put on Mr Humphries, no decision was possible.

That conservative alliance fell apart and Labor came to office again. This issue was identified as the only way that the culture in health was going to be changed in any meaningful way for the future in the ACT, so it was embraced by the Labor Party. It was an election promise, as I recall, and it has been delivered. As much as it may gall you, it has been delivered. This germinated during the period of a Labor government in real terms and it has been delivered.

As far as the health foundation or whatever name it might assign itself is concerned, that is recognised as something that will deliver benefits to the health service, but the health service will not depend on a foundation. It will be a government owned health service which provides services to the people of the Australian Capital Territory. You have to let that sink in. It will be a health system which has as its main aim the development of quality health professionals who deliver services to the Territory. It will also have as an aim attracting people who have studied within the system to stay in the ACT in order that we can continue to attract more academically qualified professionals to the Territory.

One other very important issue that I think needs to be talked about is the type of service we now have as compared to other States, and as compared to what would be desirable in the future. This clinical school will be developed across the health system. It will not be confined to a single hospital; it will be developed right across the health system and will be involved at the community level. That is very important. It is important that we drag ourselves away from some of the old-fashioned institutions that had been developed in the past. At the same time we have to overcome some of the historic errors, such as having had to rely almost entirely for our medical professionals and specialists on the private sector. So there will be a move to salaried specialists within the system. By its very nature that will be required as chairs and senior lecturers of the various specialties and so on are appointed and as more salaried professionals begin to work within the hospital system. So in that respect there will be a swing to the public sector.

It seems to me that the Liberals, with their infatuation with all things private, might then be critical of the Government because there has been a swing to the public sector in terms of salaried health professionals, but we will be waiting here to justify the position as it develops and as a better health system develops for the people of the Territory.

There is no question that as we move down that path of more salaried specialists and professionals within our system it will become better; but there will be some difficulties out there in the private sector because some of the work that they now enjoy within the public system will move into the public sector.

I trust that we will be able to do that with the help of those people out there in the medical profession who are interested in the development of our clinical school. I hope that they will join with the Labor Government, which is, of course, committed to the public system. I hope that they will join with us with a view to making sure that the system works better; that the clinical school becomes an accredited place in the scheme of things across Australia and remains that way. I trust that it also ends up with the support of those people in the private sector.

There will be a transition and it will mean that some of the people who now have influence will not have as much influence in the future, but I know that forward-thinking medical professionals out there want to see something happen in the future in the ACT. They can see that if we continue along the path that we are now on there is no real future. I think the community needs to recognise the importance of the clinical medical school. I do not think they do at this point, and I would urge my colleague Mr Connolly to continue to wave this flag of the clinical medical school. Once the community sees more of it, I think they will grow to understand the great significance of it as far as the future of our health system is concerned.

People who need to use the system at any given time are not worried about whether this is called a clinical medical school or some other fancy title that goes with a health system. All they want is a proper standard of care. I know that as time passes, with this clinical school, they can be guaranteed that the standard of care will improve. That is not to criticise anybody who is now working within the system. It is merely to say that a new and better public health system is evolving. The reason why it is evolving is that a Labor Government has decided to take the big step, and it was a big step.

Mr Humphries: You did not want to do it. You were dragged, kicking and screaming.

MR BERRY: It was a big step because we had to think about the costs involved, and they have been thought about. Mr Humphries is fidgeting around on his chair. For all of the period of the Alliance Government that he sat in the Minister's chair he did not have the courage to do it.

Mrs Carnell: You said that you were not going to give those rotten doctors one thing.

MR BERRY: He did not have the courage to do it. So who did it? What galls them most is that it was the Labor Party that did it. We promised the electorate that we would do it. This is just another promise that we have delivered, to join all those other wonderful promises that are now being enjoyed by the community here in the Australian Capital Territory.

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Mrs Carnell: Waiting lists, no beds.

MR BERRY: Gall you as it may, and make you fidget on your chairs, it is a matter of fact and something that we are very proud of. I just hope that you have the good grace to join with us and be proud of it too.

MR HUMPHRIES (4.12): Mr Deputy Speaker, I cannot let those comments by Mr Berry pass. I can recall very distinctly sitting in this chamber when the Alliance Government began to get the ball rolling on a clinical school. Late in the Alliance Government's term there were discussions and there were plans being laid down for the establishment of a clinical school. As I recall - I would stand to be corrected on this matter - I was the first Minister to make a statement in this place about clinical schools and the need for that to happen.

Mr Berry: Somebody will drag out the papers which show that you did nothing.

MR HUMPHRIES: It makes Mr Berry a little bit uncomfortable that someone else did get the ball rolling on this before him, but that is understandable. I can see that he is a bit tender at the moment, Mr Deputy Speaker, and we over on this side of the house want to go a bit soft on him. I can very clearly recall Mr Berry responding at the time to some comments about training doctors in the ACT. His comment was, and I am sure that this is in *Hansard* somewhere, "Why do we need to train any more doctors here anyway?". That was Wayne Berry. That was the man who has just said what wonderful news this Government is delivering by providing a facility to train doctors.

This is also the man who has hoed into doctors at every available opportunity. I wonder how he gets his cough looked at by a doctor or his ingrown toenail taken out. Frankly, he must hate doctors with a vengeance. In fact he does hate doctors with a vengeance. Mr Berry is not happy in his heart of hearts about this development. He knows that this facility will mean the training of doctors in the ACT, and it may mean that we have better access to doctors. I think that is hardly likely to please Mr Berry. He, of course, is privately insured, as we know, and will have no difficulties in securing the services of doctors when he needs them, unlike many of those people who stood on his waiting lists and had to face long delays in getting access to doctors in his public hospital system.

Mr Deputy Speaker, I think all of us around this chamber know what Mr Berry's real feelings are about the clinical training of doctors in this Territory. We do welcome the proposal to have a clinical school in the Territory. We are pleased to see that the idea that we were so keen on some time ago is finally coming to fruition. We hope, Mr Deputy Speaker, that this Government's action on this matter does not experience the delays which have been so characteristic of the Labor Party in the last three years.

Mr Berry: Show me the decisions, Gary. You cannot show them.

MR HUMPHRIES: I made a statement about it, Wayne.

Question resolved in the affirmative.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MRS GRASSBY: I present report No. 5 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement.

Leave granted.

MRS GRASSBY: Report No. 5 of 1994 contains the committee's comments on six Bills, two pieces of subordinate legislation and one Government response. I commend the report to the Assembly.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Draft Residential Guidelines**

MR DE DOMENICO (4.16): Mr Deputy Speaker, I ask for leave to move a motion concerning the printing and circulation of the report of the Standing Committee on Planning, Development and Infrastructure on the draft residential guidelines for Area B2: Kingston/Griffith and the draft residential guidelines for Griffith/Red Hill/Deakin/Forrest historic areas.

Leave granted.

MR DE DOMENICO: I thank the Assembly. I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning, Development and Infrastructure has completed its inquiries into the draft residential guidelines for Area B2: Kingston/Griffith and the draft residential guidelines for the Griffith/Red Hill/Deakin/Forrest historic areas, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

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Mr Deputy Speaker, the reason for this motion is straightforward. Members are aware that the Standing Committee on Planning, Development and Infrastructure is currently examining draft residential guidelines for two specific areas of Canberra - the Kingston/Griffith area known as area B2, and the Deakin, Griffith, Red Hill and Forrest historic areas. The committee expects to report this week on area B2 guidelines, and to report in the near future on guidelines for the historic areas. Whilst the committee's reports are directed to the Minister for the Environment, Land and Planning, who has kindly referred the draft guidelines to the Planning Committee for our input prior to his making a final decision on the guidelines, the committee has undertaken to table its reports in the Assembly for the information of members.

In order to ensure that the committee's report is able to be circulated promptly, even if the Assembly is not sitting, and to ensure that the report is appropriately covered by privilege, the committee, at its meeting last week, authorised me to seek leave of the Assembly to move the motion before you. Mr Deputy Speaker, I commend the motion to the Assembly.

Question resolved in the affirmative.

STANDING AND SELECT COMMITTEES

Membership

MR BERRY (4.18): I seek leave to move a motion to discharge and appoint members from and to the Standing Committee on Planning, Development and Infrastructure, the Standing Committee on Tourism and ACT Promotion, and the Select Committee on Establishment of an ACT Public Service.

Leave granted.

MR BERRY: I move:

That:

(1) Mr Lamont be discharged from attending the Standing Committee on Planning, Development and Infrastructure and Mr Berry be appointed in his place, and that paragraph (2) of the resolution of appointment of 27 March 1992 be amended by adding at the end of the paragraph the following words, "and that Mr Berry be appointed as Presiding Member of the Standing Committee on Planning, Development and Infrastructure".

(2) Mr Lamont be discharged from attending the Standing Committee on Tourism and ACT Promotion and Mr Berry be appointed in his place.

(3) Mr Lamont be discharged from attending the Select Committee on Establishment of an ACT Public Service and Mr Berry be appointed in his place.

Madam Speaker, this merely has the effect of appointing me in place of Mr Lamont to all of those committees where Mr Lamont had previously served. I do not need to elaborate on the matter any further.

MR DE DOMENICO (4.20): Madam Speaker, the Liberal Party will be opposing the part of that motion that automatically makes Mr Berry the chairperson of the Planning, Development and Infrastructure Committee.

Mr Connolly: "We are not vindictive, but ...".

MR DE DOMENICO: Mr Connolly, you are quite correct; we are not vindictive at all. As Mr Connolly is also aware, it is the prerogative, we believe, of the committee to elect its chairperson. I imagine that if Mr Berry were to be a candidate for that position he might be successful. For Mr Berry, in particular, to stand up and move a motion which says, in part, "I am automatically going to be chairman of the committee", is utter nonsense. As I recall, when Mr Lamont was placed on that committee he was elected as its chairman by the committee, not by the Assembly, or Mr Berry, or anybody else.

This is a very strange precedent. I can recall only one other time that it happened - the first year that Ms Szuty was elected by the Assembly, inadvertently, as chairperson of the Estimates Committee. Ms Szuty, in the meantime, has been re-elected time and time again as that committee's chairperson, but that did not require a resolution of the Assembly. I suggest, Madam Speaker, that Mr Berry, like any other member of this Assembly, should risk his chances, or not risk his chances, whatever the case may be, on the floor of the committee meeting. As I said, I am quite confident that Mr Berry will be elected chairperson of the committee; but it is the committee that will elect its chairperson, Madam Speaker, not the Assembly, or Mr Berry.

MR MOORE (4.21): Madam Speaker, we are waiting for that motion to be circulated. My understanding from my discussions with Ms Szuty was that we would see Mr Berry as chair of that committee. The interesting thing, Madam Speaker, is that up until now these issues have been negotiated in the Assembly, and appropriately so. The difficulty with the Assembly appointing the chair is that, should the committee have real difficulties with the chair, the committee has the power of removal. For that reason, Madam Speaker, once the motion is circulated, it would be sensible to seek to amend that small part of Mr Berry's motion. We can then ensure that the committee goes ahead with the normal process. Mr Berry may be chair of that committee. The debate is not over whether he should be chair of the committee or not. It is something we would normally resolve quietly among ourselves, as has been our practice this period. I would have been very happy for Mr Berry to circulate an amendment.

I now have the motion in front of me. We only need to delete a few words and then that matter can be resolved in the committee in the normal way. It is just a matter of deleting a few words.

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Mr Berry: What about the Estimates Committee?

MR MOORE: Mr Berry draws attention to the precedent set in terms of Ms Szuty and the first Estimates Committee. I think at that time we recognised that it was a far better process, if we can use it, to appoint the committees and then allow them to elect their chairs. There is a major difference, of course. The Estimates Committee is a select committee, and we are talking now about a standing committee of the Assembly. There is a difference there; nevertheless, I think it is appropriate that we ensure that we do this in the best possible way. I accept that the outcome in this instance will be the same; nevertheless, it is important that we deal with it appropriately. I therefore move the following amendment:

Paragraph (1), omit all words after "place".

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.25): Madam Speaker, first of all, may I place on record my appreciation for the letter I received this day from Mr De Domenico, on behalf of the Planning, Development and Infrastructure Committee, in which the committee expressed its appreciation to me as the former chair. May I again place on record my appreciation for the close manner in which that committee has worked, and will continue to work, I am sure, in the remaining term of this Assembly.

Madam Speaker, I rise to object to the principle put out by Mr Moore's amendment and to support the thrust of the original motion. About two years have elapsed since members have had to deal in this forum with the question of chairs of committees. I think members opposite will recall that we appointed particular people to chair particular committees in advance of those committees having met. May I also say that, upon the resignation of Mr De Domenico from the position of chair of the Standing Committee on Tourism and ACT Promotion and his being replaced by Mr Westende, it was understood and acknowledged that Mr Westende would replace him as chair of that committee. That is the simple fact. What we are proposing here, in my view, is a continuation of the practice of replacing one particular chair with a chair from the Independents when an Independent was chairing the committee, or a member of the Liberal Party when a Liberal Party member was chairing the committee, or the Labor Party when a Labor Party member was chairing the committee. That is simply the principle.

It is wrong for anybody to suggest that this Assembly does not have that right. It is, in fact, allowed for. I would go one step further. I believe that it is the right of this Assembly, when it so chooses, to make such an appointment. The proposition being put up is to replace a Labor chair with a Labor chair. I see nothing wrong with it. It is, in fact, what one would hope would happen if the committee did meet. One would hope that the committee would maintain the balance that was negotiated over two years ago. That is the position that I believe we should end up with at the end of this day. I believe that what Mr Berry's motion outlines is the appropriate way to proceed.

MR HUMPHRIES (4.28): Madam Speaker, I think Mr Lamont has entirely missed the point. The Assembly undoubtedly has the power to appoint chairs of committees if it so wishes; but it very rarely, if ever, exercises such a power.

Mr Lamont: It does so in unusual circumstances.

MR HUMPHRIES: Mr Lamont, you have not established that unusual circumstances exist in this case. With great respect, Madam Speaker, the practice on every other occasion in the life of this Assembly, and as far as I can recall in the life of the First Assembly as well, when a chairmanship has changed hands - that is, when a person has retired from a committee, or left a committee for whatever reason, elevation to the ministry, or whatever - has always been that the committee itself has elected the replacement person. That is the practice. That is the procedure which has always been followed before. If Mr Lamont can cite an example where it has not happened that way, I am very happy to take his interjection right now; but he cannot.

Madam Speaker, there was one precedent for the Assembly appointing a chairman of a select committee which was being set up. That is the committee to which I think Mr Moore has already referred, the Estimates Committee. That was exceptional, and in fact the practice was discontinued. We have not appointed an Estimates Committee on the same basis since that time. That, I think, is an appropriate way to proceed. The Assembly committees must have the appropriate power over the management of their own functions and their own affairs. They cannot do so if the Assembly has imposed some structures from above.

Mr Lamont: But you have one member being replaced on every committee by another member. That is unusual.

MR HUMPHRIES: Mr Lamont misses the point. The fact of life is that if for some reason the Planning, Development and Infrastructure Committee decided in the future that it did not wish to continue with that structure - I am not suggesting that it is going to do so - indeed, if any committee of this Assembly decided to change its structure, it has the right to make its own chairmanship changes. It has that right, and it has always exercised that right.

Mr Lamont: And it can be overturned by the Assembly.

MR HUMPHRIES: Indeed, it can; but the first choice is made by the committee, not by the Assembly. Madam Speaker, it is a very unfortunate precedent. It is not even a precedent that the Government has followed. There have been many motions in this place to change the membership of committees and the Government has not previously, except for that one exception, sought the passage of such a motion by this Assembly. I ask, Madam Speaker, that that precedent be respected.

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MR Kaine (4.31): Madam Speaker, I wish to speak in support of the amendment moved by Mr Moore. Madam Speaker, I think that, still being a fledgling legislature, we need to be careful how we behave. We have some standing orders that prescribe some things, and there are other things that are not so prescribed. In the short four years that we have been in existence we have begun to develop some procedures, some conventions. One of those conventions up until now has been that the Assembly elects people to committees, and the committees determine their own chairmanship. It is becoming, I submit, a convention. There was one aberration, and I am not certain how that happened. I remember thinking at the time that the notion of the Chief Minister putting forward nominations for the establishment of an Estimates Committee, and the Chief Minister nominating the person that she wanted to chair that committee that was set up to examine her budget, was a little strange. I do not know the justification, or why that was done. It has never been explained to me as a member of this Assembly.

For some reason Mr Berry wants to set aside the convention that has been in place for four years. He has not given us any explanation as to why he wants to do that. Is it that Mr Berry is concerned that he may not be elected chairman by the committee? Is he so lacking in self-confidence that he does not believe that he has the confidence of the other members of this committee? Does he not believe that they would be prepared to stick by convention and allow him to occupy the chair and continue the work that Mr Lamont has done? Nobody has said anything to me, since Mr Lamont stepped down as chairman of the committee, that would suggest that anybody else on the committee has designs on the job. To be quite honest with you, Madam Speaker, everybody that I have spoken to has generally been in agreement with the proposition that Mr Berry should take the chair. Why then is he seeking to embed, in a motion to be adopted by this Assembly - - -

Mrs Grassby: Why are we wasting time?

Mr Humphries: You are missing the point.

MR Kaine: This is the point. Listen to me, Mrs Grassby. We do not need this motion. I submit to you that it would set aside the convention that we have established and create a precedent. Every time there is an occasion when the chairmanship of a committee needs to change the Assembly will assume the prerogative, over and above the prerogative of our committees, to determine who the chairman is going to be.

There is one other aberration in our committee structure that is not the case anywhere else in any parliament that I know of, and that is the unusual convention that the chairmanship of the Public Accounts Committee is occupied by a member of the Opposition. If we establish this precedent, is the Government tomorrow going to move a motion that I stand down as chairman of the Public Accounts Committee and that the Assembly appoint somebody else? I do not think that that is a very good precedent to set.

Mr Berry: You will have to teach us how to make eight grow into nine.

MR KAINE: Mr Berry, you clearly are operating from a position of self-interest. I cannot think of any other reason why you are putting forward this motion, unless you can explain it. You have had your chance and you did not explain it. I do not believe that it is an appropriate way to go. I think that we need to accept the fact that there are some conventions that have been established already in the short life of this body and we should stick with them unless there is good reason put forward for not doing so. I submit that no reason has been put forward for not doing so. It is a convention that I accept as a very legitimate and honourable one. There has been no suggestion that Mr Berry would not achieve the objective that he has set for himself - none whatsoever. In fact, I rather take exception to the implicit assertion in this motion that he does not trust the other members of the committee to do the right thing. I think that is an unwarranted implication and I take exception to it. For that reason I support Mr Moore's amendment to this motion.

MR CORNWELL (4.36): I paused a little before I stood. I would have thought that one of the Government members would have risen to defend their position, but I think they probably realise that it is untenable. It seems to me that there is a certain desperation in the motion that has been moved and that they do wish to ensure that there is no question that Mr Berry obtains the chairmanship. As a member of the Planning, Development and Infrastructure Committee, I demand my right to have a choice as to the chairman of that committee. I do not support the view that this Assembly should make that decision.

I think this whole debate is very petty and silly. It is wasting the time of the Assembly. A very silly and petty person and a very silly and petty party put forward this motion that led to this debate in the first place. I accept that there have been understandings in relation to chairmanships of committees and they have not been broken, as Mr Kaine quite rightly states. The conventions have been maintained.

I would not want to see a precedent created here in this case, because the situation could change at some time in the future. We still have a minority government. I would remind the ALP that you are a minority government in this Assembly. What would happen if the numbers were so close, perhaps eight all, with one Independent? If the Assembly was making these appointments to committees the Government could quite easily do a deal - or the Opposition, for that matter - and take all committee positions. I do not think that would be in the spirit of the Assembly. It is certainly not in the spirit of the very short history of this place since 1989. Therefore, I think we should adhere to the arrangements that we have put into place. Mr Berry, I am not terribly concerned about whether you are chairman of the PDI Committee or not. I suppose my concern really extends to the fact that you are on the committee at all.

MS ELLIS (4.39): Having listened very carefully to the debate, I think that if I quite happily say, as a member of the PDI Committee, that I am not a candidate for the chairmanship we might be able to resolve the matter right now. The outcome may be far more expedient than it appears it otherwise could be.

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MR BERRY (4.39): It is interesting that nobody seems to be able to understand the reasons why this motion has been put forward.

Members interjected.

MR BERRY: I will give you the reasons and then you will understand. My job is to try to detect from discussions with you lot where you stand in relation to individual matters. Throughout the course of this morning, and perhaps this afternoon in respect of some members, I spoke to individuals who represent a particular view or group. I have taken the time to speak to both Mr Moore and Ms Szuty so that I did not confuse them on the issue of who would be appointed to the committee. My understanding from the discussions with both of them was that the proposal which the motion sets out to achieve was acceptable to them.

Ms Follett: And you believed that?

MR BERRY: I believed that. Similarly, and not so long ago, I believed them on one score too, which I found to be a mistake. Anyway, in relation to Mr Stevenson, I admit to not talking to Mr Stevenson.

Ms Follett: He is not here.

MR BERRY: Mr Stevenson is not here.

Mr De Domenico: Yes, he is.

MR BERRY: He is here. I withdraw that unequivocally.

Mr Stevenson: Thanks. That is two in a row.

Mr Kaine: He is here but he is not here, if you understand.

Mr Lamont: He is outside the chamber, so he is not here.

MR BERRY: Indeed. I expect that Mr Stevenson will vote with the Liberals, as he has done on 98 per cent of occasions when it comes to divisions anyway. In relation to the Liberals, I spoke specifically to Mr Humphries, who is the Whip, in relation to these matters and pointed out what I proposed to do in the course of these proceedings. After talking to all of these people and not finding any specific objections in - - -

Mr De Domenico: That is not true.

MR BERRY: I say that I spoke to Mr Humphries, and I think Mr Humphries will say that he agreed with me, because I could hear him munching a sandwich.

Mr De Domenico: That is what you said last Tuesday night.

MADAM SPEAKER: Order!

MR BERRY: Okay; we can agree to disagree, and nothing on which I deal with Mr Humphries will be done without it being in writing in future. That is the way you do business. You will have to do it in writing, or Mrs Carnell will have to appoint somebody who is more honourable.

Mr Humphries: Madam Speaker, I would ask that Mr Berry withdraw that comment.

MADAM SPEAKER: Yes, Mr Berry. You will have to withdraw the improper imputation.

MR BERRY: I withdraw that, Madam Speaker. If Mrs Carnell cannot appoint somebody I can deal with and can expect to stick to their word, I suggest that she appoint somebody else. Mr De Domenico was dumped from that position for the same sort of behaviour.

Mr Humphries: Madam Speaker - - -

MADAM SPEAKER: Just a minute, Mr Berry. We have another point of order.

Mr Humphries: Mr Berry clearly implies that I am not a person of my word, and I ask that it be withdrawn. I have never told Mr Berry anything of the sort that he is suggesting.

Mrs Grassby: It is true. It is your word against his word.

Mr Humphries: That does not make what he says true.

MADAM SPEAKER: Order! Mr Berry is well aware of imputations against a member being improper. Please withdraw that, Mr Berry.

MR BERRY: I withdraw that. I will say what I said to Mr Humphries. I pointed out to Mr Humphries what I intended to do. It is in keeping with the motion which is before this chamber. My recollection of the discussion was that Mr Humphries said, "That would be okay", or words to that effect. If that implies that he is dishonourable, that is a problem he is going to have to deal with, not me. So, Mr Kaine, now you know why I came to the view that I did, because I would not
- - -

Mr Kaine: No, I do not, I am afraid, Mr Berry.

MR BERRY: One thing I have grown to understand in the last little while is that eight cannot beat nine. Whatever you might think about me, do not ever think of me as being stupid, because I can work these things out. In relation to this matter, I do not know why people are so agitated about it, because it is precisely as I discussed with people this morning. It might present some underlying view that I am not aware of. Are you saying that I did not talk to you?

Mr Moore: That is not what I said at all.

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MR BERRY: No, my word; because I did talk to you.

Mr Moore: I shall explain under standing order 47 when you finish.

MR BERRY: No; I spoke to you and I told you what I was going to do.

Mr Moore: No, you did not.

MR BERRY: I told you that it was my intention to be the chair - - -

Mr Moore: You are misrepresenting it, and you know that you are.

MR BERRY: No.

Mr Moore: And I am supporting everything that you told us.

MR BERRY: I told you that it was my intention to be the chair of the Planning Committee.

Mr Moore: You intended. No, you did not.

MR BERRY: And you agreed.

Mr De Domenico: He is not even on the Planning Committee.

MADAM SPEAKER: Order!

MR BERRY: Ms Szuty and I discussed the matter, and I told Ms Szuty, as a result of that discussion, that it was my intention to be the chair of the Planning Committee, and she agreed.

Mr Kaine: Keep this up, Wayne, and you will not even get on the committee, mate.

MR BERRY: That is fine. I cannot, for the life of me, understand what all the agitation is about. I know what the numbers are and I will accept the outcome, as I have to; but I cannot help feeling that there is still a little bit of spite lingering there somewhere. If that is the way you play the game, we can learn to cope with that; but in future, Mrs Carnell, your Whip will be spending a bit of time behind the typewriter because I am not going to accept anything from him unless it is in writing.

MR MOORE: Madam Speaker, I would like to explain a misunderstanding under standing order 47.

MADAM SPEAKER: Proceed, Mr Moore.

MR MOORE: Madam Speaker, it is true that I knew of Mr Berry's intention today to present a motion about Mr Lamont being discharged from the committees and Mr Berry being appointed to those committees. That is true. The misunderstanding is that the question of who was to be the chair was not discussed between Mr Berry and me, although I had discussed the issue with Ms Szuty and we both agreed that we were very happy for Mr Berry to be chair of the committee.

The misunderstanding is about what is in this motion. My understanding from Mr Berry of what was to be in the motion today - he did not give us a copy - was just a changeover of the members. I also understood that the committee would then, by general agreement, elect Mr Berry as chair of the committee. The amendment that I have put up is totally consistent with the discussion that I had with Mr Berry. That is why, Madam Speaker, I felt it necessary to correct any misunderstanding that may have arisen from Mr Berry's speech.

MR HUMPHRIES: Madam Speaker, I wish to make a personal explanation under standing order 46.

MADAM SPEAKER: You may proceed, Mr Humphries.

MR HUMPHRIES: Thank you, Madam Speaker. I would like to relate the approximate terms of a conversation I had with Mr Berry yesterday by telephone.

Mr Berry: Your version of it. Today.

Mrs Grassby: It was today.

MR HUMPHRIES: No, it was yesterday. It was not today. Do you recall?

Mr Berry: What about lunchtime? Do you remember the sandwich? The sandwich was in your face.

MR HUMPHRIES: I was not here for lunch. I was at Parliament House for lunch, Mr Berry.

Mr Berry: Was it lunch yesterday?

MR HUMPHRIES: Yesterday. Yes. Mr Berry's memory is not quite as good as he makes out, Madam Speaker. Mr Berry rang me yesterday and said that he proposed to move a motion today dealing with the membership of committees of the Assembly. He said words to this effect: "I propose to slot in everywhere that David Lamont has gone out". I said, "That is fine". Mr Berry did not raise with me the question of chairmanship of the committee. I, however, asked him, "Are you proposing to become chairman of PDI?". Mr Berry said, "Yes". That was where the pertinent part of the conversation ended. I stand by my comments in that conversation. I certainly came away with the impression that Mr Berry would become chairman of the PDI Committee. At no stage did I tell Mr Berry, or give him to understand - nor would I - that he would have that chairmanship by virtue of a motion on the floor of the Assembly.

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MR STEVENSON (4.49): This matter, as Mr Berry said, was not discussed with me. When it comes to matters of this type, there are a couple of practices that are followed. First, it is acceptable for a member of one party to replace another member of that party on a committee or committees. I do not think anybody disagrees with that. My second point is that I believe that it is the usual practice that a chairman is selected by the committee, not by the Assembly.

Mr Moore: With one exception.

MR STEVENSON: With one exception, but that was looked at and it was decided that that was not the ideal thing to do. I would agree that Mr Berry can replace Mr Lamont. As for automatically becoming the chairman, I think that is up to the committee. There is another point I want to mention. Mr Berry said that I always vote with the Liberal Party.

Mr Berry: Ninety-eight per cent of the time, in divisions.

MR STEVENSON: Your figures are wrong, for a start. It is not that I vote with the Liberal Party. You will note that I never vote with anybody in here. I simply vote on certain issues, and there are reasons for that. If Mr Berry cares to check the percentage of votes during the time that the Labor Party did not have minority control of this Assembly, he will find that the figure is somewhat different. It is reversed. I think the reason for that is too damn obvious to explain. If anyone cannot work it out, so be it.

MS SZUTY (4.50): I intend to speak very briefly to this motion. I had discussions with Mr Berry earlier today about his intention to take Mr Lamont's place on these three committees. We also discussed the issue of Mr Berry being chair of the Planning, Development and Infrastructure Committee and I indicated to him that I would not be opposed to that. What has taken me by surprise is the form of the motion on this matter that we are considering this afternoon. I think it is notable that members did not have a copy of the motion when Mr Berry moved it. While this debate has been somewhat protracted, I think Mr Moore's amendment to delete the words after "place" in paragraph (1) is appropriate and that the chairmanship of the PDI Committee should be resolved by the committee.

MR BERRY (4.51): Madam Speaker, if there is something that I have learned it is to make sure that there are some matters put in writing, particularly from the Liberal benches. I note that Mr De Domenico was dumped for this very reason in the past. I thought that what I presented would reflect everybody's view. I cannot see, for the life of me, what has agitated people so much about something on which it seems they all agree. When they disagree with me I expect that the debate will be much longer, even though this has been a fairly lengthy debate. On the face of it, it seems to me that the principles are okay, but the words are not okay. I accept that the numbers will swing the other way and that the same principles will - - -

Mr Humphries: Sit down, Wayne.

MR BERRY: You are the people who apparently are not in a hurry to get to any other business, because everybody else - - -

Mr Kaine: I am going to get up in a minute and nominate myself as chairman of the Planning Committee if you keep talking.

MR BERRY: That is fine. We will see what happens in due course.

Amendment agreed to.

Motion, as amended, agreed to.

ASSEMBLY BUSINESS

Suspension of Standing and Temporary Orders

Motion (by Ms Follett) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent notice No. 1, Assembly business, relating to the establishment of the Select Committee on Estimates 1994-95, being called on forthwith.

ESTIMATES 1994-95 - SELECT COMMITTEE

Appointment

MS FOLLETT (Chief Minister and Treasurer) (4.53): Madam Speaker, I move:

That:

- (1) a Select Committee on Estimates 1994-95 be appointed to examine the expenditure proposals contained in the Appropriation Bill 1994-95 and any revenue estimates proposed by the Government in the 1994 Budget;
- (2) the Committee comprise such Members of the Assembly who notify their nominations in writing to the Speaker by 4 p.m., Wednesday, 20 April 1994;
- (3) 3 members of the Committee shall constitute a quorum of the Committee;
- (4) the Committee report by 12 August 1994;

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(5) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation;

(6) the Committee is authorised to release copies of its report, prior to the Speaker or Deputy Speaker authorising its printing and circulation and pursuant to embargo conditions and to persons to be determined by the Committee; and

(7) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

The terms of reference for this committee are the same as for last year's Estimates Committee. I remind members that there is an early budget this year. That will impose a very tight timetable on the Estimates Committee and, of course, on the Government's response as well. I do not propose to speak any further on the motion, except to say that there has been some consultation on it at least with the former chair of the Estimates Committee. I commend the motion to the Assembly.

Mr Humphries: I raise a point of order, Madam Speaker. There appears to be a misprint in my copy of the motion. The copy I have does not show the Government appointing a chairman of this committee. Could I have the revised version which does show that, Madam Speaker?

MADAM SPEAKER: There is no point of order.

MS SZUTY (4.54): I wish to speak to this matter, very briefly.

Mr Kaine: You are going to nominate for the chairmanship, are you?

MS SZUTY: No, I am not, Mr Kaine. As the Chief Minister has indicated, we need to establish the Estimates Committee fairly shortly because of the early budget process this year. The major task, as I see it, is for the committee to come together and to then be briefed by ACT Treasury as to the information we will have available to us to assist us in our task this year, which may be very different from the information that we had in previous years.

I would like to draw attention to the short timeframe within which members must give their nominations for the committee to the Speaker. I think nominations are due, from memory, at 4 o'clock tomorrow afternoon. Further details of the motion, as Ms Follett has said, are in line with the motion to establish the committee which was moved by her last year and agreed to by the Assembly. Members will also note that revenue estimates will form part of this year's process, as they did last year.

I would like to thank the Chief Minister for agreeing to move the motion to establish the Select Committee on Estimates at this time, as this will enable members of the committee to consider the task ahead. I have had some discussions with members about the possibility of a review process later in the year, once definitive figures on government expenditure become available. While I think that remains an issue for this Assembly to resolve, nonetheless I think it is important that the Select Committee on Estimates be established at a very early stage in the budget process in 1994.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.56): Might I indicate briefly, for the record, Madam Speaker, how disappointed I will be in not being able to be a member of the Estimates Committee this year.

Question resolved in the affirmative.

ELECTORAL (AMENDMENT) BILL 1993
Detail Stage

Clause 1

Debate resumed from 14 April 1994.

Clause agreed to.

Clauses 2 to 4, by leave, taken together, and agreed to.

Clause 5

MR HUMPHRIES (4.57): Madam Speaker, I move:

- a. Page 2, lines 27 and 28, omit the clause, substitute the following clause:

Preamble

"5. The preamble to the Principal Act is amended by omitting paragraph 5."

The Government's Bill proposes to delete the preamble to the Electoral Act. That preamble is a very significant piece of the Electoral Act. Members will recall the debate surrounding its inclusion in the Act. I was extremely disappointed to see that the Government proposed to remove it.

I might explain, Madam Speaker, that the preamble is not just a piece of verbiage that is thrown in there to make the Bill a bit longer and to give the Government Printer a headache. It is there for a very express purpose. The Assembly, in enacting the Electoral Act of 1992, and in considering this Electoral Bill before us today, in a sense is working in more limited circumstances than is the case for other legislation.

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The limiting circumstances to which I refer are the terms of the referendum decision which was made by the electors of the ACT at the election referendum of February 1992. In a sense, Madam Speaker, the Assembly has a mandate, which is both empowering and delimiting, which requires certain steps to be taken, and it cannot and should not depart from that mandate.

The preamble, Madam Speaker, is the only place in the entire Electoral Act where that mandate is referred to, and it should be evident therefore to our successors in future generations who come to this place and who seek to amend the Electoral Act of 1994 or 1992, whatever it will be called, that the preamble indicates that their capacity to change what has been done here is not as easy as it would be in the case of other equivalent pieces of legislation. It is extremely important that the preamble stay there as a reminder to future legislators and to people examining legislation of the Territory that this legislation was born out of a referendum where the people of the ACT spoke, as I indicated the other day, quite decisively on the nature of the electoral system they desired. Madam Speaker, it is appropriate to omit paragraph 5 of the preamble, since it talks about the need to establish legislation for the purpose of setting up this system. That is now finally happening and therefore it should go, but the other paragraphs of the preamble are quite important, indeed essential, and I urge the Assembly to accept the amendment which I put forward to retain them.

MS FOLLETT (Chief Minister and Treasurer) (5.01): Madam Speaker, the Government will not be opposing this amendment proposed by Mr Humphries, which has the effect merely of leaving the preamble in the Act, but deleting the temporary clause which was inserted in 1992. The preamble, as I understand it, Madam Speaker, has no legislative force. It is true to say that the content of the proposed amended preamble is not at variance with the Government's position. I do not regard this as a particularly substantive amendment, and for that reason we do not oppose it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6

MS FOLLETT (Chief Minister and Treasurer) (5.01), by leave: I move:

Paragraph 6(c) -

1. Page 4, line 28, proposed new definition of "elector", omit "enrolled", substitute "who is enrolled, or is to be taken under this Act to be enrolled,".
2. Page 6, lines 20 and 21, proposed new definition of "registered voting ticket", omit the definition.
3. Page 7, lines 11 to 13, proposed new definition of "voting ticket square", omit the definition.

I present the supplementary explanatory memorandum. Briefly, Madam Speaker, these amendments are to paragraph 6(c). Amendment No. 1 seeks to amend the definition of "elector" to ensure that the definition includes people who are taken to be electors by virtue of being Commonwealth electors. The other proposed amendments seek to delete the definitions of "registered voting ticket" and "voting ticket square" as a consequence of the removal of the party ticket voting scheme.

MR HUMPHRIES (5.03): Madam Speaker, obviously the Opposition supports these amendments. They begin to remove the most iniquitous features of the Electoral (Amendment) Bill as it stands before the Assembly, features which would have made this Bill a totally different proposition from the one which the people of the ACT supported at the referendum of 1992. I am very pleased to see that the Government has taken that decision. We support these amendments.

MR MOORE (5.03): Madam Speaker, I rise to place on the record how pleased I am with the beginning of this process of removing that odious proposition that the Government had put up which was in total conflict with what people had decided at the referendum. It seems to me that the goodwill of the Government now in so doing has not come about through any volition on the part of the Government, or anything like that, but rather because of the fact that Ms Szuty and I went to the Chief Minister and made it very clear to her, prior to Christmas, that should she proceed with this we would have to consider it a matter on which we could not have confidence in the Government. I hope that the Government has learnt a lesson and is prepared to be genuine about consultation with the people of Canberra. There is no more direct consultation than a referendum and it is our responsibility to deliver that referendum result. I believe that the people of Canberra are fortunate - it is demonstrated no better than in this case - in that there is a minority government. Had we not had a minority government, Madam Speaker, the wishes of the electorate as expressed through that referendum would not have been delivered.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8

MS FOLLETT (Chief Minister and Treasurer) (5.05): I move:

4. Page 8, lines 11 and 12, proposed new paragraph 7(1)(b), omit "referred to it by the Minister relating to elections", substitute "relating to elections referred to it by the Minister".

This amendment is more or less an editorial amendment. It seeks to omit the words "referred to it by the Minister relating to elections", which clearly is an ambiguous phrase, and to substitute for those words the words "relating to elections referred to it by the Minister".

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Amendment agreed to.

Clause, as amended, agreed to.

Clause 9

MS FOLLETT (Chief Minister and Treasurer) (5.06): I move:

5. Page 9, line 28, proposed new section 18A, after "Commissioner" insert ", an officer".

Madam Speaker, the purpose of this amendment to clause 9 is to allow the Electoral Commission to delegate to an officer of the commission all or any of its powers other than its powers related to redistributions of electoral boundaries and its powers related to reviewing decisions. This amendment corrects an oversight that was contained in the original draft and it brings the delegation powers of the commission into line with the delegation powers of the Electoral Commissioner.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 10 to 21, by leave, taken together, and agreed to.

Clause 22

MS FOLLETT (Chief Minister and Treasurer) (5.08): Madam Speaker, I move:

6. Page 14, line 12, proposed new subsection 53(1), after "elector" insert "enrolled at the time the extract is prepared".

The purpose of this amendment is to clarify the meaning of "roll extract" to ensure that roll extracts that are out of date will still fall within the definition of "roll extract". As it stands, it could be argued that a document could not be said to be a roll extract if it did not contain up-to-date elector details. Madam Speaker, this is relevant, for example, for the purposes of making roll extracts available and for limiting the misuse of them. I commend the Government's amendment No. 6 to the Assembly.

Amendment agreed to.

MR HUMPHRIES (5.09), by leave: I move:

b. Page 15, lines 10 to 13, proposed new subsection 55(2), omit the subsection, substitute the following subsection:

"(2) The Commissioner shall, on request and on payment of the determined fee, supply a printed extract from a roll to a person, unless the Commissioner believes on reasonable grounds that the extract would be used otherwise than for an approved purpose within the meaning of section 57."

c. Page 15, lines 19 to 22, proposed new subsection 56(2), omit the subsection, substitute the following subsection:

"(2) The Commissioner shall, on request and on payment of the determined fee, so far as practicable, supply a roll extract in electronic form, or on microfiche, to a person, unless the Commissioner believes on reasonable grounds that the extract would be used otherwise than for an approved purpose within the meaning of section 57."

Madam Speaker, there are, I submit, two defects in proposed new sections 55 and 56 of the Bill, and they relate to access to printed roll extracts and to electronic roll extracts. Obviously, access to roll extracts is a very important part of the task of fighting an electoral campaign or seeking election to this place. It is very important that candidates be able to contact members of the electorate. That is fairly obvious. Members need to be able to campaign in a way which will exploit knowledge of who those members of the electorate might be, and it is valuable to have that kind of information made available.

The question is: In what circumstances should it be made available? Proposed new section 57 makes it clear that offences are committed by using roll extracts for unapproved purposes. Clearly, the intention is that the roll extract be used strictly for election related purposes. However, the drafting of proposed new sections 55 and 56 makes it clear that there are two problems. One is that the commissioner has a discretion as to whether to supply roll extracts to persons other than MLAs and registered officers of political parties. The second problem is that the onus, in a sense, falls on the person seeking the extract to show that they are entitled to the use of that extract for some approved purpose as described in proposed new section 57.

In respect of the first matter, it is quite clear from reading this Bill that there are a great many examples of the Government's belief that elections are about parties fighting each other and winning elections, or losing, and not about individual candidates. In this sense existing MLAs and the registered officers of political parties have considerably greater rights of access to this information, to electoral roll extracts, than do other candidates. That, Madam Speaker, seems to me to be anomalous and undesirable, and we should do something about it. My amendments go some way towards doing that. First of all, they remove the absolute discretion in the commissioner, which appears to exist in these two

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proposed new sections, to refuse to hand over printed roll extracts, or electronic roll extracts, to a person. That absolute discretion is reduced to a discretion which occurs where the commissioner "believes on reasonable grounds that the extract would be used otherwise than for an approved purpose within the meaning of section 57".

It seems to me, Madam Speaker, quite appropriate that a person have a right to have access to that information, unless there is some reasonable basis on which the commissioner might exclude access to it. Obviously, there will be sensitivity about how the information is used. I concede that it is important that the commissioner not hand over the information, for example, to commercial companies whose object is to send people letters about why they need a certain set of steak knives; but it is important that the process whereby electors and candidates have access to that information is not interrupted. I believe that the appropriate onus should be on the commissioner to find some positive basis on which he or she believes that the information should not be supplied.

Obviously, the commissioner will be in a position where a request is made to him or her and the application is processed. The commissioner will have certain information at his or her disposal and must make a decision. I believe that it is appropriate to make it clear that the commissioner must have some clear evidence or indication, some good reason, for wanting to refuse that application. As these proposed new sections are presently drafted, he or she has a further discretion than that - a discretion to refuse it without really having those reasonable grounds for belief. That is inappropriate, and my amendments fix that.

MR MOORE (5.14): Madam Speaker, after considering Mr Humphries's proposed amendments and discussing them with Ms Szuty, we determined that we would not support them. Mr Humphries raises a number of quite important issues. The first of those, I think, is that there is, under proposed new section 57, a penalty of a \$5,000 fine or six months' imprisonment, or both, for the misuse of the electoral roll. He argues that that is enough to ensure that the electoral roll is not misused. It seems to me though, Madam Speaker, after receiving a quite large amount of unsolicited mail addressed to my home over the last year or so - the only place that the address could have come from is the electoral roll - that it is appropriate that we tighten up the system. It seems to me that, should somebody who wishes to run for the Assembly seek to have a printed extract, they would be able to get it, with a couple of exceptions that Mr Humphries has drawn attention to. On balance, Madam Speaker, comparing the right of people not to get this sort of unsolicited mail, as just one example, against the right of a candidate who is running without a party, I have determined that I would come down on the side of opposing these amendments.

MS SZUTY (5.16): Mr Humphries drew attention to the fact that the commissioner at the moment has a very large discretion as to whether the electoral roll will be made available to certain people. I notice that the Government has foreshadowed some amendments that we might be dealing with, should Mr Humphries's amendment not be passed. That indicates to me that the Government has recognised that the commissioner shall supply roll extracts, basically, as a matter of course, unless he has any particular reason not to. In doing as Mr Moore has done - balancing the arguments that

Mr Humphries has presented and what I believe the Government will present if Mr Humphries's amendment is not passed - I believe that the amendments foreshadowed by the Government meet my requirements as far as this matter is concerned.

MS FOLLETT (Chief Minister and Treasurer) (5.17): Madam Speaker, I would like to put the formal position. The Government will be opposing Mr Humphries's amendments in this instance. The apparent effect of Mr Humphries's amendments is to remove the commissioner's discretion to supply extracts of the roll to persons who require the extracts for approved purposes. However, the amendments do appear to involve a reversal of the onus of proof in that the commissioner can refuse access only where he or she has reason to believe that the extract would not be used for an approved purpose. The existing proposed new sections, Madam Speaker, require the commissioner to be satisfied that the person requires the extract for an approved purpose - putting it in the positive sense; that is, the applicant is required to satisfy the commissioner that the extract is to be properly used.

As Mr Moore and Ms Szuty have alerted members, the Government has some amendments which I will move if Mr Humphries's amendment is not supported by the Assembly. My foreshadowed amendments have the effect of making it mandatory for the commissioner to supply those extracts where the commissioner is satisfied that the applicant will use that extract for an approved purpose. I believe that those foreshadowed amendments may, in fact, meet Mr Humphries's purpose. It is certainly a neater and legally more correct way of achieving that purpose.

MR STEVENSON (5.19): Speaking briefly on the specific point that the Chief Minister mentions, this relates to the onus of proof. The amendments, as suggested by the Labor Party, would require the onus of proof obviously to be on the person to give due reason as to why they should have it. The other suggestion is that the commissioner should have due reason to say that they should not have it. One would think that the weight should be on the right of people to have it, unless a reason could be shown as to why they should not.

MR HUMPHRIES (5.20): Madam Speaker, I realise that the proposed amendments are lost, but I want to make a couple of comments. Mr Stevenson does put the position quite succinctly; that is the case. I believe that it is appropriate that the commissioner have some reason why it should be refused. The Chief Minister might correct me if I am wrong in this, but I understand that there is considerably freer access to the Commonwealth electoral roll than is the case with this provision.

Mr Moore is worried about someone sending him material. They will continue to be able to send material to him by means of the Commonwealth electoral roll if they wish to do so. It seems to me rather foolish to put that restriction on here.

Mr Moore: Except that they are looking at this moment of time - - -

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MR HUMPHRIES: They can continue to look at the Commonwealth roll if they wish and they will get almost everybody who is on the ACT roll. It seems to me to be somewhat nugatory to suggest that we should restrict it here but not restrict it there. Madam Speaker, I think the onus should be on the commissioner to have a reason for refusing to supply the information, not the other way round.

Amendments negatived.

MS FOLLETT (Chief Minister and Treasurer) (5.21), by leave: Madam Speaker, as a consequence of Mr Humphries's amendments to clause 22 not being passed, I shall move the amendments which I foreshadowed. They are amendments a. and b. on the gold coloured sheets. I present a supplementary explanatory memorandum and I move:

- a. Page 15, line 10, proposed new subsection 55(2), omit "may," , substitute "shall, on request and".
- b. Page 15, line 19, proposed new subsection 56(2), omit "may," , substitute "shall, on request and".

Madam Speaker, as I said when I foreshadowed these amendments, the purpose of them is to make it mandatory for the commissioner to supply the printed rolls to a person where the commissioner is satisfied that the person requires the extract for an approved purpose. They also make it mandatory for the commissioner to supply roll extracts in electronic or microfiche form to a person, again where the commissioner is satisfied that the person requires the extract for an approved purpose.

MR STEVENSON (5.23): I might, once again, mention a point. This would be the roll through the year or the years. Late enrolments are not going to be readily available to people, for the same reason. Mr Green looks puzzled, but I spoke to him earlier about the point. He said that the Bill required that someone could attend at the commissioner's office and look at the updates on the roll immediately before an election, but that does not allow them to be published and sent out. If you wanted to do a detailed analysis of the last minute, last day or last week enrollees, it would be far better to do it outside the commissioner's office.

Mr Berry: I raise a point of order, Madam Speaker. Reference to advisers in this place and to what their expressions may or may not be is more than a little out of order. Speakers are really the only people with any authority in the place.

MR STEVENSON: I think it is reasonable enough.

MADAM SPEAKER: Mr Berry, that is quite correct. Would you restrict your comments to your fellow members, please, Mr Stevenson.

MR STEVENSON: Indeed, Madam Speaker.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (5.24): I move:

7. Page 15, line 34 to page 16, line 3, proposed new paragraph 57(2)(c), omit the paragraph, substitute the following paragraphs:

- "(c) in relation to an MLA or the registered officer of a registered party -
 - (i) a purpose connected with an election; or
 - (ii) monitoring the accuracy of information contained in the roll;
- (d) in relation to any person - a prescribed purpose."

The purpose of this amendment is to remove the possibility that any person could obtain personal electoral roll information in printed or electronic form for a purpose related to an election or monitoring the accuracy of the electoral roll. This amendment is intended to ensure that only MLAs and registered parties will have automatic access to enrolment information for election and enrolment related purposes. Under this amendment persons other than MLAs and political parties will be able to obtain information only for a prescribed purpose.

The amendment will close a potential loophole in the scheme contained in the Electoral (Amendment) Bill which is intended to tightly control the uses to which personal electoral roll information is put. As it stands, new paragraph 57(2)(c) could allow persons with no legitimate interest in the electoral process to obtain personal roll information for purposes that might not be in the public interest. The amendment will ensure that access to enrolment information will be granted only for specific purposes. It is intended that specific prescribed purposes will carry appropriate end-use limitations to ensure that personal information is not misused. I commend this amendment to the Assembly.

MR HUMPHRIES (5.26): Madam Speaker, I am a little bit uncomfortable with the Government's amendment. What it does, in effect, is change the basis on which people other than MLAs can use electoral rolls. As I understand it, this provision makes no change effectively to the position of an MLA or the registered officer of a political party. They can still have access to that information for purposes connected with an election, for monitoring the accuracy of information contained in the roll, or for prescribed purposes. All three of those heads are available to an MLA or an officer of a registered political party.

What this amendment does is change the existing provision. The capacity of an individual, not being one of those two previous people, to use the roll for that purpose is now removed. That person now has only one criterion for using an electoral roll, and that is a prescribed purpose. The Chief Minister said this in the explanatory memorandum, and I thought it was a misprint when I read it:

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New section 57 is to be amended to remove the possibility that any person could obtain personal electoral roll information in printed or electronic form for a purpose related to an election or monitoring the accuracy of the electoral roll.

What, may I ask, is wrong with a person other than a MLA getting hold of information for a purpose related to an election? What is wrong with a person getting access to the information for the purpose of monitoring the accuracy of the electoral roll?

Imagine that you are a friend of independent candidate X and you wish to assist candidate X in his campaign. Candidate X says, "I want to write to people and tell them what a great person I am. Can you help me by typing some letters for me?". That person, by using the roll for that purpose, is using it for a purpose related to an election. That seems to me to be quite appropriate. What is wrong with that? It may be that the Government will prescribe such purposes and say that those purposes are appropriate purposes for which a person other than an MLA or a party officer can use a roll. But, if that is the case, why make this amendment? Why should not an individual, an ordinary person on the street, be able to use the roll for a purpose related to an election or for monitoring the accuracy of information contained in the roll? Once again, Madam Speaker, the Government seems to be putting political parties and existing MLAs in a different position from other lesser mortals, for no good reason, it seems to me. I can see no reason for it.

MS FOLLETT (Chief Minister and Treasurer) (5.29): To reply to Mr Humphries's queries, Madam Speaker, it is a fact that under the proposed amendment people cannot buy the roll and take it away; but they certainly can come in and look at it. They can come in and check out any information that they want. The problem that arises if people are able to buy it and to take it away is that they may then turn it into a mailing list or use it for some improper purpose. It is a protection to the rest of the community against that kind of improper purpose, a matter which Mr Moore has raised once already in this debate. People will be able to look at it, but they will not be able to take it away.

MR HUMPHRIES (5.30): Madam Speaker, I must say that it greatly concerns me to hear the Chief Minister say that. Once again, a member of a political party that is registered can obtain access to that roll, take it home and type his letters or put them on some kind of database quite freely; but an individual who is not associated with a political party cannot do that. Are we assuming that members of political parties do not misuse these documents, but other people do? With great respect, I think that is a gravely unsubstantiated assumption. No, Madam Speaker, my concerns are confirmed by this.

If the Government does not believe that people should have access to these rolls it should say so expressly, not make it obligatory for the commissioner to hand over the documents if there is a prescribed purpose but not allow a person, in effect, to get the access they need to that information by refusing them the right to take it home with them and use the information there. Either we make the roll available or we do not. If there are appropriate safeguards to be put in place, fine; let us incorporate those into the Act. I do not think that saying that MLAs have certain rights and other people do not have those rights is an appropriate structure for this. I think there has to be good reason for assuming that ordinary people are less honest than MLAs or officers of political parties.

MR STEVENSON (5.32): I agree strongly and I would ask other MLAs to reconsider this matter because people should have that right. There are many groups or individuals who can have a perfectly valid reason for wanting to scrutinise the democratic process, the voting process which elects members of this Assembly. They should be encouraged. We have penalties for abuse of that right. As Mr Humphries mentions, if there are amendments that need to be made, by all means make them; but do not restrict that right just to MLAs.

MS SZUTY (5.32): I believe that we are talking about changes in wording in this amendment. All the Government amendment does is remove from paragraph 57(2)(c), as it stands at the moment, the words "a purpose connected with an election" and, secondly, "monitoring the accuracy of information contained in the roll". I agree with the Chief Minister that all we are doing is removing those potential loopholes. In relation to any person having access to roll extracts, they can still do so on the basis of a prescribed purpose. I do not see any harm whatsoever in the Government's amendment.

MR MOORE (5.33): The question, Madam Speaker, really is the same question of balance. If the electoral roll is made broadly available there is more likely to be a chance of misuse. It is really a question of where the line is drawn. Mr Humphries and Mr Stevenson have the view that it should be drawn broadly. I have a view that concurs with the Government - that it should be drawn fairly tightly. However, the information in the electoral roll is still available.

Amendment agreed to.

MR HUMPHRIES (5.34): Madam Speaker, I move:

d. Page 19, lines 6 and 7, proposed new paragraph 65(1)(c), omit the paragraph.

The proposed amendment, amendment d., has the effect of giving itinerant voters the capacity to cast a vote. For some reason which has never been explained, that I have never heard anyway, we were to exclude itinerant voters from enrolment. They have a capacity to be enrolled under the Commonwealth Electoral Act but were excluded specifically by proposed new section 65.

It seems to me that there is not, perhaps, the same scope for people to fall into the category of itinerant voters in the ACT that there might be in, say, Queensland or New South Wales. Nonetheless, there are people who are unable to vote in ACT elections because they cannot prove that they have been resident at a particular address for three months. In fact I have been contacted by two such people who are professional house-sitters. It is their job to mind other people's homes. They have no address other than those people's homes. They are not vagrants. They are people with jobs and are respectable people in other senses, but they cannot cast a vote because they cannot show that they have been resident at any particular place for three months. If they are resident for three months it might not necessarily be for a period immediately before enrolment in an election, and if they do have that enrolment they would lose it, of course, by moving on to their next house. I think, Madam Speaker, it is important to make sure that we do not unnecessarily exclude such people from entitlement to vote.

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I accept certain consequential amendments the Government proposes which would have the effect of not making it compulsory for those persons to vote. That would make some sense in the circumstances, and that is the situation as it ensues in the Commonwealth electoral arena. To exclude them altogether from the right to vote, I think, is quite unnecessary. I would suggest that the Assembly should pass this amendment and then consider, as time goes by, the implication of this provision. I suppose it could be argued that it provides some capacity for voting if people wanted to come in in large numbers from outside the ACT to cast votes. I have my doubts about whether that would be likely to occur. Until there is evidence of that kind of voting, I believe that we should support the right of all people who are resident within the ACT to exercise their democratic right and cast a vote.

MS SZUTY (5.37): I would like to indicate to the Assembly that I will be supporting this amendment proposed by Mr Humphries. I think it strikes at the heart of enabling people as far as possible to cast votes and is a very sensible provision to enable itinerant voters to vote in Assembly elections. I am aware that the Chief Minister has foreshadowed some amendments, should Mr Humphries's amendment to this provision succeed, and I indicate that I will be supporting those foreshadowed amendments also.

MR MOORE (5.37): Madam Speaker, like a number of the other issues, this issue, as Mr Humphries rightly points out, is a question of balance. He raised the possibility of voting, so we balance that against the benefit of enabling people to vote. On balance, on this occasion, Madam Speaker, I come down on the side of supporting Mr Humphries. I believe that it is an appropriate amendment.

MS FOLLETT (Chief Minister and Treasurer) (5.38): Madam Speaker, the Government will be opposing Mr Humphries's amendment. I should say at the outset that I do so with some reluctance because, obviously, I have the greatest sympathy with itinerant electors and clearly wish to ensure that the greatest number of people possible do have an opportunity to take part in any democratic process. I oppose the amendment put by Mr Humphries with great reluctance, but I do ask that members listen to what I have to say about it.

The amendment that Mr Humphries proposed would allow people who are itinerant electors under the Commonwealth Electoral Act to enrol for and to vote in the ACT Legislative Assembly elections. Itinerant electors are electors who do not have a permanent place of living and who enrol under the Commonwealth Electoral Act for an address for which they have a close connection; but such a connection could include the address for which the person was last entitled to be enrolled, the place where the person's next of kin is enrolled currently, the place where the person was born or, if none of those apply, the place with which the person has the closest connection.

Given those criteria, there is no guarantee that a person who is enrolled as an itinerant elector for Commonwealth purposes has any ongoing connection with the ACT. Therefore, Madam Speaker, the effect of Mr Humphries's amendment might be to enfranchise some people who do not actually reside in the Territory, even on a temporary

basis, and who, in my view, therefore do not have a legitimate reason to vote in an Assembly election. It is a matter that we should treat with some caution, even though I accept that everybody's sympathies are with the democratic rights of those itinerant electors.

Madam Speaker, in 1989 and 1992 itinerant electors were not eligible to vote in ACT elections.

Mr Humphries: They were in 1989, were they not?

MS FOLLETT: No.

Mr Humphries: They were not?

MS FOLLETT: No. In 1989 and 1992 itinerant electors were not eligible to vote. I offer that information for what members might wish to make of it. Members will be aware that, should Mr Humphries's amendment succeed, I have some consequential amendments for which I will seek support.

MR STEVENSON (5.40): There were good points raised by both Mr Humphries and Ms Follett. There is no doubt that there are many people who do not have a fixed place of abode. They may move from place to place - their particular job may take them here and there - but they certainly should have the right to vote. I would be interested in Mr Humphries's reply to those specific points about people who do not have any realistic connection with the ACT voting in the ACT election. Is there any way that we can make sure that it is a realistic connection?

MR HUMPHRIES (5.41): Madam Speaker, I should briefly explain the provisions of the Commonwealth Electoral Act as it applies in Commonwealth elections. For example, take a person who was born and brought up in Coffs Harbour and left his home and went droving. He becomes a stockman and is on the droving routes in Queensland - I assume that they still have them - travelling backwards and forwards across Queensland droving cattle, or driving cattle, whatever the expression is. That person obviously has no fixed abode within Queensland. That person cannot enrol in Queensland under the Commonwealth Electoral Act, but he can enrol in another place, and one such place might be Coffs Harbour, where he was born and brought up and has a connection. Perhaps his next of kin, his mother or father, lives in that place. It is certainly envisaged under the Commonwealth electoral legislation that a person is able to vote, and may vote, when they are arguably ordinarily resident in another State.

The same implication would apply here. Take a person who was born and brought up in the ACT, or had parents in the ACT or something of that nature, who subsequently became a fruit picker in surrounding New South Wales and was travelling around New South Wales picking fruit. He did not have a permanent address. That person would have to rely, for Commonwealth purposes, on their enrolment in the ACT through this provision of the Commonwealth Electoral Act in order to vote in

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a Commonwealth election. You might say that such people have no connection with the ACT - I would argue that they do - and the Commonwealth legislation does require a certain connection. I think that it is an overstatement on the part of the Chief Minister to say that there is no connection. It seems to me entirely appropriate that those circumstances do apply.

I am saying that these provisions should apply to ACT elections as well. Frankly, if they can apply in a Commonwealth election, why should they not apply in an ACT election? Why should not a person who might be roaming through New South Wales picking fruit, or a person who is driving cattle in Queensland, or a person who is working on a railroad in South Australia, for various reasons not being able to enrol as an elector in those places, be able to rely on their connection with the ACT?

I concede that it is a less ascertainable method of enrolment. It is fairly subjective and it does open the possibility, at least, of rorting in the system. Someone could be told, "Look, we need your vote in the ACT, so enrol to vote here. You have a connection with the place". But I think that the possibility of a person switching their enrolment all over the place for the purposes of voting all over the country is a fairly limited one, and that is not the way, in practice, that itinerant voting provisions work. It seems to me that a person chooses a place where they wish to be enrolled. They can get that enrolment only by showing that they do not have a permanent place of residence. I believe, Madam Speaker, that, for the very small number of people this affects, it is an appropriate provision, and we should pick up the same provisions in respect of itinerant voters that apply at the Commonwealth level.

MS SZUTY (5.45): Mr Moore indicated earlier that some of these amendments, particularly for him and me, were a question of balance. The Chief Minister pointed out that there may well be itinerant voters from all over Australia who may present themselves and want to vote in an ACT Legislative Assembly election, but I think that the number of such voters will be small indeed. I certainly hope that that would be the case. By enabling itinerant voters to vote in Assembly elections we are giving people of the ACT who are itinerant workers the opportunity to vote. They may be people in all sorts of circumstances. Mr Humphries indicated that house-sitters perhaps fall into this category. Certainly a number of homeless people would fit into this category. I think, on balance, it is appropriate that we do give itinerant voters the chance to vote in ACT Legislative Assembly elections. I think predominantly it will be ACT voters who will be doing so.

MS FOLLETT (Chief Minister and Treasurer) (5.46): Madam Speaker, this is not a matter on which I feel terribly strongly and, as other speakers have said, it would apply to only a small number of people; but Mr Humphries has raised the question: What is the difference between the scope of the Commonwealth electoral legislation and the scope of the ACT's legislation? There is a very obvious difference and it is a crucial difference here, and that is that the Commonwealth legislation applies to Federal elections which are, for the most part, held on a nationwide basis and the Territory's legislation applies only to this Territory. In my view, it is a very different matter.

Under the Commonwealth legislation, if an itinerant voter were in Queensland driving and his mother lived in Coffs Harbour and he claimed a vote in Coffs Harbour, who cares? That is quite all right, because he is probably entitled to a vote somewhere within the nation. The same may not be true in the ACT. Just because that person's mother, or close relative or next of kin happens to reside in the Territory, that ought not automatically entitle him to a vote in this Territory. I can understand that it could well entitle such people to a vote somewhere in the nation in the case of a Federal election, but I do not accept that that of itself should entitle them to a vote in the Territory.

I believe that it is not desirable for people who do not have a close connection with or may not even reside in the Territory to have a right of access to voting. It is a very small test that we ask people to pass in order to qualify as electors in the ACT, and in order to avoid the possibility of an abuse of the system I believe that the provisions that I have outlined are appropriate. But, as I say, it is not a matter on which I feel tremendously strongly, and I do not expect that a huge number of people would leap to take advantage of the itinerant voters provisions in the ACT Assembly's electoral legislation, whatever those provisions are.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (5.47): Madam Speaker, I ask for leave to move certain consequential amendments together. They are on a blue page entitled "Supplementary Amendments B". I ask for leave to move amendments a., b., c., d., e. and f. together.

Leave granted.

MS FOLLETT: I present the supplementary explanatory memorandum, which also is on blue paper. Madam Speaker, I move:

- a. Page 14, line 17, proposed new subparagraph 53(1)(c)(ii), omit "or".
- b. Page 14, line 18, proposed new subparagraph 53(1)(c)(iii), add "or".
- c. Page 14, line 18, proposed new paragraph 53(1)(c), add the following subparagraph:
"(iv) an elector who is entitled by virtue of his or her enrolment on the Commonwealth roll as an itinerant elector;"
- d. Page 48, line 33, proposed new paragraph 125(2)(b), omit "or".
- e. Page 49, line 2, proposed new paragraph 125(2)(c), add "or".

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f. Page 49, line 2, proposed new paragraph 125(2), add the following paragraph:

"(d) an elector who is enrolled by virtue of his or her enrolment on the Commonwealth roll as an itinerant elector."

These amendments are consequential upon the passage of Mr Humphries's amendment concerning itinerant voters. They are tidying up and housekeeping matters only, but they are necessary to give effect in the appropriate parts to the last amendment.

Amendments agreed to.

Sitting suspended from 5.49 to 8.00 pm

MS FOLLETT (Chief Minister and Treasurer) (8.00): Madam Speaker, I seek leave to move Government amendments Nos 8 and 9 together.

Leave granted.

MS FOLLETT: I move:

8. Page 24, line 27, proposed new subsection 74(2), after paragraph (a) insert the following paragraph:

"(aa) a person shall not be taken to be enrolled under subsection 67(5) or 69(2) if the person's enrolment on the Commonwealth roll is effected during the closure;"

9. Page 24, line 30, proposed new paragraph 74(2)(c), omit "or", substitute "and".

Madam Speaker, these two amendments amend proposed new subsection 74(2) to ensure that a person who secures enrolment on the Commonwealth roll during the period when rolls are closed for an ACT election would not be taken to be enrolled on the ACT roll for the ACT election. These amendments will close what was an unintended loophole in the Bill.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (8.00): Madam Speaker, I move:

10. Page 25, lines 23 to 25, proposed new subsection 75(1), omit the subsection, substitute the following subsection:

"(1) This section applies in relation to the enrolment of a person who is enrolled under this Act but is not enrolled under the Commonwealth Act."

The purpose of this amendment is to amend proposed new subsection 75(1) to ensure that the provision gives effect to the intent of the provision expressed in the original explanatory memorandum - that is, it is intended that objection to enrolment under the ACT Electoral Act should be able to be made only in respect of electors who are enrolled on the ACT roll but not the Commonwealth roll, to avoid persons objecting to the same elector's enrolment under two different jurisdictions. As it stands, this provision could be taken to allow objections to be made to an elector's enrolment where the elector made a joint Commonwealth-ACT claim. It is a tidying up matter.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (8.02): Madam Speaker, I seek leave to move Government amendments Nos 11 and 12 together.

Leave granted.

MS FOLLETT: I thank members. I move:

11. Page 25, line 33, proposed new subsection 75(4), omit ",by written notice given to the objector,".

12. Page 26, line 5, proposed new section 75, after subsection (4) insert the following subsection:

"(4A) After the Commissioner rejects an objection by virtue of subsection (4), he or she shall -

(a) where paragraph (4)(a) applies - give the objector written notice of the rejection; and

(b) where paragraph (4)(b) applies - give the objector a review statement about the decision to reject the objection."

The purpose of these two amendments is to amend proposed new subsections 75(4) and 75(4A) as a consequence of inserting the right of review of a decision to reject an objection to enrolment under this new section on the basis that the commissioner considers the objection frivolous or vexatious, as recommended by the Standing Committee on Scrutiny of Bills and Subordinate Legislation.

Amendments agreed to.

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MR HUMPHRIES (8.02): Madam Speaker, I move amendment e. circulated in my name, which reads:

e. Page 29, line 9, proposed new subsection 84(1), omit "The", substitute "For the purposes of this Part, the".

This is an amendment to proposed new section 84. The object of this is to clarify the question of the circumstances in which the commissioner may seek additional information relating to an application for registration. As the wording might appear to indicate, the commissioner has a discretion to require the applicant for registration of a political party to give certain information which is specified by the commissioner. If the applicant fails to supply that information the commissioner has the right to refuse the application.

The speculation that crossed my mind when I read that was whether the commissioner could demand information that was unreasonable. The occupations of party members, for example, would hardly seem to be reasonable but might be demanded by the commissioner. I believe, Madam Speaker, that the words I have suggested for inclusion - "For the purposes of this Part," - perhaps for no other reason than excessive caution, make it clear that that information can be sought only for the purposes of processing an application on the criteria referred to in this Part of the Bill, so that there is no question of information not being properly obtained or required. This is about providing information which is relevant to the application, and I think, Madam Speaker, that that amendment makes that matter crystal clear.

MS FOLLETT (Chief Minister and Treasurer) (8.04): Madam Speaker, the Government will not be opposing this amendment moved by Mr Humphries. The effect of the amendment is to ensure that the commissioner could seek information only for the purposes of this Part. It could be argued that the clause as it stands would allow the commissioner to seek irrelevant information and refuse an application for registration if the applicant refused to supply that information. The amendment does not change the intent of the legislation and would guard against the unlikely - I must stress unlikely - possibility of the commissioner making a malevolent decision.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (8.05): Madam Speaker, I move the Government amendment No. 13, which reads:

13. Page 29, line 14, proposed new section 84, add the following subsection:

"(3) If the Commissioner refuses an application under subsection (2), he or she shall give the applicant a review statement about the decision to refuse the application."

This amendment is as a consequence of the previous two amendments that I have moved and that the Assembly has agreed to. The amendment is as a consequence of inserting a right of review of a decision to refuse an application for party registration under this new section. It was again recommended by the Standing Committee on Scrutiny of Bills and Subordinate Legislation.

Amendment agreed to.

MR HUMPHRIES (8.06): Madam Speaker, I move amendment f. circulated in my name, which reads as follows:

f. Page 31, line 4, proposed new subsection 87(2), after paragraph (2)(b) insert the following paragraphs:

"(ba) is frivolous or vexatious;

(bb) is mischievous or likely to deceive, mislead or confuse;"

Madam Speaker, proposed new section 87 deals with the registration of parties and, particularly, of party names. The power is given to the Electoral Commissioner to refuse an application for registration of a name if the commissioner believes, on reasonable grounds, that the name of the party is any one of a number of things - if it comprises more than six words, is obscene, is the name or an abbreviation or acronym of the name of another party, resembles another party so as to cause confusion, comprises the words "Independent Party" or comprises the word "Independent", and the name or a name similar to somebody else's name.

Madam Speaker, those provisions are fairly comprehensive, but members will recall that the Commonwealth provisions, which presently apply or have applied in the past - in fact, I think they still apply at the moment - included some other grounds for exclusion of certain names. They excluded names that were frivolous or vexatious, or names that were mischievous or likely to deceive, mislead or confuse. Madam Speaker, it seems to me that there is a case for saying that we need to protect ourselves against names which might be in these categories, and that protection is not afforded by the Bill as it presently stands. Members can use their imaginations to think of names which would be frivolous or vexatious. Some suggestions I would make are names like the "All Magistrates are Corrupt Party", the "Buy Rosemary Party", the "Buy Kate Party", or something of that kind.

Mr Wood: The Liberal Party?

MR HUMPHRIES: That is not vexatious or frivolous, Mr Wood. I am sorry; you are sorely misled.

Mr Wood: I would have thought so.

Mr Kaine: No more than Labor Party, of course.

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Mr De Domenico: It depends on which Labor Party - the "Left Wing", "Left Left", "Right Right", "Middle", "Bill Wood Right Wing".

MR HUMPHRIES: Of course, yes. The "Welfare is Fraud Party" would be - - -

Mr Kaine: Or the "Brindabella Labor Party" and the "Molonglo Labor Party".

MR HUMPHRIES: That would be vexatious, I would suggest, Madam Speaker, and my colleagues are giving you other names that fall in the same category. So there is a case for having a capacity to exclude names of that kind. Members, of course, will recall names like the Sun-ripened Warm Tomato Party. Such names drew the ACT political process into considerable disrepute.

Mr Wood: The Residents Rally.

MR HUMPHRIES: The Residents Rally, suggests Mr Wood. That is another name. Clearly, names like the Sun-ripened Warm Tomato Party did some damage to the political process in the ACT. That clearly would be a frivolous name and, in my view, Madam Speaker, ought not be the sort of name which we register for serious contention in the political process in the ACT. I again point out that this was part of the Federal legislation and is still, as I understand it, the law at the moment in the ACT, until we supersede it with something tonight.

A name may also be inherently likely to deceive, mislead or confuse. The existing proposed new subsection 87(2) prevents the registration of a name which is likely to be confused with another name already registered; but I am talking about names which are, themselves, inherently confusing. For example, the "Official Ratepayers Party", I would suggest, is a confusing or misleading name because it implies that there is something authorised or official about such a name, and that would be likely to confuse. People should not be under any misapprehension about whether certain names are official or otherwise. There are other examples of names that I think would be, arguably, inherently confusing in their own right.

So, Madam Speaker, I think that capacity ought to exist. It ought to be clear that people should take the process seriously. Whether they do so or do not do so in the way they campaign is up to them; but we should not abet the process by allowing names which, in the past, have been intended to bring the process of electing the ACT Legislative Assembly into disrepute. I therefore suggest that we should retain these provisions.

MS SZUTY (8.11): I think Mr Humphries makes a very valid point about names of political parties or groups which are frivolous or vexatious, or mischievous, or likely to deceive, mislead or confuse or whatever. Mr Humphries has mentioned the background to this amendment. I think it will be useful if these provisions are inserted in our own legislation. I realise that the commissioner will have some decisions to make on the basis of names that do fall into these categories, but I think it is appropriate that we include Mr Humphries's amendment in the legislation.

MS FOLLETT (Chief Minister and Treasurer) (8.11): Madam Speaker, the Government will be opposing this amendment by Mr Humphries, which would have the Electoral Commissioner refuse to register political parties with names that are frivolous, vexatious, mischievous or likely to deceive, mislead or confuse. My main reason for opposing this is that we are into a very subjective area of decision making on these grounds. I consider that Mr Humphries's amendment, if it were passed, could place the commissioner in a quite controversial position. It would require him to make those very subjective decisions and it would open a much wider range of options on which registration could be challenged. I think that goes against the kind of principles that I have heard members expounding earlier in this debate.

It is, as I say, a very subjective matter, and I think the upshot of it, if this amendment were passed, would be that we would see a lot of party registration decisions ending up before the Administrative Appeals Tribunal or in the courts. That, I think, would be regrettable. We all deplored the Sun-ripened Warm Tomato Party, the Party Party Party, and all the rest of it.

Mr Berry: The Abolish Self Government Coalition.

MS FOLLETT: The No Self Government Party, the Abolish Self Government Coalition, and all the rest of the frivolous, vexatious and sometimes utterly fraudulent parties. At the last Assembly election in 1992 there were no overtly frivolous or vexatious party names registered, because of the amendments that had been made whereby a non-parliamentary party had to have at least 100 members before it could be registered. For instance, the owner of the Sun-ripened Warm Tomato Party, I think, in the First Assembly election, registered some five parties or stood for five different parties. Obviously that was an extremely vexatious and frivolous approach to a democratic process, and one which nobody would support.

Mr Humphries has moved his amendment in the context of some fairly fanciful names, but I think it is arguable whether some of the parties that he has mentioned, particularly in our earlier private discussions, would have been refused registration under the suggested rules. I think it is arguable at best. If the rules were adopted, as Mr Humphries asserts, I think that we would see a great many of those sorts of decisions end up before the AAT or in the courts because parties would wish to challenge decisions made by the commissioner. I believe that the regime that we have had has worked pretty well in reducing the undesirable registration of parties which, as members have said, quite rightly, did bring Assembly elections into contempt and disrepute in our early days. That has been acted upon. I do not see the need to go further, as Mr Humphries seeks to do, and we will be opposing this amendment.

MR STEVENSON (8.15): I heard some frivolous and vexatious remarks coming from the other side of this frivolous \$13m-plus South Building. I presume that I am allowed to call it a frivolous building. I know that I am not allowed to call this a Mickey Mouse self-government or a Mickey Mouse Assembly, but I assume that "frivolous" is okay.

Mr Berry: You can call the Abolish Self Government Coalition a Mickey Mouse and fraudulent party.

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MR STEVENSON: Mr Berry again raises the point. That is why I stand to talk about this, and I will take on Mr Berry's comment and that of the Chief Minister, who suggests that the Abolish Self Government Coalition name is something or other. I am not quite sure what they suggest. It is worth while looking at why it exists. Perhaps it has something to do with contempt of the Constitution and the fact that this nonsense should not be allowed under our Constitution. I well remember that on 4 July 1989 I moved an amendment relating to the committee to be formed to look at various aspects of the election.

Mr Berry: Did you actually turn up to a committee? Were you on a committee once?

MR STEVENSON: This was around the time when you would not allow me to sit on three committees, you might remember, Mr Berry. I remember that I moved an amendment to look at the constitutional points with regard to self-government. If we were going to look at various other matters of self-government, I said, let us look at the constitutional points, and I named a number of them, not all. I remember that the vote in this Assembly was 16 : 1. It is unfortunate that we did not spend the time to do that.

It could be something to do with contempt for and violation of democracy when the people, as you well know, voted against having this type of State-like government. I find it difficult to call it self-government because the people do not have much say - evidence the Royal Canberra Hospital, the schools, and the myriad of things that have been closed and the taxes that have been increased. It has something to do with a violation. How many people stood? Did the Labor Party stand for the Constitution? Did the Labor Party stand for the will of the people? Did the Labor Party stand for the fact that this should be a council and not a State-like parliament, with all your glorious trappings and all the other nonsense that this contains?

As we are looking at names and what the name of a particular party means, let us look at the name of the Labor Party. It is interesting to look at the Labor Party, the once great Labor Party. I had a comment about what it is now compared with what it was then. I am sure that they stood for the worker in Australia. They stood for employment and they stood for people giving a fair day's work for a fair day's pay. As for the current situation in Canberra and in Australia with record unemployment, what has Labor to do with that? There are record taxes on the worker. They are not record taxes on some people's mates, I will tell you; they are on the worker. What has Labor to do with that? One could well suggest that the principle of the Labor Party is long dead and buried. It is now so frivolous and so vexatious against the people of Australia and Canberra that it should be knocked out as well.

Mr De Domenico: Did you say "dead and buried"?

MR STEVENSON: I mentioned something a little bit stronger once in this Assembly. I felt that it was the right thing to say. But we must have a situation where people have the right to stand up and speak out.

Mr Berry: All races?

MR STEVENSON: Mr Berry says, "All races?". This is the former Sport Minister who made horseracing illegal in the ACT. I know that you would not acknowledge it, but any fool can tell that when you make it illegal to cause cruelty or pain to an animal - - -

Ms Follett: I raise a point of order, Madam Speaker. Mr Stevenson quite clearly is reflecting on a vote in this Assembly.

MADAM SPEAKER: Mr Stevenson, I think you could focus your comments on this particular amendment.

MR STEVENSON: As the Chief Minister says that it did not do that, it is not really a vote of the Assembly, is it? It would be - - -

MADAM SPEAKER: Mr Stevenson, just talk about the amendment. Let us not push too far into uncertain territory.

MR STEVENSON: That is fair enough, but I notice many comments from the Labor side that go unheeded. There seem to be two rules here.

When we look at names, it is vital that people in Canberra have the right to record a name. If no-one wants to vote for them, that is the voters' business. If people want to vote for them, that is their business. You disregard the Constitution. You disregard the will of the people. You disregard commonsense; it is certainly not commonsense. You disregard the fact that this was always going to be expensive. Before the first election certain people stood up in the ACT and said, "There will be no tax increases and no services will be cut". We all know that to be not true. Those things were said and some people even believed them. People have the right to form parties. As was said, that has not been a problem around Australia. It was a response to this fraud of a Legislative Assembly.

MS FOLLETT (Chief Minister and Treasurer) (8.22): I want a quick word, Madam Speaker, just to make it clear to members that it is Mr Humphries's amendment which seeks to restrict the right of parties to register under particular names. I repeat that I believe that the action that has been taken by way of restrictions on non-parliamentary parties has already achieved the objective that we all seek, without taking further overt action to involve the commissioner in what could be some very controversial decisions by seeking to restrict and to define in the legislation certain categories of parties that may not be able to register. I remind members of that point.

MR HUMPHRIES (8.24): Madam Speaker, the Chief Minister mentioned in her remarks that this matter puts into the hands of the Electoral Commissioner a discretion to make certain decisions, to adjudicate on whether names are frivolous or vexatious, and lamented the fact that there was that judgment to be exercised by the commissioner. I agree that judgments and discretions present problems, but they cannot always be avoided. In particular, they are not avoided elsewhere in this Bill. I refer members to a provision just dealt with, particularly proposed new subsection 75(4), where the commissioner is entitled to reject objections to enrolment if he or she believes that they

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are frivolous or vexatious. Those are the very words that I am seeking to incorporate elsewhere in the Bill. If the commissioner has to exercise a discretion in respect of the enrolment of a person, why should he not be able to exercise the same discretion in respect of the enrolment of a party?

Question put:

That the amendment (Mr Humphries's) be agreed to.

The Assembly voted -

AYES, 8 NOES, 9

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

Question so resolved in the negative.

MS FOLLETT (Chief Minister and Treasurer) (8.27): Madam Speaker, I move the Government amendment No. 14, which has been circulated and reads:

14. Page 31, line 9, proposed new subsection 87(2), after paragraph (d), insert the following paragraph:

"(da) comprises the word 'Independent';".

The effect of this amendment is to put in a new paragraph 87(2)(da) with the intention of ensuring that a political party cannot be registered under the name "Independent". By that I mean the single word "Independent". I think this is pretty clear. If you have a political party you cannot entitle that party with the single word "Independent". That quite clearly is designed to mislead and misstates the situation.

MR HUMPHRIES (8.27): Madam Speaker, I do have some slight concern with this amendment. I looked up the word "comprises" in my dictionary - admittedly, it is the *Oxford English Dictionary*, not the *Macquarie Dictionary* - and it has two possible definitions. One is "consists of", which is the meaning I think the Chief Minister is intending; but it also means "includes". I do not think the Chief Minister means that a title including the word "Independent" should be excluded from registration - at least I assume that she does not. Mr Moore and Ms Szuty certainly would have some concern if that were the case. I am prepared to accept the Chief Minister's assurance - I suppose this can

be used in interpreting these words in the course of a challenge in the courts - that it means only "consists of" and not "includes". The rest of the section, especially where we use the word "comprises" in paragraphs (e) and (f), makes it clear that we mean here "consists of", not "includes".

MR STEVENSON (8.29): The matter could be easily solved with a simple amendment along the lines that Mr Humphries just mentioned. I suggest that that is the thing to do. You could quickly write it out. Simply change the words to read "consists of the word 'Independent'". That would remove any doubt. One would not need to look back on what was said or whatever. It can be amended simply to remove any doubt. It might also make it easier for some people to understand.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (8.29): Madam Speaker, I move my amendment No. 15, which reads:

15. Page 31, line 23, proposed new paragraph 87(3)(b), omit "registration", substitute "refusal".

This is a drafting error that I am seeking to correct. The amendment is to take out the word "registration" and substitute the word "refusal" in proposed new paragraph 87(3)(b). It is a typo.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (8.30): I move Government amendment No. 16, which reads as follows:

16. Page 32, line 27, proposed new subsection 91(1), after "signed by the officer", insert "and proposed deputy".

The effect of this amendment is to change proposed new subsection 91(1) to require a proposed deputy registered officer to sign the notice of his or her appointment. This will ensure that the Electoral Commissioner has a specimen signature of the deputy which may be used, for example, in verifying the deputy's signature on a nomination form.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (8.30): Madam Speaker, I move Government amendment No. 17, which reads:

17. Page 35, line 7, proposed new paragraph 94(1)(b), omit "4th year", substitute "3rd year".

This is identical, I think, to the Opposition's amendment g. The effect of this amendment is to reduce the proposed term of the Assembly from four years to three years. The original Bill, Madam Speaker, contained the four-year provision simply because the majority of Australian States and Territories have a four-year term. In fact, all of them

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but Queensland have a four-year term. This is not a matter that I feel strongly about. Clearly, the majority of members of the Assembly prefer the three-year term. I bow to the numbers. Therefore, the Government is moving that amendment.

MR MOORE (8.31): Madam Speaker, my preferred position, from a personal perspective, is a four-year term, and I think I can present very good arguments for a four-year term. However, it is also clear to me that nobody in this Assembly has gone through an election saying, "I prefer a four-year term". I think that on an issue like this it would be preferable that we at least have some form of mandate. My proposal for dealing with this, Madam Speaker, was to prepare a referendum question for the next election, distinguished from Mr Stevenson's referendum questions - a politically inspired initiated referendum. Whilst the issue is not being dealt with now, that is satisfactory as far as I am concerned. Some members may decide to have that as part of their party policy at the next election. If that is the case, I would be very comfortable about dealing with an amendment after the next election, or, conversely, putting it to a referendum.

MR STEVENSON (8.33): One of the questions we surveyed over four days recently was whether the term of the ACT Legislative Assembly should be two years, three years or four years.

Mr Cornwell: Or none of the above.

MR STEVENSON: The reason why I did not include "other" may become obvious to most people here. A large percentage of people would put "zero". That is the explicit reason why I did not put it in. While that might agree with the point that I make - that people do not want the thing - as it was a question I needed to vote on I needed an answer. Although I would favour allowing them to put "other", and I usually do, in this particular case - - -

Mr Kaine: Why did you mention two years, though? Who said two?

MR STEVENSON: You do not think they want five, do you? Let us look at the result. The suggestions from the politician-initiated ideas were either three or four. I asked about two, three or four years, and when you look at the survey results they tend to show that it was the right area. A total of 507 people were asked and 477 answered the questions. The results were: Two years, 29 per cent; three years, 34 per cent; four years, 32 per cent; not concerned, 3 per cent; not enough information, one per cent. Most people favour the middle road, or less, so I will agree with three years. It is interesting that there was a fairly even spread.

Unless you ask a preferential voting question, it is hard to ask for more than a yes or a no. That is why, in the Electors Initiative and Referendum Bill, we have given people the opportunity to ask preferential questions. Otherwise, you could ask 10 questions and you could get 10 per cent on each, and then what do you do? What does that tell you? It can be important, firstly, that you ask enough questions, and that, of course, highlights the fact that there were not enough at the 1992 referendum. Secondly, you allow people to have a preference. The preference may have been for d'Hondt or Hare-Clark under a 17-seat single electorate system for the ACT.

MR MOORE (8.35): Madam Speaker, Mr Stevenson's reference to his survey on this does not mean that he will follow his result. He is going to do what he likes. For Mr Stevenson surveys and referendums are a fraud. The reason I say that, Madam Speaker, is that Mr Stevenson, on many occasions, has come into this house and said that he does support the referendum on self-government, but he has never told us whether the right questions were asked or not. He says that he does not have to support the referendum on the Hare-Clark system because nobody asked the right question. Then he stands up here and tells us that he is going to vote, having done his survey, on the question of a term of three or four years. The question I ask is: Did he ask the right question? If I remember correctly, he asked, "Do you want two, three or four years?". Why did he not ask about eight years? Why did he not ask about one year? It seems to me that eight years is a perfectly reasonable question to ask.

Mr Kaine: It is a good question.

MR MOORE: It is a good question to ask. In fact, there are legislatures in this country that have six-year and eight-year terms. I think it was a perfectly reasonable question to ask. He did not ask this question and, therefore, there are real questions about his surveys. In fact, according to his own convictions, you would have to call this one a fraud. Even the briefest study of surveying techniques would teach people that the most important thing to sort out first is selection bias. No matter what method Mr Stevenson uses, he must have a selection bias in it. The reason I say that is that people around Canberra know that Mr Stevenson and his friends from the Abolish Self Government Coalition carry out these surveys at shopping centres around Canberra.

Mr Kaine: They always know that it is a Dennis poll.

MR MOORE: They are known as Dennis polls. Therefore, automatically, there is going to be selection bias. Those people who are happy to agree with Mr Stevenson or to answer his questions are already of the frame of mind that they are in some way supporting the Abolish Self Government Coalition. Those who are appalled by the way he operates or by the fact that he stays in this Assembly when he was elected to abolish self-government, and those who are appalled by some of the other stances he has taken from the far right wing, are going to avoid him like the plague. That, Madam Speaker, is known as selection bias. It is the very first bit of information that any student of surveys learns to deal with. The reality is that Mr Stevenson simply asks these questions in the way he wants so that he can get the answers he wants. There is no trick to it, Madam Speaker. He does not have to go through this charade. He can just vote the way he wants. We do not care.

MR HUMPHRIES (8.39): Madam Speaker, as has been noted, there is an Opposition amendment to the same effect and, obviously, we will support this amendment. We indicated at the very outset of this proposal being put on the table that we considered that there had been not only insufficient debate but, indeed, no debate in the Canberra community about the length of future terms of the Assembly, and it was therefore quite inappropriate for this parliament, late in its life, to extend the lives of future parliaments by a measure such as this.

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I also place on the record, as did Mr Moore, that I support four-year terms. I think a parliament with four-year terms is better able to deal with the issues and problems which face jurisdictions. I think it is increasingly clear to people in this day and age that many solutions to our economic problems, in particular, are solutions which cannot be found overnight. They must be the product of long-term policies, and long-term policies are harder to put in place and to maintain when the terms of the parliament are shorter.

Having said that, there is an important distinction between the substance of the decision and the form of the decision. The decision we make here must clearly be one that is made on the basis of a mandate to do so. The length of the period for which people are elected is a fundamentally important part of the democratic process, and for parliament to extend that term without that reference or without that mandate is not appropriate. Ms Follett referred to the fact that all jurisdictions bar Queensland had adopted four-year terms. I might note that some of those jurisdictions had had referenda on the subject and, on at least two occasions that I can recall, four-year terms were rejected.

Mr Connolly: Federally. The Liberal Party always say, "Yes, we support it", but whenever Labor tries to do something about it they say, "No, no; we do not want it".

MR HUMPHRIES: Mr Connolly is a little bit on edge. It must be that new health portfolio he has. Madam Speaker, the Federal Liberal Party, as I recall, has always supported four-year terms at the Federal level. I believe that we have also supported them in State elections as well. I think it was a New South Wales Liberal government that supported the first referendum on four-year terms in that State. I would be open to correction on that. The people of Queensland do not have a four-year term because it was rejected by referendum in that State, and that is appropriate. If the people of Queensland say no, they should not have four-year terms. Similarly, we should have some way of asking the people of this Territory what they think.

Perhaps the litmus test will be whether the parties that contest the next ACT election care to make it very clear that they would support four-year terms if elected to office. Despite having put this amendment forward, it is not clear to me whether the Labor Party intends to do that. Ms Follett does not appear to be sure about that either. I do not know what our party will do, but I think we need to have the courage of our convictions before we take any steps of this kind in this place. I think Mr Stevenson's poll on four-year terms is probably right. I suspect that most people, at least at first blush, are not in favour of extending the terms of parliament; but, as I think the Hare-Clark campaign demonstrated, people can be persuaded sometimes that decisions which you make at first blush are decisions which will change on the basis of reflective consideration. I am not pessimistic about the chances of persuading the electors of the ACT that four-year terms would be a good idea for their Assembly.

I have to say that I share some of the reservations Mr Moore has expressed about Mr Stevenson's polling process. I think there is a question of sampling bias. Mr Stevenson has often expressed his view that the results of his polling suggest that people in the ACT wanted another option at the referendum of 1992. I have asked him on many occasions to supply me with details of that, and he has not yet done so.

I hope that he will take up the opportunity to convince me that the polling has some veracity. He has given me copies of press releases. He has not given me details of polling, and he did promise that. I look forward to seeing that. I hope that I have jogged his memory. I must indicate that at this stage we ought to accept that four-year terms are a matter for which this Assembly has no mandate.

MR STEVENSON (8.44): Madam Speaker, Mr Moore's statements do him no credit. Unfortunately, he said a number of things that were not correct. It cannot be assumed that he was inadvertently wrong because I had just covered some of them. He started off by saying that I have claimed that I do not have to support the 1992 referendum. I have not claimed that. What I said was that it was a fraud. Some have suggested that I have said that the referendum result was a fraud. I never said that the referendum result was a fraud. The fraud was in preventing them from having a decent choice.

Mr Humphries says that I said that our polling showed that people favoured a single electorate with 17 members and a good proportional representative system.

Mr Humphries: Where is the evidence?

MR STEVENSON: One at a time. It does; but, regardless of our polling, who would suggest that, following the electoral system used for 1989 and 1992, for 1995 people should not have a choice of picking the status quo - I do not mean d'Hondt - as the number of electorates? Who would stand up in this place and say that? I am sure that a couple of people would, but I think they should do so for the record.

Mr Humphries mentioned the poll we did. We did a couple of polls. I sent out a number of media releases. I have read out the results before in the Assembly. I am happy to supply the poll sheet and the survey results.

Mr Humphries: What was the question you asked?

MR STEVENSON: The question was mentioned in the last one I showed you; but I am happy to give you more information. I have always said that. I have always said that anyone may come along and look at it. After five years of no-one ever coming along and asking to have a look at any of the surveys, I am giving them out. You have no choice; you are going to cop them whether you like it or not, and you can never say that you did not see them.

Mr Moore brought up another couple of points. He asked, "Why not eight years?". That is a frivolous remark. The question had been answered. He used that as part of another argument, but it has no validity. It was a nonsense. I had read out the results. They were 29 per cent, 34 per cent and 32 per cent. If you go over four years it is going to drop, naturally enough. It is not going to increase; otherwise they would pick the highest, which is four years. I mentioned why I left out "other". It was because they would put "zero". That is because they think this place stinks - and who can blame them?

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Mr Moore and Mr Humphries mentioned selection bias. I would not disagree that in any poll there is going to be some selection bias. Let me mention a couple of points. When you ring someone on the phone, you immediately have selection bias. First, they have to have a telephone; secondly, they have to be home when you phone; thirdly, they have to be the person who answers the phone. Some people hate phones. They have a phobia about phones. When you approach someone in the street or in a house there are selection biases. There is other bias as well. I do not think this is picked up in the survey analysis, but when you approach someone you have a tendency to approach people like yourself. There is a tendency to do that. We handle that by training people to deliberately select the people they survey in order to make sure that they get a cross-section, as best they can, not just go out and grab people. We tend to grab people we have an affinity with; people we tend to agree with; people who look like us or who look like people we like. We have done our best to handle that.

When you speak to somebody at the door or in the street you have a vocal bias. This is a very important thing. As every member here would know, you can influence people greatly with the tone of your voice. Not only that; if you are interviewing someone at their door or in the street, you have a body language bias. The way you stand and the way you use your body can also bias questions. We have eliminated all those things because we give someone a clipboard with the survey sheet on it, we give them a pen, and they go at it. We ask them whether they are from Canberra and whether they would be good enough to give us their opinion.

Mr Berry: Madam Speaker! Madam Speaker - - -

MR STEVENSON: Quite often it will be on matters coming before the Assembly or on important matters - - -

MADAM SPEAKER: Mr Stevenson, there is a point of order.

Mr Berry: I am in an entirely flexible mood this evening, but I cannot work out how that is related to what is going on in the Assembly. Mr Moore was really being quite friendly. He just put on that impression to upset you, I think. I would not worry about it. You will get back together again.

MR STEVENSON: I thought it was an excellent opportunity to explain a few points. I am always happy to do that. You know that.

Mr Cornwell: I did not think there was anything wrong with the body language.

Mr Berry: I do not know what the clipboard has to do with - - -

MR STEVENSON: Was it the body language or was it the vocal sounds?

MADAM SPEAKER: Mr Stevenson, I think the point of order is about relevance. Perhaps you could focus on the amendment that we are dealing with.

MR STEVENSON: Yes. One of the questions we had here was to do with terms of two, three or four years. Whether the result we obtained was relevant is important. We remove as much bias as we can when we ask the specific question. We do that by giving people the clipboard and allowing them to answer the question in their own time. This is another important point. When you speak to someone on the phone or, more importantly, when you stand in front of them in the street or at their home, a number of them will not answer a question truthfully because they think it may be politically incorrect to say such things, or whatever. They answer the way they may feel they should answer.

Another situation is that they feel pressured by time. Instead of taking due time to consider the question about terms of two years, three years or four years, if you are waiting with pen poised for their answer they may throw out any answer to you. We have done our best to eliminate all this. As for the question about two, three or four years, we even tried to eliminate any bias in that area. I spoke to a number of members of this Assembly before we surveyed and I got some feedback.

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

MR STEVENSON: I think he is on his feet again.

MADAM SPEAKER: There is a point of order, Mr Stevenson.

Mr Berry: I would like to congratulate Madam Speaker for her flexibility and tolerance. How you run surveys really does not have much to do with what is in front of us right now. This is about the issues. I would not mind hearing about the issues rather than the way you conduct your surveys.

MADAM SPEAKER: The question before us is the amendment about three-year or four-year terms. Mr Stevenson, please focus your last minute on that question.

MR STEVENSON: Yes. I was concentrating on why I am going to vote for three years. We have done our utmost to remove any bias. I agree that the polls are not perfect. Some people say, "Where do you get the money to do it?". Fortunately, it does not cost money. It costs a lot of time. As I must have mentioned quite a few times in this Assembly, members can always go out and ask their own questions.

Mr Kaine: We do, but we do not get the same answers that you get.

MR STEVENSON: I know. Perhaps that is why you do not release them. It is not only a matter of asking. Why do you not release the results and then let me have a chat about your questions and your methods?

MS SZUTY (8.53): I noted when the Chief Minister tabled the Electoral (Amendment) Bill in December 1993 that it contained provisions for four-year terms. I personally have a difficulty with the process which enables us, the current elected representatives, to determine the length of tenure, potentially, for ourselves in the future. I do not know that I am as committed as Mr Moore is to four-year terms. That is a debate that perhaps we

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can have at some stage during the course of the next few months. I do agree with him, however, that it is an appropriate referendum question to be put to the community at large. I am happy to change the four-year term provisions to three-year term provisions. Perhaps the question can be revisited in the future.

MS FOLLETT (Chief Minister and Treasurer) (8.54): Madam Speaker, it is interesting that this is a matter on which we are all agreed, apparently, and it has led to the longest debate on any topic so far in this legislation. There are a couple of concluding remarks that I want to make. The first relates to Mr Stevenson's poll and to the methods that he has used. I share Mr Moore's concern about Mr Stevenson's methods. I am not an expert in sampling or polling, Mr Stevenson, but the advice that I have is that you would have required around 2,000 respondents for a valid poll on this issue. Also, Madam Speaker, the fact that all of Mr Stevenson's polling was done in shopping centres indicates, I think, that the replies have not been weighted according to demographics or otherwise to ensure that it is a representative sample of the wider population. Those are some concerns I have.

I have read the questions that Mr Stevenson asked on this matter, Madam Speaker. On the question of the term, Mr Stevenson's question was, "Should the term of the ACT Legislative Assembly be either two years, three years or four years?". "Either" usually relates to one of two, but in Mr Stevenson's poll there are three options given. My first question, Mr Stevenson, is: Why did you not include in your questionnaire "Should the term of the next ACT Legislative Assembly be abolished? Tick the box."? Was it because you were worried that people might have agreed with you and expected you to do something about it? I was very surprised not to have seen that included.

Madam Speaker, the other thing which Mr Stevenson's polling proves to me is that you can do anything with statistics. If you look at the results of Mr Stevenson's poll on the term of the next Assembly you will see that the three options he put forward got very close results. There is nothing in it - 29 per cent, 34 per cent and 32 per cent. People who are clever with statistics could say that, on Mr Stevenson's poll, 66 per cent of respondents want three years or more as the term for the Assembly. You can do anything with statistics. Madam Speaker, with regret, I have put aside Mr Stevenson's sample.

Mr Stevenson: That is not true. The centre-point is three years.

MADAM SPEAKER: Order! Mr Stevenson, you have had your turn.

MS FOLLETT: I would like to say in response to Mr Humphries and Mr Moore, who have indicated a personal preference for a four-year term, that if they want to rely on a referendum to achieve that they are on very shaky ground indeed. It is a fact that, in Australia, referendums on any question are most unlikely to be passed. In the particular case of four-year terms we have two examples to go on - one in Queensland, where the four-year term was rejected, and one in New South Wales, where there was a similar result but the Government decided to implement it anyway. Madam Speaker, I caution those people who wish to put the matter to a referendum that, if their intention is to obtain a four-year term by way of referendum, that course would be far from certain.

Mr Stevenson: It is best to take no notice of the people - not ask for one!

MS FOLLETT: Madam Speaker, I do object to his constant interjections, and to the loudness with which he continues to address this chamber.

Mr Stevenson: My apologies, Madam Speaker. I have no-one else to do it for me.

MADAM SPEAKER: Mr Stevenson, I remind you of the standing orders that do require you not to interrupt a member.

Mr Stevenson: But it is difficult. I do not have another chance to have a say.

MADAM SPEAKER: Order!

MS FOLLETT: Thank you, Madam Speaker. I have concluded my remarks on this matter. As I say, I do not have a strong view about the term of the Assembly. The original Bill contained what is now the norm for parliaments of our kind; but, clearly, that is not supported by a majority of members. I am happy to give way to that majority.

MR HUMPHRIES (8.59): Madam Speaker, I also want to comment briefly on some remarks Mr Stevenson made about his polling arrangements. First of all, I might have given Ms Follett the wrong impression when I said that there was a referendum in New South Wales which rejected four-year terms, thus suggesting that that was the only decision that they made. I think there were two referenda in New South Wales, and the first rejected the proposition and the second one accepted it. That is my understanding; but, as I say, that needs to be checked.

Mr Stevenson indicated that he has done some polling on the appropriate electoral system for the Territory. He talked a lot about sampling bias, the places, and the manner in which people ask questions. I suggest that there is another very important point, in addition to the question Ms Follett raised, about questions and the way in which they are drafted. Mr Stevenson showed me a copy of his press release in which he recorded the results of his poll that purported to show that people wanted a single electorate. He did not show me the questions that were asked. He showed me a press release which summarised the votes for three points of view. They were summarised roughly as follows: Support for the existing d'Hondt system, which was very negligible.

Mr Stevenson: Three per cent.

MR HUMPHRIES: Three per cent. The second was support for single-member electorates, which was about 10 per cent, I think. It was smallish, on Mr Stevenson's poll. The third issue or question that he put in his Dennis poll related to a proportional representation system in which the 17 candidates with the most votes win the seats. With great respect, Mr Stevenson was rolling two important issues in together - PR, plus the size of the electorate.

Mr Stevenson: But PR can be in one electorate. That is the key.

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MR HUMPHRIES: No. Mr Stevenson has a particular view about this. He believes that you can have proportional representation only if the whole jurisdiction is a single electorate.

Mr Stevenson: I have not said that. It is one electorate, two electorates, three electorates, four electorates.

MR HUMPHRIES: It is impossible. If I had voted in that Dennis poll I would have voted for the third option because I would consider that proportional representation where the 17 candidates with the most votes get the most seats is a good description of the system that I voted for in February 1992. That would be my view. As I say, I still have not seen the wording of that polling. I look forward to seeing it so that Mr Stevenson can clear up the doubts which remain.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (9.02): Madam Speaker, I move the Government amendment No. 18, circulated in my name, which reads:

18. Page 38, line 6, proposed new paragraph 99(3)(b), omit "cash", substitute "legal tender".

By using the term "legal tender" rather than "cash" I am seeking to bring the ACT into line with the equivalent Commonwealth practice and to ensure that the nomination process is not frustrated by deposits being made in coin. Under the Commonwealth's Currency Act 1965, "legal tender" cannot be coins for amounts over \$20, whereas "cash" would include coins. As the Bill now stands, it may be possible for a candidate or candidates, or entire parties, to submit all of their nomination deposits in coin. That would be very frustrating and something we would do best to avoid.

MR HUMPHRIES (9.03): This amendment may frustrate the representatives of the pensioner parties who break open their piggy banks to find the coins to make up the deposit. Notwithstanding that, the Liberal Party will support this amendment.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (9.03), by leave: I move:

19. Page 39, line 20, proposed new subsection 101(1), omit "at any time", substitute "not later than 24 hours".

20. Page 39, line 22, proposed new subsection 101(2), omit "at any time", substitute "not later than 24 hours".

Madam Speaker, the purpose of these amendments to proposed new subsections 101(1) and 101(2) is to provide that a nomination may be withdrawn by a candidate or cancelled by a party's registered officer only up to 24 hours before the hour of nomination.

As the provision stands, nominations may be withdrawn or cancelled up to the hour of nomination. The amendment brings the period for withdrawal or cancellation of nominations into line with the period for lodgment of nominations, which cannot be submitted later than 24 hours before the hour of nomination. It is a tidying up exercise.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (9.05), by leave: Madam Speaker, I move the Government amendments Nos 21 and 22, which read:

21. Page 41, line 7, proposed new paragraph 107(1)(b), omit "4%", substitute "2%".
22. Page 41, line 11, proposed new paragraph 107(1)(c), omit "4%", substitute "2%".

The purpose of amendments Nos 21 and 22 is to amend proposed new paragraphs 107(1)(b) and (c) to lower the threshold for the return of candidates' deposits from 4 per cent to 2 per cent of first preference votes. Madam Speaker, I know that Mr Humphries intends to move an amendment which is along similar lines but which follows, I believe, the Tasmanian practice, where the threshold is at least 20 per cent of the quota counted to the candidate.

Madam Speaker, I prefer the proposal that is put forward in my name. It is based on the Commonwealth model. All I have done to change it from the Commonwealth model is, as the amendment proposes, to reduce it from 4 per cent to 2 per cent. That is a much lower test of the threshold for the return of deposit. As an alternative, I think Mr Humphries's scheme is more complicated. I believe also that, in most circumstances, Mr Humphries's scheme is probably less generous. Nevertheless, Madam Speaker, it is a matter for judgment by members. Perhaps they will want to listen to debate from both sides.

MR HUMPHRIES (9.07): I ask for leave to move my amendments h., i. and j. together. Is that appropriate, Madam Speaker?

MADAM SPEAKER: I think it is better if we deal with amendments Nos 21 and 22.

MR HUMPHRIES: Okay. I take it that I can refer to my amendments, Madam Speaker?

MADAM SPEAKER: Yes.

MR HUMPHRIES: Thank you, Madam Speaker. Ms Follett is quite right; my amendments are slightly more complicated than the position she proposes. The reason for that is that it is a fairer arrangement than the one that she proposes. It is based on the experience in Tasmania. That, I submit, is the arrangement which has been found to be most reasonable and fair to all the parties concerned in Tasmania.

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There are two problems with Ms Follett's provisions. One is that Ms Follett's proposals in the existing Bill are party based. The concept of preventing people nominating frivolously or when they are not likely to get much support is diminished in the case of people who nominate in party blocs. Consider an example. If there is party A with, say, eight candidates, and next to party A in the last column on the right is Independent B, party A's candidates have to obtain between them an average of a quarter of one per cent of the first preferences in order for the whole of party A to have all eight deposits returned. Obviously a very small number of votes needs to be obtained by individual candidates, relatively speaking, in order for all those candidates to get their deposit returned, whereas candidate B next-door needs to obtain in his or her own right a full 2 per cent of the vote. That is a very unfair arrangement.

To take another more pertinent example, say there are two columns side by side. One column is for a party in which there are, say, eight candidates, and the column next-door is for a set of grouped non-party candidates, of which there are also eight. Both are identical in many other respects in the course of this legislation, but column A needs to obtain only 2 per cent of the vote for all of them to get their deposits returned, while column B has to have, on average, 16 per cent of the vote to get the deposits returned. That is quite ridiculous.

Madam Speaker, it seems to me that, if the idea of legislation like this is to prevent people from nominating when they do not have a real chance of being elected, it should apply to all candidates and should not be based on the question of whether candidates are inside or outside parties. I think that in the past there have been examples of parties nominating far more candidates than they can possibly hope to get elected. It is also possible, under these arrangements, for parties to disrupt the electoral process by nominating extraordinarily large numbers of candidates because, as long as between all those candidates they achieve this primary vote of 2 per cent, they will recover all their deposits. To take this one step further, someone said to me the other day, "If you could find 1,000 candidates to nominate for a party, and each of those candidates voted for himself or herself, you would be sure to get your deposit back". That is just about right under the arrangements. Can you imagine how disruptive having 1,000 candidates on the ballot-paper would be?

Mr Moore: It is not that easy to find 1,000 candidates, Gary.

MR HUMPHRIES: I have never tried, Mr Moore. I was not in the Residents Rally, but I will take your word for that.

Madam Speaker, the other major problem with this arrangement is that it depends on the primary vote of candidates, whereas the suggestion that I make is that it should be based on the vote the candidates have achieved at the point where they are excluded. Naturally enough, if members of a party happen to do what members of the Labor Party would like their voters to do, that is, follow a certain ticket, and everybody in, say, the Molonglo electorate were to vote 1 Rosemary Follett, and then very few candidates voted 1 Mr Lamont, or 1 Mr Connolly, as is the intention of the Labor Party, or will be, then, naturally enough, it would discriminate against individual candidates within parties.

Taking my first argument as read, it would be unfair to those other candidates to lose their deposits merely because party voters had done the right thing and had followed the ticket and voted 1 for Ms Follett. Of course, Mr Lamont and Mr Connolly, and perhaps others down the line, all get the benefit of a flow of preferences from Ms Follett.

Mr De Domenico: What - the reserves?

MR HUMPHRIES: The reserves, whose names we cannot mention, will get the benefit of the five preferences; but, if things go according to plan, they will get a very small primary vote. They should not, in my view, Madam Speaker, be discriminated against because they do get a small primary vote.

Surely the better test is the test applied in Tasmania, which is the test of what vote a candidate has, individually based, not party based, at the point at which the candidate is excluded from the count. If a candidate gets a very low primary vote, under Ms Follett's arrangement they would lose their deposit, particularly if they are an Independent candidate. However, if that candidate manages to get many preferences from any sources and builds up to a decent vote, that candidate is entitled, I think, quite reasonably, to the return of his or her deposit. That is only fair.

Ms Follett suggested that there was a marked difference between our two suggestions in terms of the number of votes you need to achieve. That is not so - not necessarily so, anyway. In the seven-member electorate, in the centre, 20 per cent of a quota will be about 2.5 per cent, so Ms Follett's 2 per cent of primary votes versus my 2.5 per cent of votes at the point of exclusion probably makes very little difference at all. Indeed, it might well be easier to get to 2.5 per cent on final preferences than it is to get to 2 per cent of first preferences.

Mr Kaine: The Labor B team will be interested in that.

MR HUMPHRIES: Indeed, a Labor B team will be interested in that kind of outcome. Do not worry, Mr Connolly; you are in the A team. Do not worry; that is taken care of. Madam Speaker, what the Government is proposing clearly is a grossly unfair arrangement. It is not the procedure that is followed in Tasmania. I see no reason at all, Madam Speaker, why we should not pick up the provisions as used in Tasmania. They are fair. They are workable. They have the support of the Labor Party in Tasmania. What is wrong with applying them here?

MS FOLLETT (Chief Minister and Treasurer) (9.14): Madam Speaker, one of the points which I would like to draw to members' attention is the fact that the scheme which has been proposed by the Government for the return of deposits is consistent with our scheme for public funding, and I believe that it is important that there be consistency between these two factors in the electoral legislation. After all, both factors are important in deciding how serious a candidate's bid for public office was. The very fact that we do have a threshold for return of deposit and that we do have a threshold for public funding indicates that there is a general purpose in acknowledging the seriousness of a bid.

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Under Mr Humphries's proposal, his foreshadowed amendments, I think a serious inconsistency is likely to occur. If Mr Humphries's scheme were to be adopted and the public funding scheme, which comes up later in the Bill, remains unchanged - that public funding scheme, as you know, is based on first preference votes, as it ought to be, in my view - it is possible that there would be some candidates who would get public funding but would not get their deposit back, and there would be other candidates who would have their deposits returned but would not get public funding. I think it is important that there be consistency between both of those schemes.

As an alternative, the Government's proposal does provide for consistency between both schemes - they are both based on the 2 per cent threshold. I believe that if the Government's proposals were adopted we would see both the deposit being returned and public funding going to those candidates who were arguably the more serious candidates, the more well-supported candidates by the community in their bid for public office. I do ask members to give serious thought to the consistency between those two schemes, and to the fairness of candidates being treated consistently by way of financial return as a result of their candidacy.

MR MOORE (9.17): Madam Speaker, this is another one of those questions of balance. There have been good arguments put by both sides. I was pleased to see the Government reduce their 4 per cent in the original Bill to 2 per cent, because that seems more equitable. But I must say that the proposal that Mr Humphries has put up, from the way he has explained it, is a much more attractive proposal than that put by the Government.

The Chief Minister argues for consistency. Consistency was one of the issues that Helen Szuty and I, in discussing this at length, were influenced by. In the end, as the balance goes, we felt that the equitable system that Mr Humphries had proposed for return of deposit was a stronger argument than the consistency argument. Whilst we will vote against the amendment put up by the Chief Minister, and then vote for Mr Humphries's position, I would like to indicate that I will be supporting the Government's amendment to take public funding to 2 per cent. Of course, the Liberals will oppose public funding altogether.

So there will not be consistency. I believe that the chances of a candidate having one and not the other are very slim. If that does happen, if the candidate gets no public funding but has their deposit returned, they are two different issues. If the opposite happens, that is the way it goes. Madam Speaker, I shall be opposing this amendment, but I indicate that I will be supporting Mr Humphries's amendment.

MS FOLLETT (Chief Minister and Treasurer) (9.19): Madam Speaker, there is a further serious flaw in Mr Humphries's foreshadowed amendment which I should point out to members. Mr Humphries's foreshadowed amendment does not provide for the return of deposit to candidates who have received at least 20 per cent of the quota but who are neither elected nor excluded, and that is possible. That is not a fair outcome.

Madam Speaker, it has been necessary for the Government to prepare a supplementary amendment to provide for these candidates. I think it is another sign that Mr Humphries's proposed amendment is not well thought through. It has glaring flaws in it. I believe that the Government's amendment is by far the preferable course. It is fairer, it is simpler, and it does not have the unintended consequences that Mr Humphries's scheme has. I commend the Government scheme to members.

MS SZUTY (9.20): Madam Speaker, I think Mr Moore has outlined the arguments fairly well as far as he and I are concerned. It is an issue that we have considered at length. We have taken on board the Government's argument about the importance of consistency between these provisions and the public funding provisions which we will be dealing with later. However, Mr Humphries's view that this matter should be based on Tasmanian experience is very well founded. As we will be returning to other issues such as the banning of how-to-vote cards later in the debate this evening, it is an important principle to keep in mind. The Hare-Clark electoral system that we are going to introduce in the ACT will largely be modelled on the Tasmanian experience because that is where the Hare-Clark electoral system has operated in Australia.

Ms Follett has foreshadowed a Government amendment, should Mr Humphries's amendment be passed. I would like to acknowledge the work that a great number of members have done in preparing amendments to the Government's Electoral (Amendment) Bill. While the Chief Minister has pointed out an instance where Mr Humphries perhaps has not thought through his argument to the fullest extent, I think it is a credit to this Assembly that we can work together to come up with appropriate amendments which ultimately will make the Bill the best possible Bill that this Assembly can produce.

MR HUMPHRIES (9.21): Madam Speaker, first of all, let me say that it is a bit rich for the Chief Minister to refer to the glaring flaws in our amendments. The original version of supplementary amendment c. which the Chief Minister circulated was a glaring error. I pointed this error out to the Parliamentary Counsel and the matter was corrected. I think we live in glass houses and we should not throw stones. All of us are capable of some errors from time to time.

Madam Speaker, let me make it quite clear that these provisions are infinitely fairer than the ones that the Government proposes. That is why they are more complex, or at least a little bit more complex. Let me take two examples and talk about the anomalies that the Chief Minister referred to. Take two parties. Party A gets 1.8 per cent of the first preferences in an election, but its candidates get a total of 6 per cent at the point where they are excluded from the count. That party will lose its deposit under the provisions Ms Follett puts forward. Contrast that with party B which gets 2.2 per cent of first preferences, but its candidates total only 3 per cent at the point of exclusion. It is possible to say that party A has twice as much support as party B, but party A loses its deposit and party B keeps it. That seems like an anomaly to me, with great respect, Madam Speaker.

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Let me draw some conclusions about why the Labor Party wants these amendments. The Labor Party wants a party based system where it can protect certain candidates on its ticket who are not meant to be candidates who attract many votes. We have all read the newspapers. We all know that the Labor Party's intention is to put forward a number of A list candidates who will have prominence and funding and support from the party machine, and a B list of candidates who will have no support and no prominence and no funding. Let us be quite clear; that is a device to avoid the operation of the Robson rotation.

This Government cannot live with the harsh reality of the full choice that Robson rotation gives to people. Therefore it is insistent that that choice be limited as much as possible by making sure that certain candidates do not have the opportunity to overtake the anointed or preferred candidates. To achieve that, they somehow have to protect those non-preferred candidates from losing their deposits. So they shield those candidates by throwing them in with the votes of those candidates who are elected, the preferred candidates, and say that, even if candidates in the B list get so few votes that they do not warrant return of deposit under the 2 per cent rule that would apply to individuals, still they are entitled to the return of their deposit because they are protected by the A list candidates. Madam Speaker, that does not work. If the party wants to put forward candidates and give them no exposure, no prominence, it should take the consequence for which the legislation is designed, which is that those candidates lose their deposits. That is the natural outcome and consequence, and that should be what this Government and this party opposite should be accepting.

Question put:

That the amendments (Ms Follett's) be agreed to.

The Assembly voted -

AYES, 8 NOES, 9

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

Question so resolved in the negative.

MR HUMPHRIES (9.28), by leave: Madam Speaker, I move amendments h., i. and j., which read as follows:

h. Page 41, line 5, proposed new paragraph 107(1)(a), add "or".

i. Page 41, lines 6 to 8, proposed new paragraph 107(1)(b), omit the paragraph, substitute the following paragraph:

"(b) at the time at which the candidate is excluded from a poll pursuant to a scrutiny in accordance with Schedule 4, his or her total votes equal or exceed 20% of the quota for the election."

j. Page 41, lines 9 to 12, proposed new paragraph 107(1)(c), omit the paragraph.

Madam Speaker, these are the alternative provisions which propose what I outlined previously - that is, basically the Tasmanian model.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (9.29): Madam Speaker, I move supplementary amendment a., which is on a grey sheet. Throw out your green sheets. The amendment is as follows:

a. Page 41, line 12, proposed new subsection 107(1), add the following paragraph:

"(c) the candidate is neither elected nor excluded and his or her total votes, at any stage of the counting, equal or exceed 20% of the quota for the election."

This is consequential on the passage of Mr Humphries's amendment which we have just dealt with. It is in order to fix up that problem which I alluded to in the debate. Mr Humphries's amendment had not dealt with a candidate who is neither elected nor excluded.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Follett: I require the question to be put forthwith without debate.

Question resolved in the negative.

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ELECTORAL (AMENDMENT) BILL 1993
Detail Stage

Clause 22, as amended

Debate resumed.

MS FOLLETT: The consequential amendment which I have put forward, as set out on the grey sheet, deals with the problem which was inherent in Mr Humphries's amendment which has just been passed by the Assembly. That amendment did not deal with the return of a deposit to a candidate who was neither elected nor excluded. The amendment on the grey sheet deals with that situation.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (9.32): Madam Speaker, the Government amendment No. 23 is to omit a subsection and substitute a new subsection. I move:

23. Page 41, lines 24 to 28, proposed new subsection 108(1), omit the subsection, substitute the following subsection:

"(1) Subject to this Division, the ballot papers to be used in an election shall be in accordance with the form in Schedule 1."

This is another amendment as a result of the removal of the party ticket voting scheme, and I commend it to the Assembly.

Amendment agreed to.

MADAM SPEAKER: I believe that it is the wish of the Assembly to suspend for a short while. We will resume at the ringing of the bells.

Sitting suspended from 9.33 to 9.55 pm

Mr Humphries: Madam Speaker, I raise a point of order. The house was adjourned a short time ago for reasons which were not immediately apparent to the Opposition. I accept that adjournments from time to time are a good idea, and I certainly hope that we can facilitate those by discussion around the chamber; but if it is the intention that one side or the other of this chamber, or an individual member, should have the right to seek and obtain an adjournment purely on his or her own bat - - -

MADAM SPEAKER: Mr Humphries, there is no standing order that allows you to address me in this way. There is no standing order under which suspensions are called or not called. I called the suspension. I have the power to call a suspension. You will resume your seat and take up your discussion, as Whip, with the Government Whip. Would you like to move your amendment now? I would like to proceed with business, Mr Humphries.

Mr Humphries: Are you suggesting, Madam Speaker, that I not raise this subject?

MADAM SPEAKER: I do not really know under which standing order you are raising it, Mr Humphries.

Mr Humphries: Madam Speaker, I do not know under which standing order the sitting of the Assembly was suspended without the consent of other members of the Assembly.

MADAM SPEAKER: I have the power to suspend the sitting of the Assembly at any time. It is done with the agreement of the Assembly when I call for a suspension. That is how it is done. I take your point that you are not satisfied with the process; but you are the Opposition Whip and you may discuss the matter with the Government Whip and sort out some sort of process.

Mr Humphries: I was not told about it, Madam Speaker, in order that I could discuss it.

MADAM SPEAKER: That is not my problem, Mr Humphries. Please proceed with your amendment.

MR HUMPHRIES (9.57): Madam Speaker, I move:

k. Page 42, line 12, proposed new subsection 109(2), omit the subsection, substitute the following subsections:

"(2) Where the registered officer of a registered party nominates only 1 candidate for an election, the candidate's name shall be printed in a separate column on the ballot papers for the relevant electorate.

"(3) Where 2 or more non-party candidates request that their names be grouped on the ballot papers for an election, their names shall be grouped in a separate column on the ballot papers for the relevant electorate.

"(4) A request referred to in subsection (3) shall be -

(a) in writing signed by each of the candidates to be included in the group; and

(b) given to the Commissioner before the hour of nomination.

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- "(5) A reference in this Act to a group of candidates in relation to an election shall -
- (a) where subsection (1) or (3) applies - be read as a reference to candidates whose names are grouped on the ballot papers in accordance with that subsection; and
 - (b) where subsection (2) applies - be read as a reference to the relevant candidate."

Madam Speaker, this amendment does two things in respect of the arrangements for the construction of the ballot-paper. The first thing that it does is to provide the opportunity - an opportunity not provided in the Bill as presented - for a party, if it so wishes, to nominate only one candidate. As far as I can see, there is nothing in the referendum options description sheet which explicitly refers to this question. The representation of the ballot-paper on the first page of the Hare-Clark case does refer to a couple of parties, and each has a number of candidates under its name; but I am not sure that that infers that it was intended that there was meant to be that number of candidates, or a multiple number of candidates, standing for any party before a party was eligible to go on the left-hand side of the ballot-paper.

It seems to me, Madam Speaker, that there is no good reason in principle why a party, if it so chose, should not be able to nominate a single candidate. Parties have done that in the past in the ACT. We have respected that right in the past. As best I can recall, that has happened in every election we have held in the ACT. It was certainly so in the first election. The case for excluding parties from nominating a single candidate does not seem to me to be very well made out. In fact, it is not made out at all.

The second matter which is dealt with in this amendment to proposed new section 109 is to allow the grouping of non-party candidates on the ballot-paper. On this matter the referendum options description sheet is quite explicit, at least by illustration. The model ballot-paper on page 1 contains four columns. The first two are party columns, the third column is headed "Grouped non-party candidates", and the fourth is headed "Ungrouped candidates". Madam Speaker, for whatever reason, that provision was included in that referendum options description sheet. As the Opposition has indicated before, we feel compelled to use that document as the touchstone for the passage of amendments in this place.

Ms Follett: Except when you do not agree with it.

MR HUMPHRIES: No; I do not believe that anything we have said in this place diverges from that, Madam Speaker.

Ms Follett: What about single-candidate parties?

MR HUMPHRIES: There is nothing in there that says that you cannot have parties with single candidates. If you took this quite literally you would say that it says that - - -

Ms Follett: There is nothing in there that says that you cannot have above-the-line voting either.

MR HUMPHRIES: There are no above-the-line boxes shown on the ballot-paper.

Ms Follett: There are no single-candidate parties there either.

MR HUMPHRIES: Okay, yes. Madam Speaker, if Ms Follett is suggesting that this shows that you must have more than one candidate, presumably she would also argue that it shows that you must have seven candidates, because each of the two parties in the left-hand boxes has seven candidates and therefore you must have seven candidates. That obviously is ridiculous. I think, Madam Speaker, that it was clearly intended that non-party candidates should be able to group under these arrangements. I see no reason why it should not happen. Perhaps it is a device which might avoid the need for some Independent candidates to have to register a party, which might be argued in some quarters to be a contradiction in terms. I think therefore that it is important to create the flexibility in this Act to ensure that those who seek to use it to put options before the people in an election have those options preserved. I therefore commend this amendment to the Assembly.

MS SZUTY (10.02): I seek leave to move two amendments to Mr Humphries's amendment together.

Leave granted.

MS SZUTY: I move:

- a. Proposed new subsection 109(2), omit the subsection.
- b. Proposed new subsection 109(5), omit the subsection, substitute the following subsection:

"(5) A reference in this Act to a group of candidates in relation to an election shall be read as a reference to candidates whose names are grouped on the ballot papers in accordance with subsection (1) or (3), whichever is applicable."

I draw the attention of members to the recently circulated amendment in my name which replaces the previously circulated amendment of some minutes ago. This amendment has been redrafted by Parliamentary Counsel. That was part of the reason for the delay. I understand what Mr Humphries is trying to do in terms of giving candidates the greatest degree of flexibility as to how they are presented to the electorate. However, I believe, Madam Speaker, that this provision would undermine the very principles of the Hare-Clark electoral system with Robson rotation that we are seeking to implement.

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I believe that the grouping of single candidates together on the ballot-paper is fair and reasonable and reflects the setting out as indicated in the Australian Electoral Commission's referendum options booklet, as Ms Follett has mentioned in the debate. The acceptance of my amendments will lead to my acceptance of the remainder of Mr Humphries's amendment which seeks to enable non-party candidates to be grouped on the ballot-paper.

MS FOLLETT (Chief Minister and Treasurer) (10.03): Madam Speaker, I would like to address both of the matters that are before us. I think it is important that both be addressed. On the question of single-candidate party columns, the amendment which Mr Humphries has moved, and which Ms Szuty has opposed with her subsequent amendment, would, I believe, be a complete departure from the Tasmanian Hare-Clark system, and it would definitely be inconsistent with the referendum options description sheet.

There are some points that need to be made about this proposal. The amendment, if it were passed, would give parties an even further advantage over Independents in that it would allow them to have single-candidate columns. This is a nonsense, in my view. If party candidates can be listed in one-candidate columns, why could not Independent candidates be given one column per candidate, as they were under the modified d'Hondt system? Of course, as members know, if that were to happen, the size of the ballot-paper and the amount of wasted blank space on that ballot-paper would be phenomenal. It would increase enormously and would give us the same sort of situation that we had under the modified d'Hondt ballot-paper in 1989.

I consider that this single-candidate party idea of Mr Humphries's is put forward as a way for parties to avoid the effects of Robson rotation. That clearly is why it has been put forward. Party candidates who took advantage of this provision would be the only candidates who appeared on every ballot-paper in the same position. It is clearly, Mr Humphries, a sort of the Hare-Clark Robson rotation system.

Mr Humphries: Oh, come on, Rosemary!

MS FOLLETT: It is. I want also to address the question of grouping non-party candidates on ballot-papers as well. Madam Speaker, I have said on many occasions that the referendum options description sheet was somewhat ambiguous on this subject. There is something of an ambiguity between the illustration and the narrative in the referendum options description sheet. I do not believe that there is any demonstrable demand from non-party candidates wishing to be grouped on ballot-papers. No non-party groups have contested any Senate election in the ACT from 1984 onwards, when party affiliations were first printed on ballot-papers. Non-party groups were not allowed in the 1989 or 1992 ACT elections, and that was not a point of contention at either of those elections - certainly not that I know of. The amendment as proposed would allow non-party candidates to be grouped on the ballot-paper by consent, and this would be consistent with the referendum options description sheet and the Tasmanian Hare-Clark system and the Senate system.

Madam Speaker, I would like to repeat that the Electoral (Amendment) Bill does provide for a very comprehensive party registration scheme, and it is designed to ensure that only political parties with a genuine level of support are able to derive the benefits of party status. Considerable mischief, as members know, was caused at the first ACT Assembly election when party registration was open to all, regardless of any demonstrable level of support. We have made some modifications to that since that time, and to be eligible for registration now a political party must have a demonstrated level of support - that is, they must have either at least one member in one of the Commonwealth, State or Territory legislatures, or at least 100 members who are eligible to enrol for ACT elections. A party which is unable to achieve this very modest level of support should not be entitled, in my view, to registration and the benefits that flow from it.

To open up the ballot-paper in the way that has been proposed, by giving any group of two or more people the right to be grouped on the ballot-paper, would be to run the risk that ACT elections would again be frustrated, as they have been in the past, by mischievous elements in the community who would take the opportunity to give us another metre-long ballot-paper. By providing that all non-party candidates must be contained in one or more ungrouped columns on the ballot-paper, the Bill as proposed ensures that these mischievous nominations would not have the effect of giving us that enormously long ballot-paper.

Madam Speaker, the Assembly election that was held in 1992 allowed only registered party candidates to be grouped on the ballot-paper, and, for that election, unlike the first election, the party registration rules were tightened to require that non-parliamentary parties had to have a minimum of 100 members. This requirement was not a source of controversy at the time, as far as I am aware, and I was pretty close to the events of the last election. On the contrary, the 1992 ballot-paper was considerably smaller. It was certainly more manageable for the voters than was the record-breaking 1989 ballot-paper.

If these amendments are passed - I think that would be regrettable - as members are aware, there are a number of consequential amendments that will have to be taken care of, to include non-party groups in the funding and disclosure schemes and to provide for identifying group letters to be printed above the groups on the ballot-papers. Madam Speaker, I am basically opposed to both of the proposals in Mr Humphries's amendment. I am forced to support Ms Szuty's amendments because they at least cut down some of the more appalling aspects of Mr Humphries's amendment. I think members ought to think very carefully about this whole scheme and the reasons why the amendments are being opposed. The reasons, I think, are very good ones.

MR MOORE (10.10): Madam Speaker, the referendum options description sheet is quite clear on group non-party candidates. That is why I feel that it is appropriate to support the concept that Mr Humphries is talking about in terms of group non-party candidates. The fact that it is not mentioned in the description sheet does not mean that it is inconsistent; it just means that it is not mentioned in that.

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Ms Follett: Like above-the-line voting?

MR MOORE: We do have a clear picture of the ballot-paper. The Chief Minister interjects, "What about above-the-line voting?". We have a clear picture of a ballot-paper that has no above-the-line voting. It is quite clear to people reading this, Madam Speaker, that there is an intention to have group non-party candidates. It is mentioned, and clearly illustrated, at one place in the referendum options description sheet. On the other hand, Madam Speaker, it is equally reasonable to say that the notion of a single group is not mentioned anywhere in the description sheet, and the picture in the description sheet does not show a single member at all. It seems to me, therefore, that the proposal put by Ms Szuty to modify what Mr Humphries has put out is eminently sensible. That is why I will be following the same process as my colleague Ms Szuty.

MR HUMPHRIES (10.12): Madam Speaker, I accept that we will not have the capacity for parties to have only one candidate. I repeat that I think it is not possible to infer, because there are no party columns with only one candidate in them on the description sheet, that, therefore, it was not intended that parties not be able to nominate only one candidate.

Ms Follett: How would you have Robson rotation?

MR HUMPHRIES: I will come to that question. The Chief Minister says that this amendment is a clear attempt to avoid the operation of Robson rotation. I must say, Madam Speaker, that to hear those words come from a woman who would sell her grandmother to be able to get rid of Robson rotation seems to me to be pretty rich.

Ms Follett: I have not, and you have.

MR HUMPHRIES: We know the Labor Party's view about Robson rotation. We know your view about Robson rotation. You know that you hate it. You know that you would love to have something different. I think it shows the deviousness of the Labor Party's thinking, that it would seriously consider putting forward a proposal to have Robson rotation defeated, which it obviously wants to do, by providing for more than one of its candidates to be distributed as candidates of single parties, presumably the Wayne Berry Labor Party, the David Lamont Labor Party, and so on. That is a quite bizarre idea. Madam Speaker, my party is perfectly happy to put itself at the mercy of Robson rotation. We will not be taking advantage of any arrangements to allow parties to have single candidates. All the Liberal candidates will be in a single column in each electorate, not anywhere else.

The Chief Minister says that there is ambiguity between the representation on page 1 and the text. I invited her to tell me where. She has not done so. The Chief Minister, remarkably, seems to be able to find ambiguities there when she wants to. I am afraid that the rest of us find it hard to see how they appear. Particularly, we could not find the bit about the above-the-line boxes anywhere here. Apparently the Chief Minister could find that too.

Finally, let me address the question of enormously long ballot-papers. I think we have forgotten the fact that there will be three electorates. Even if you had the extraordinary situation of 117 candidates that you had before, in the first ACT election, you would have on average 40 candidates, at most, standing in an electorate. That makes for a much more manageable ballot-paper, even if some of them are spread along the ballot-paper rather than down in columns.

I accept that Ms Szuty's amendments will succeed, but I do urge members to respect the provisions which do clearly appear on the referendum options description sheet with respect to group non-party candidates. I know that the Labor Party does not like the idea of such candidates having any prominence, that it would rather shovel them off to the final column on the ballot-paper and make them as hidden and as unseen as possible; but that is not what the democratic process demands, and I think that members therefore should support at least that part of my amendment.

MR STEVENSON (10.16): I agree that the referendum instructions for 1992 clearly showed grouped non-party candidates. Although it was not mentioned, as Mr Moore said, it is reasonable for people to assume that that was one of the things that were going to happen if they ticked the right-hand side of the two-choice question.

The Chief Minister talked about a genuine level of support being shown for parties. What is a genuine level of support? Is it not the case that many groups start and then build support over the years or a number of elections? Maybe they did not have a genuine level of support initially. Anyone should have the opportunity to build. The Chief Minister went on to say that, if they do not have what she terms a genuine level of support, they should not be entitled to registration and the benefits that flow from it. Proportionally they should be allowed the same benefits. If we are talking about a democratic principle, why not? Why should there be discrimination against some people who have just started to do something within a community as compared with other people who have been around for a longer time and are more recognised? That is something we should keep in mind when voting on these matters.

Amendments (Ms Szuty's amendments to Mr Humphries's amendment) agreed to.

MADAM SPEAKER: The question now is: That Mr Humphries's amendment, as amended, be agreed to.

MS SZUTY (10.18): I would like to reiterate what my colleague Mr Moore said earlier. There is provision in the referendum options description sheet for the grouping of non-party candidates. I think it is reasonable that Mr Humphries has come up with an amendment which will address this provision.

Amendment (Mr Humphries's), as amended, agreed to.

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MS FOLLETT (Chief Minister and Treasurer) (10.18), by leave: Madam Speaker, I move together the Government amendments Nos 24, 25 and 26, which read as follows:

24. Page 42, line 17 to page 43, line 5, proposed new section 110, omit the section.
25. Page 43, lines 6 to 10, proposed new section 111, omit the section.
26. Page 43, lines 12 to 15, proposed new subsection 112(1), omit the subsection.

The purpose of all three of these amendments is to give effect to the removal of the party ticket voting scheme. Proposed new sections 110 and 111 are to be omitted, and proposed new subsection 112(1) is to be amended as a consequence of removal of the party ticket voting scheme.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (10.20): Madam Speaker, I move the Government amendment No. 27, which reads:

27. Page 43, line 16, proposed new subsection 112(2), omit "the ballot papers", substitute "each ballot paper".

The purpose of this amendment is to amend proposed new subsection 112(2) to remove what is a possible anomaly in its wording. As it stands, this new subsection could be taken to mean that the name of each candidate shall be printed once only on only one ballot-paper. It is a grammatical amendment.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (10.20), by leave: Madam Speaker, as a consequence of the passage of Mr Humphries's amendment, as amended, on group non-party candidates, I move together the Government supplementary amendments a. and b., which read as follows:

- a. Page 43, line 22, proposed new subsection 112(2), after paragraph (b) insert the following paragraph:

"(ba) a distinguishing letter shall be printed above the column of names of the candidates in a particular group, the letter being -

- (i) if there is only 1 group - 'A'; or
- (ii) if there are 2 or more groups - the appropriate letter in a consecutive, alphabetical order commencing with 'A' corresponding to the order in which the columns of names in each group are printed from left to right on the ballot paper;"

b. Page 44, line 5, proposed new section 112, after subsection (4) insert the following subsection:

"(4A) Where the names of the candidates in a particular group are printed in 2 or more adjacent columns, the distinguishing letter referred to in paragraph (2)(ba) shall be printed once only above those columns."

These are the amendments which appear on the pink sheets entitled "Supplementary Amendments D". I present the supplementary explanatory memorandum.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (10.20): Madam Speaker, I move the Government amendment No. 28, as circulated, which reads:

28. Page 44, line 28, proposed new subsection 113(1)(definition of "party name", paragraph (b)), omit "an abbreviation of the name of the party is registered", substitute "a registered abbreviation of the name of the party is indicated on the nomination form of each party candidate".

Proposed new subsection 113(1) is to be amended to remove a possible anomaly in the wording. As it stands, the new subsection could be taken to mean that a party abbreviation must be printed on ballot-papers for candidates of a party where that party has a registered abbreviation, regardless of whether the registered officer has requested that the full party name be printed on the ballot-papers under proposed new section 99. The amendment that I propose will ensure that the party name printed on ballot-papers will be the full name or abbreviation as specified by the registered officer of the party.

Amendment agreed to.

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MS FOLLETT (Chief Minister and Treasurer) (10.22): I move the Government amendment No. 29, which reads as follows:

29. Page 44, lines 31 to 33, proposed new paragraph 113(2)(a), omit the paragraph.

Again, this amendment is as a consequence of the removal of the party ticket voting scheme.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (10.22): I move the Government amendment No. 30, as follows:

30. Page 47, lines 19 to 27, proposed new subsection 121(2), omit the subsection.

Madam Speaker, proposed new subsection 121(2) is to be omitted to give the Electoral Commission greater flexibility in approving means by which matters shall be determined by lot. As it stands, proposed new subsection 121(2) is an imperfect attempt to paraphrase the Commonwealth Electoral Act's lengthy and detailed double randomisation process whereby the Act specifies that a person is to be blindfolded and balls are to be rotated in a container. Rather than attempt to go into this detail in the ACT legislation, this amendment will give the commission the flexibility to approve an appropriate process without limiting the options of the commission. It is intended that some form of the double randomisation method be used when conducting the draw for positions on the ballot-papers. As the Government proposes to accept the Opposition's following amendment to make methods determined by the commission disallowable instruments, deletion of this more detailed requirement should not lead to any unacceptable methods being determined by the commission.

Amendment agreed to.

MR HUMPHRIES (10.24): Madam Speaker, I move amendment No. 1, which has been circulated in my name and which reads as follows:

1. Page 47, line 27, proposed new section 121, add at the end the following subsection:

"(3) An instrument of approval under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*."

This amendment was foreshadowed by the Chief Minister. It provides, as she indicated, that the determination made by the commission as to how the balls are rotated, or how the donkey has a tail pinned to it, or whatever the process might be, is to be a disallowable instrument. The Assembly could resolve any potential conflict about whether the method

of randomisation was fair. I would not have imagined that this was a matter which was susceptible to much debate, but apparently it is. Apparently there is controversy about the balls in the rotating cages and so on. We need to make sure that whatever system is adopted is flexible and acceptable to the members of the Assembly. I commend the amendment.

Amendment agreed to.

MS FOLLETT (Chief Minister and Treasurer) (10.25), by leave: Madam Speaker, I move together the Government amendments Nos 31 and 32, which read as follows:

31. Page 48, lines 12 and 13, proposed new section 123 (definition of "polling day"), omit the definition.

32. Page 48, line 18, proposed new subsection 124(2), omit "polling day", substitute "the day on which the poll for the election is required to be held".

Amendment No. 31 is necessary to correct a drafting error. The definition of "polling day" in proposed new section 123 is unnecessary, and related amendments are to be made to proposed new sections 155 and 156. Amendment No. 32 seeks to amend proposed new subsection 124(2) to ensure that the section does not have the unintended result of extending the right to vote to a person who turns 18 after the normal polling day but on or before a day to which polling has been adjourned. As it stands, the use of the defined phrase "polling day" would have this unintended effect. The amendment will make it clear that only those electors who turn 18 on or before the normal polling day are eligible to vote, even where polling is adjourned.

Amendments agreed to.

MS FOLLETT (Chief Minister and Treasurer) (10.26): Madam Speaker, I move the Government amendment No. 33, as circulated, which reads:

33. Page 49, line 10, proposed new paragraph 126(b), after "electorates" insert "the polls for which are required to be".

Proposed new paragraph 126(b) is being amended to ensure that the offence of multiple voting covers a person who votes more than once at an election which has been adjourned to a day other than the normal polling day.

Amendment agreed to.

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MR STEVENSON (10.27): I move:

Page 49, lines 20 to 22, proposed new subsection 127(2), omit the subsection, substitute the following subsection:

"(2) An elector who is entitled to vote at an election is not entitled to cast an ordinary vote under Division 2, or a declaration vote under section 131, except at the polling place nearest the elector's address."

At the moment people in the ACT or people visiting the ACT can vote at every single polling booth in the ACT. It is easy. The reason why it is easy is that we have taken no precautions to prevent people voting at every polling booth in the ACT. Let us look at what happens. What happens is that you simply go along to a polling booth, early and often, and present yourself to the polling booth officer. The officer asks, "Have you voted before on this day?". You say, "No", while trying to keep a straight face. The officer also asks whether you are the person whose name he or she reads out, and once again, while trying to keep a straight face, you say "Yes". At that time the officer gives you a ballot-paper and you vote. Then away you go to the next one, and the next one, and so on. It is possible that you may be recognised sooner or later. If you come from another area it would be less likely. Nevertheless, this is possible and it is easy, and on something that is as vitally important as voting it should not be allowed.

I have moved this amendment as a result of a survey. I mentioned earlier that we surveyed 507 people. The particular question asked in this case was:

To restrict the possibility of people voting at more than one polling booth, should voters be required to cast a postal vote (sealed in an envelope with the person's name and address on the outside and with confidentiality preserved when opening) unless they vote at the polling booth nearest their home? Yes. No. Not concerned. Not enough information.

I could have called it a declaration vote, but that would not have helped clear up the matter and would have made it more difficult, so the term "postal vote", which is even better than "absentee vote", was selected. The results of that survey were that 55 per cent said "Yes", 33 per cent said "No", 6 per cent said "Not concerned", and 6 per cent said "Not enough information".

The majority of people in Canberra believe that it is a good idea. I am not sure why they believe that it is a good idea. I think it is a good idea. We should prevent this from happening. Consider policing and crime prevention. You are not necessarily saying that someone did it; you are saying that it is a good idea to make sure that people do not do it. It is a very good idea to make sure that people do not vote more than once at the one election, and we have not done so. There are certain things that have been done; but the system is so wide that you could drive a Pajero through it, as someone did at the Federal Parliament. It is important that we do something.

As members know, I foreshadowed a second amendment that would require voters to show proof of identification immediately before they vote, and I will come to that in a moment. We need to make sure that people cannot vote early and often. Are there any problems with that? Yes, there are. It would make it a little more difficult for some people when they vote. They would have to vote at the polling booth nearest their home, unless they put in a postal vote. If they put in a postal vote or a declaration vote, that would take more of the time of polling booth staff. We would need to make a small investment; we would need to work out a few things. There would need to be some advertising to let people know that what most people in Canberra want is going to be done. That is all true. The importance of making sure that this is covered far outweighs any slight increase in the resources allocated.

MR MOORE (10.32): Madam Speaker, with reference, first of all, to Mr Stevenson's polling, I will be much more inclined to believe his polls if he goes out and he asks the electors, "Should a person who was elected under the banner to abolish self-government resign?", and then lives by the result. When he does that he will have a little more credibility. We know that he is not going to ask that question, Madam Speaker. He asks specific questions to get the answers he wants. If we were to accept Mr Stevenson's amendment requiring an elector to vote at the polling place nearest his address, I can see an awkward situation developing, Madam Speaker. Some people's houses fit in the middle, between two polling places. The administrative difficulties could be resolved only by first of all determining who was nearest which polling booth. The administration of the system that Mr Stevenson was talking about would be quite extensive.

Since Mr Stevenson has drawn attention to a further amendment, Madam Speaker, perhaps I can speak to it now rather than later. He talks about providing evidence of identity and address. It seems to me that we are going to have to define what we consider as evidence. Is it evidence of my identity if I write out, "I am Michael Moore."? I think the problem that Mr Stevenson is trying to address by these amendments, the problem of people voting early and voting often, applies more in places where they do not have compulsory voting. Technically, we do not have compulsory voting; we have compulsory attendance at a polling place. Where that is not the case you are more likely to have the sort of problem that I think Mr Stevenson is trying to address. It seems to me that this is an overreaction to a problem that we do not appear to have.

MS FOLLETT (Chief Minister and Treasurer) (10.34): Madam Speaker, the Government will be opposing Mr Stevenson's amendment. I want to add to the comments made by other members a couple of specific difficulties. One of the problems that I have with Mr Stevenson's amendment, which proposes that a voter vote only at the polling place nearest their home address, is that there is no indication of how you measure nearest. As we know, in the ACT, nearest as the crow flies can be very different from nearest by road. I think that is an obvious complication.

There would also be obvious complications, particularly with the new electoral boundaries, for both the voters and the electoral officials. I would like to give you an illustration. The polling place nearest an elector's address as the crow flies, as I say, may not be the most convenient for a particular voter. For example, the nearest polling place to a voter in Chifley, which is in the electorate of Brindabella, may well be in Waramanga,

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which is in the electorate of Molonglo, with the Tuggeranong Parkway in between; whereas that voter might normally vote at the Chifley polling place, which might physically be further away as the crow flies than the Waramanga polling place. There are real difficulties here.

It is not clear to me why Mr Stevenson wants to make it harder for the voters, and much more complicated for the electoral officers as well, by moving this proposed amendment. It would have the effect of creating a great deal of confusion on polling day - something which is to be avoided, if at all possible - particularly with the new electoral boundaries and a new system. Why make it even harder? The result inevitably would be that many voters would be turned away from polling places and instructed to go to another polling place. We know how they would feel about that. Voting would become a very inconvenient process for many voters, and I believe that that would result in a lower formal vote. Administration of the scheme would be very difficult. Electoral rolls would have to be prepared for each polling place, and it is likely that such a process would assign voters to polling places that they would not consider to be their closest polling place. Again, that would lead to confusion. How would they know before they got there that it was not their nearest polling place?

I appreciate Mr Stevenson's intention, which is to reduce the opportunity for fraudulent voting; but, Madam Speaker, as far as I am aware, there is no evidence that fraudulent voting on a significant scale takes place in the ACT - none whatsoever. For the sake of attempting to fix what is a non-evident problem, I think that Mr Stevenson's proposal would cause a great deal of confusion and inconvenience, and would, in effect, lead to fewer voters registering a vote on ACT election day.

MR HUMPHRIES (10.38): Madam Speaker, my party also does not support this amendment. I must say, though, that Mr Stevenson has a legitimate interest in ensuring that fraud is avoided in the operation of our electoral system. As the Chief Minister has noted, there is no evidence of any significant voting fraud at present; but it is quite possible now for people to vote throughout an electorate, particularly a Federal electorate, if they choose to pretend that they are someone else. For example, if they pick someone's name out of the obituary notices, and roll up and say that they are that person, they can, potentially, vote all over a particular electorate. I must say that I really wonder why a person would bother to do such a thing. I know from experience as a Federal candidate that you do well to get to 50 booths in one day, starting first thing in the morning and stopping at 6 o'clock at night. If you were to vote at 50 different booths you would get a grand total of 50 votes out of 170,000-odd votes. It is not really all that worth while. Of course, with the chance of being caught and going to gaol for your trouble, it would not seem to be worth it. I cannot see the motivation for engaging in that kind of thing.

However, if it transpires that there are significant levels of multiple voting as a result of the implementation of these provisions - I am sure that it would not be enough to change the outcome of an election - I think we should come back and re-examine these proposals of Mr Stevenson's. Obviously, a measure of the kind that the Government has put forward, which allows one to vote anywhere in the Territory, does, if only marginally, increase the capacity of a person to vote fraudulently if they wish to. Whereas a person might be well known in the Tuggeranong Valley, for example, and might be running

a significant risk by voting at more than one booth in the Tuggeranong Valley, if they were able to travel to Belconnen and vote in lots of places in Belconnen the risk might be slightly less. I suggest that there is a potential problem which needs to be addressed, but I think Mr Stevenson's solution is a sledge-hammer to crack what is obviously, at present, a very small nut indeed.

MS SZUTY (10.40): Madam Speaker, I also wish to indicate to the Assembly that I will not be supporting Mr Stevenson's amendment. I believe again that this issue comes down to a question of balance. It is a balance between the ease of the voting process for the electors of the ACT and the likelihood of fraud occurring through multiple voting in various electorates. I was thinking about the ease of the voting process for people, and I noted that Mr Stevenson's amendment refers to the polling booth nearest the elector's address. We do not always set out from our home address on polling day to vote. There are all sorts of situations and lifestyles that people adopt which may mean that they vote near their place of work, or near a friend's house that they happen to be visiting on the day. They may vote at a particular booth for any one of a number of reasons. For the Assembly's first election under the Hare-Clark electoral system with Robson rotation, I think we need to facilitate the process for voters as much as possible. I will be opposing Mr Stevenson's amendment.

MR STEVENSON (10.42): There are many people who did not believe in life after death. Let us consider some of the practices that are going on in Australia regarding voting. One of the major problems if someone votes at a number of polling booths is that there is absolutely nothing that can be done to correct that vote. Even if you catch the person, even if you find out that the person's name had been crossed off at every polling booth in the ACT, there is nothing that you can do to correct the fraudulent votes. People would not have to vote at the polling booth nearest their home; they could vote there or they could put in a postal vote. Later on those fraudulent votes could be removed, because they would have been put in an envelope, not in the ballot-box. Once they are in the ballot-box, it is all over; there is nothing you can do about it.

There are some groups in the ACT or Australia that conscientiously do not vote. People in these groups are usually sent, election after election, notices from the Electoral Commission asking why they did not vote. This happened to Jehovah Witnesses in one particular electorate, not the ACT, election after election. But after one election it did not happen. It is interesting to know why they did not get their fail-to-vote notice. The suggestion was that they did vote, but they did not.

The Chief Minister mentioned earlier that I would make it harder for the voters, and she wondered why. That is a nonsense, of course. I would not make it harder for voters. We also hear about the process being inconvenient. I would make it more inconvenient for people who try to rort the system. I would make it harder for them. Most people in Canberra feel the same way. Why do you not ask them?

Amendment negated.

Debate (on motion by Ms Follett) adjourned.

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ADJOURNMENT

Motion (by Ms Follett) proposed:

That the Assembly do now adjourn.

Suspension of Sitting

MR Kaine (10.44): I would like to make some comments in connection with the powers of the Speaker, and I begin with the premise that the Speaker is the servant of the Assembly and not its master. Having said that, I note that earlier this evening the sitting was suspended. When we reconvened Mr Humphries questioned the suspension of the sitting, and the Speaker's response was, "I have the power to suspend the sitting". I think I know my standing orders pretty well. Unless my standing orders are wrong, or unless they have been amended without my knowledge, there are only three ways in which a sitting of the house can be suspended. One is by resolution of the house. The second is for want of a quorum. The third is when the house is in a state of disorder. It is only in that last case that the Speaker can suspend the sitting. Since the house was not in disorder, and as there was no lack of a quorum and there was no resolution of the house, I do not believe that the Speaker did have the power to suspend the sitting in that fashion. If she believes that she does, perhaps she can tell us under which standing order she believes that the Assembly has conferred that power upon her.

Suspension of Sitting

MR BERRY (10.45): Mr Kaine, quite conveniently, forgot the fourth - when the Leader of the Opposition is too incompetent to keep up with the legislation. That occurred in 1989 when Mr Kaine could not keep up with the budget debate, and the Assembly was adjourned, briefly, in order that we could explain how it worked. The precedent was well and truly set.

Mr Kaine: I take a point of order, Madam Speaker. What happened in 1989 is totally irrelevant to the point that I have raised.

MADAM SPEAKER: It is an adjournment debate. He is allowed to be irrelevant. There is no point of order.

MR BERRY: We are talking about precedents, Mr Kaine. We can go back to 1989 and we have a beauty.

Mr Kaine: Who suspended the sitting in 1989?

MR BERRY: Your Speaker, was it not?

Mr Kaine: It was your Speaker. You put the Speaker there in 1989, not I.

MR BERRY: I think he was your little mate.

Mr Kaine: My principle still stands. The principle that I am bringing still stands, Mr Berry, and I still ask the Speaker, not you, to explain.

MR BERRY: May I say, Mr Kaine, that his actions then were appropriate. There was a necessity for it to be done in order to maintain reasonable order in the place when dealing with legislation, which was new to you at least, and certainly new to most of us. It was more confusing for you, as it turned out. Therefore, rightly, he briefly suspended the sitting in order that you could get yourself across the issues. The same sort of logic applies in relation to this matter. There was a need to address the issues. I believe that the Speaker dealt with it appropriately. I do not think anybody is denying that there was a lot of information before the chamber. It would have been inappropriate to proceed without people being able to get themselves across it. Mr Kaine, I would not get up and bleat about precedents.

Mr Kaine: You were not even in the house, so how can you speak with authority on what happened?

MR BERRY: I would not, if I were you, get up and bleat about precedents, given your own record.

Suspension of Sitting

MADAM SPEAKER: I will now point out that, before the Assembly was suspended, I said, "I believe that it is the wish of the Assembly to suspend". There was no dissenting voice.

Mr Kaine: Well, it was not. What led you to that conclusion?

MADAM SPEAKER: You are out of order.

Mr Kaine: Madam Speaker - - -

MADAM SPEAKER: I am speaking. You are out of order.

Mr Kaine: I am not out of order, and I will move dissent in a minute if you keep this up.

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MADAM SPEAKER: I am vexed. I am on my feet and you will listen. As is proper, I said before I suspended the Assembly, "I believe that it is the wish of the Assembly to now suspend". There was no dissenting voice, and I suspended the Assembly. When I said that I had the power to suspend the sitting of the Assembly, I exercised my power properly.

Mr Kaine: Under which standing order? The answer is that there is none, and you know it.

MADAM SPEAKER: Are there any further speakers?

Vietnamese Buddhist Community

MR STEVENSON (10.49): I stand to mention a media release that was put out by the United Vietnamese Buddhist Congregation of Canberra and Surrounding Districts. It was put out on 10 April and it began as follows:

The arrival of the first Australian Prime Minister in Hanoi today has coincided with a significantly remembrance day for the 60-million-believer Buddhist community in Vietnam and their 160,000 patriots living in Australia. Mr Paul Keating has said at Canberra Airport just minutes before his departure for trip to Laos, Thailand and Vietnam ... that he will raise matters of human rights violation in general and of the detention of Buddhist monks in particular while he will be in Vietnam.

The author said that Mr Keating's last-minute promise to talk about Buddhist detainees was perhaps made because of many serious requests by parliamentarians, Ministers, citizens and groups, and particularly by the current leader of the United Vietnamese Buddhist Congregation of Canberra and Surrounding Districts. He talked about some tragic situations that have occurred in Vietnam since 1975, when the new Government came to power. He talked about the imprisonment and murder of many of the leaders of their organisation, the confiscation of various welfare, educational, training, cultural and social institutions, the mining of its open-air monuments, the closure of its seminaries, the sending to the military and the forceful manipulation and disrobing of tens of thousands of its young clergy in Vietnam. He talked about the propagation of artificial crimes of Buddhism and forcing the remaining monks and nuns into registering their names, but surely not their minds, as members of the State-run VBC. He referred to the punishment of supporters of the appeal by this group in Vietnam for an independent church. It is a tragic story that he tells. He calls on Hanoi's leaders to stop forcing the churches to act as unnecessary political tools.

I think that the Federal Government could well stand up against what is happening over there. Whenever we talk about the recognition of particular countries we should always look at what is going on. Particularly in our case, as we have a significant Buddhist community within the ACT, we have a better opportunity than most to realise what is happening over there.

Suspension of Sitting

MS FOLLETT (Chief Minister and Treasurer) (10.52), in reply: Madam Speaker, in closing the debate I would like to speak briefly on the matter which Mr Kaine raised in the adjournment debate and to say at the very outset that I support the action that you took in suspending the sitting of the Assembly for a brief period during the course of debate on the Electoral (Amendment) Bill today. Madam Speaker, I consider that the Bill before us is extremely difficult. It is certainly complicated and it is very lengthy. In the course of debate on this Bill we are having to consider amendments coming forward from at least two parties, and on occasions three and four, within this Assembly. It is very important that the order of those amendments and the implications of those amendments be given full weight in the debate. I believe that it is entirely in order for the Assembly to suspend or to be suspended for brief periods from time to time to allow members to confer or, as happened this evening, in fact, to get some legal advice on an amendment that comes forward from the floor of the chamber.

Madam Speaker, I do regret that some members appeared to be taken unawares by that procedure; but it is a procedure which I support, and it is a procedure which may well be called upon again in the course of debate on this Bill. I do not regard it as an unusual procedure in any way. It is what you, Madam Speaker, say every lunchtime on Wednesdays and Thursdays - "I believe that it is the wish of the Assembly to suspend for lunch". It was in no way an unusual statement by the Speaker. Any member could have raised objection to it; no member did. Madam Speaker, it may well happen again. If it does occur again in the course of this very important debate, I trust that members will be a little better prepared for it.

Mr Kaine: Permission may not be granted next time, unless it is discussed with us first.

MS FOLLETT: If you do wish to object, by all means make your objection known.

Question resolved in the affirmative.

Assembly adjourned at 10.54 pm

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ANSWERS TO QUESTIONS

TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

Question no. 1154

Payroll Tax - Superannuation Contributions

MRS CARNELL - Asked the Treasurer upon notice on 22 February 1994:

- (1) How does the ACT Revenue Office determine the extent of salary sacrifice for superannuation for the purpose of determining liability for payroll tax and what documentation is relied upon for these calculations and from what sources are they obtained.
- (2) What allowance is made for the variation in levels of contribution that may relate entirely to the age of the employee concerned.
- (3) What action has been taken by the Government or ACT Revenue Office to ensure that the application of payroll tax in the ACT is consistent with other Australian jurisdictions and what discussions have occurred with other Governments or Treasuries.
- (4) What correspondence has been entered into with other Governments or Treasuries.
- (5) What responses have been received to the above discussions or correspondence.

MS FOLLETT - The answer to the Members question is as follows:

(1) The Commissioner for ACT Revenue advises that he considers that salary sacrifice for superannuation occurs where the amount paid by an employer to a superannuation fund in respect of an employee is in excess of amounts required to be paid under the regular superannuation scheme/s of the business.

In deciding whether superannuation contributions are outside the normal arrangements applicable to an employee the Commissioner advises that he will have regard to, among other things, the arrangements applying to other staff, the norms of the industries and specific contract arrangements applying to individual employees.

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(2) What is regular or normal has regard to the individual circumstances of each employee and includes the age of the employee.

(3)(4)&(5) The policy adopted by the other States and the Northern Territory in respect of the treatment of salary sacrifices for payroll tax purposes is known to the Government and the Revenue Office. At present New South Wales, Victoria, Western Australia and South Australia have adopted the approach that no superannuation component of wages is to be included for payroll tax purposes, whilst Queensland, Northern Territory and Tasmania consider that superannuation contributions paid by employers, at the election of employees, are to be included.

The lack of uniformity in relation-to the treatment of employer contribution to superannuation for the benefit of employees is an issue of some concern for my Government and there are ongoing discussions at officer level in a bid to achieve some harmony across jurisdictions. To date there has been no outcome from these discussions for Governments to consider.

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**SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO 1223**

Assembly Members - Christmas Cards

MR CORNWELL - asked the Speaker:

- (1) Did individual Ministers have printed individual Christmas cards and if so, what was the cost per Minister.
- (2) What was the cost per Member of Christmas cards supplied to Members.
- (3) Will consideration be given in future years to providing Members with an allowance so they may choose their own cards.

MADAM SPEAKER - The answer to the Members question is as follows:

- (1) The Legislative Assembly Secretariat is not responsible for printing Ministers Christmas cards.
- (2) 4,000 Christmas cards were printed last year at a cost of \$1395. As 13 Members received cards, an approximate cost per member is \$107.
- (3) Consideration was given last year to an allowance for each Member. However, as the estimated cost of producing individual cards would be approximately six times the current cost, the matter was not further pursued.

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