



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

27 August 1997

**Wednesday, 27 August 1997**

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**MR SPEAKER** (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### PETITION

**The Clerk:** The following petition has been lodged for presentation:

By **Mr Moore**, from 25 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

### Voluntary Euthanasia

*The petition read as follows:*

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

The petition of certain residents of the Australian Capital Territory respectfully draws the attention of the House to the issue of legalising voluntary euthanasia for the terminally ill.

Your petitioners request the Assembly to pass a Bill allowing for a Territory-wide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

Petition received.

## VISITORS

**MR SPEAKER:** I would like to recognise the presence in the gallery of a local government study group from Kaleen High School. Welcome to your Assembly.

## AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS Motion

**MR HUMPHRIES** (Attorney-General) (10.32): Mr Speaker, I seek leave to move a motion regarding the recording of proceedings today.

Leave granted.

**MR HUMPHRIES:** I thank members. I move:

That the Assembly authorises:

- (1) the recording on video tape without sound by television networks of proceedings during question time today, Wednesday, 27 August 1997;
- (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, Wednesday, 27 August 1997, and the use of such photographs in the print media generally.

This is basically in substitution for yesterday's motion. With question time being put back yesterday, it was not possible for television stations to take the footage that they required, and this will permit them to do so today.

Question resolved in the affirmative.

## DEATH OF KATIE BENDER

**MRS CARNELL** (Chief Minister): Mr Speaker, I propose that the Assembly express its deep regret at the death of Katie Bender and tender its profound sympathy to her family in their bereavement. I move:

That Members of the Legislative Assembly express their deep sympathy and support for the family and friends of Katie Bender, who was so tragically killed while observing the demolition of the old Royal Canberra Hospital building.

It was with much sadness that we all learnt of the tragic death of Katie Bender on the afternoon of 13 July 1997. Katie died in tragic circumstances on the edge of Lake Burley Griffin while viewing the activities on Acton Peninsula that afternoon with her family. The event that was intended to mark the end of an era was eclipsed by this cruel and unforeseen tragedy, a tragedy compounded for her family by the presence of thousands of spectators on that day. In an ironic and seemingly senseless twist of fate, we have since learnt more about Katie and how precious she was to her family, her community and her school friends, as a result of her death on that particular Sunday afternoon.

Katie was an active young girl, who expected to live a full and meaningful life for many years to come. Katie was born into a Croatian family with a strong religious faith and links with the Croatian community in Canberra. Katie was a popular grade 7 student at St Clare's. I understand that her main interest outside school was enthusiastic participation in the Croatian folk dance group. I was moved to hear the tributes by Katie's friends and others at her funeral. They were heartfelt expressions of how special Katie really was and how her short life touched so many people around her and near to her.

I have met with the family. Their grief is in proportion to the enormous loss they have experienced. I know, like every parent knows, that Katie must be missed every day, and wished for every day as well. I can only hope, as I am sure we all do, that at least time will restore to the Bender family some form of normality in their lives and will help to ease the very intense pain that they are feeling now. Katie is survived by her mother Zora, her father Matee, her sisters Anna and Maria, and her brother David. I am sure that all members of the Assembly join with me in formally expressing our deepest sympathy to Katie's family and friends and in acknowledging that she lived her life to the fullest doing the things that she most enjoyed.

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**MR BERRY** (Leader of the Opposition): Mr Speaker, on the day of this tragic event, I recall being at home and being advised by telephone that something had gone wrong. As events unfolded, it became clear that a tragedy had occurred. My heart went out to the family and those people who had been affected by the tragedy on site. At that time, I did not know that some others had been injured; but one could not help wondering why one person had been struck by fate on that day. Katie has gone now, and those people who have been left behind will remember her for what she was.

One's thoughts then have to swing to the parents, particularly, and to the friends. As I understand it, they were out in their motor vehicle and they decided to go and see an event which had been developed by the Government and to which the Territory's community had been invited. All families do only things that are in the best interests of their children and with the future of their children uppermost in their minds, and none more so than the Croatian community here in the ACT. One cannot help thinking about the terror that they would have felt as the event unfolded - an event to which they had been invited, at a place which they felt was safe to take their child to, where she would see something new.

Mr Speaker, this was a tragic event, which so regrettably struck down someone so young and, I suppose, could have affected others in the same way. Many will be traumatised for a long time over this, none more so than the family. I trust that they will be able to get on with their lives and find some peace in their lives after this event. It must be hard for them. Mr Speaker, the Opposition will be wholeheartedly supporting this motion, and it congratulates the Government for bringing it on.

**MR MOORE:** Mr Speaker, I rise to support the motion. I was not in Canberra at the time of Katie Bender's death. In fact, I was in Brisbane on Assembly business, but I had my family with me. My immediate reaction was to look at my young daughter, who is of a similar age to Katie Bender, and try to imagine what the parents and friends of Katie would have felt. Nobody can imagine that kind of tragic circumstance. I think the best we can do is just put out our hearts to people who find themselves in such awful, tragic circumstances and, as an Assembly, see what we can do to ensure that such situations are avoided in the future, if there is anything that we can do. It is so difficult to know what to say in such circumstances, Mr Speaker, other than to join the other members of the Assembly in supporting this motion and expressing genuine sympathy and support for the family and friends.

**MS HORODNY:** Mr Speaker, like everyone else in the Assembly and across Canberra, I was horrified to hear about what had happened on that day - Sunday, the 13th. I found it hard to put the tragedy out of my mind. It was interesting to hear counsellors over those few days and weeks talking about how people all over Canberra were feeling the same way. It had really hit home to people and made them realise how fragile we all are and how close to death any of us can be at any time. Members have already expressed their condolences. Ms Tucker and I wish to support the motion and express our deep sorrow. To Katie Bender we say, "Rest in peace".

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

## PRIME MINISTER - OCCUPANCY OF THE LODGE

**MR WOOD** (10.43): Mr Speaker, I move:

That this Assembly condemns the Prime Minister of Australia, John Howard, for his arrogant refusal to live in the Prime Minister's Lodge - an act which demonstrates his contempt for the Australian Capital Territory and its people.

Mr Speaker, I read in the papers today that Mr Howard is reacting angrily to some of the State Premiers for their attacks on him and the Federal Government. He does not like them attacking him; but he should consider what he is doing to the ACT. That is exactly what he has been about and what his Government has been about since their election some 18 months ago. Recently we have seen examples where John Fahey has been attacking the people of Canberra very personally. Senator Rod Kemp and, I expect, other members of the Liberal Party have been circulating literature denigrating the ACT. We have seen, over a long period now, this constant attack on the Territory and its people. It is not just a verbal attack; it is also a physical attack, as they seem set on dismantling to some considerable degree what happens in this Territory and how business is done.

It seems to me that Mr Howard has a very negative mind-set about Canberra. I do not know what occurred during those 28 years that he has been coming to Canberra as a member of the Federal Parliament; but he certainly seems to have entrenched attitudes that are not helpful to the Territory. Now that he is the elected Prime Minister, he will not even live here. That is a very significant gesture. It is the two-finger salute from John Howard to Canberra. Malcolm Mackerras informed me the other day that only Billy McMahon and John Howard, now, have declined to live in Canberra.

**Mr Berry:** And what a success story Billy McMahon was!

**MR WOOD:** Indeed, Mr Berry. What a good pair they are! I think they are very well matched - the two least likely Prime Ministers that this nation has seen.

At the time he made his statement, Mr Howard gave family matters as the reason for residing in Sydney; he did not want to disrupt his children's schooling; he thought it better if he and they stayed in Sydney. But do you recall the rhetoric from Mr Howard and the Liberals not so long ago when they advised people - not just young people, but families, mature adults with children - to travel to find a job? The rhetoric was, "If there is not a job in your area, you need to travel to get one. Relocate". But he does not observe that rule himself. He can say it, but he does not follow it.

Like others in this town, I have a good number of friends who work in the Defence Department. One was telling me the other day that they have had 28 moves. They have shifted to 28 different places around the nation and overseas, and their children have been to 15 schools. Like you, I also know people who work in the diplomatic service and who take their children around the world. Why do these Defence Department and diplomatic service people do this? The answer, of course, is that it is their job. That is what they have decided they will do. Their job requires it,

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and they do it. That is also the case for many of the public servants who live in Canberra - not perhaps all of them - and it is definitely the case for many who work in the private sector. Their job tells them that they need to shift, and they just shift with their family.

But not Mr Howard. His job dictates that he should be in Canberra, but he is happy to cause the public expense and the trouble involved in not doing so. He enlisted. He decided that he was going to be a member of parliament. He aimed to be Prime Minister. He was very dogged and determined to do that, and he succeeded. Having done so, he should have made the decision that many others in this city and in other places make, namely, that that is where his job takes him and his family.

Mr Speaker, this is the nation's capital. It was established after much argument and it has been written into the Constitution. It is the centre of administration for the Commonwealth; yet the head of that administration, the Prime Minister, opts not to live in the capital. As we approach the Centenary of Federation, it is a very poor message to give to Canberra and to Australia, and it is a very poor commemoration of what the Federation spirit is all about. I look for a reversal of that policy from this Prime Minister; but, if not from this Prime Minister, from the next, who may well be from Perth. I would look for that to occur very rapidly.

**MRS CARNELL** (Chief Minister) (10.49): Mr Speaker, as we approach the Centenary of Federation in Australia, it is important to remember that the ACT and the city of Canberra are the embodiment of Federation. The ACT was created in order to settle the rivalry between Sydney and Melbourne - a rivalry that threatened the creation of an Australian nation. I am sure that all of us who have read the history of that time will acknowledge that. Integral to the creation of a national capital was the relocation of national institutions to Canberra - the Federal Parliament, the Commonwealth bureaucracy and the official residence of the Prime Minister of Australia, the Lodge.

Mr Speaker, the Lodge was good enough for Sir Robert Menzies, for Gough Whitlam, for Malcolm Fraser, for Bob Hawke and even for Paul Keating. But today we have the most unfortunate situation where the Prime Minister of this country has refused to make the national capital his primary residence. It is quite simply unacceptable and is in marked contrast to the position taken by Australia's greatest Prime Minister of all, Sir Robert Menzies, who did an enormous amount to establish Canberra as the national capital. Mr Speaker, I think that much of what Canberra is today is due to the decision by Sir Robert Menzies to change what was very much a country town that happened to be the capital into a national capital that everybody could be enormously proud of.

**Mr Berry:** It was the only good thing he ever did.

**MRS CARNELL:** He did a few more things than that, I have to say.

Initially, when Mr Howard announced that for family reasons he would make Sydney his primary residence, I was willing to give him the benefit of the doubt. Politics takes a heavy toll on family life, and Mr Howard's effort to retain some normality in his family, I think, was commendable. However, the fact that he ended up spending almost as much time in Canberra as in Sydney, yet made such a public issue of his decision to choose



Sydney as his primary residence, very quickly indicated that this could have been seen, and has been seen, in many parts of the community and in the press as a bit of a snub for Canberra rather than necessarily as a family decision. It is inconceivable that the Prime Minister of Great Britain would not live at No. 10 Downing Street or, for that matter, that the President of the United States would not live - - -

**Mr Berry:** He is at No. 11 now.

**MRS CARNELL:** That is true. He moved next-door. He needed a bigger house. That was the deal. It is inconceivable that the President of the United States would not live in the White House. Clearly, the Prime Minister of Australia should be living in the Lodge and have that as his primary residence. This Government has argued that line consistently for more than a year now. I must admit that I have taken up this issue personally with Mr Howard. Indeed, one of my backbenchers, Louise Littlewood, started a petition about six months ago. I understand that the petition now has around 2,000 signatures.

Mr Speaker, elections are funny things, are they not? You really wonder why, 18 months after John Howard actually made the decision not to have the Lodge as his primary residence, Bill Wood would bring it up now. I wondered whether Mr Wood had not quite realised it - - -

**Mr Berry:** Because nobody here had made a decision about it; that is why. The Government showed no leadership.

**MRS CARNELL:** Mr Speaker, Mr Berry says, "The Government showed no leadership". The Government, or Mrs Littlewood, has a petition out there with 2,000 signatures. I personally have made representations to the Prime Minister about this. We have written to the Prime Minister. In other words, I think we have been right out there on the front foot on this issue. You have to ask what the motion that is on the notice paper today is actually going to do that has not already been done. Certainly, the Government has been out there lobbying loudly - as, by the way, have members of the crossbenches as well - for the Prime Minister to live in his official residence. Was the Opposition perhaps asleep? Or do they not do anything until there is an election on? Now we are six months from an election. With the need to raise his profile a little bit, I think, Mr Wood has roused himself from his slumber, rubbed his eyes and looked for an issue that might give him a bit of a profile. Unfortunately, most other people in this place have actually already been raising this issue constantly.

I think it would be far more productive if all members of this Assembly either signed the petition that Mrs Littlewood is already circulating or put together another petition so that we could convey to Mr Howard the strength of our views on this matter. But Mr Wood, in his eagerness for a quick headline, has simply gone down the path, I believe, of a political stunt - a stunt, by the way, that we all totally agree with. It is all on the record. It has been said in the media and in this place time and time again. Some amendments are being circulated at this stage. I think it is very important that - - -

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**Mr Corbell:** A closet apologist.

**MR SPEAKER:** Would you please be quiet, Mr Corbell.

**MRS CARNELL:** Absolutely not. What we are saying, Mr Speaker, is, "Let us not just come up with a stunt in this place 18 months after the event. Let us come up with a position that might actually make a difference".

**Mrs Littlewood:** Achieve something.

**MRS CARNELL:** As Mrs Littlewood says, achieve something. That really has to be the issue here. If there is any political grandstanding going on here, it has to be by those opposite. It was 18 months ago that John Howard made the decision not to have Canberra as his primary place of residence. It was six months ago that Mrs Littlewood was out there with her petition, Mr Speaker. What is the Opposition actually adding to the debate here?

**Mr Corbell:** On a point of order, Mr Speaker: I thought that this debate was about why the Prime Minister was not living in the Lodge. The Chief Minister seems to be spending a lot of her time attacking the Opposition, but the point of this motion is to attack the Prime Minister. If she is uncomfortable with that, perhaps she should sit down.

**MR SPEAKER:** There is no point of order. You will have your chance to participate in the debate. In the meantime, the Chief Minister has the floor.

**MRS CARNELL:** Mr Speaker, we will attack the Prime Minister's decision not to live in Canberra every day of the week, and we have done so. The question I am putting on the record here is: Why, 18 months after the event, does the Opposition finally decide that it is going to do something about this? Mr Moore has been out there, we have been out there, the business community has been - - -

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

**MRS CARNELL:** There is no point of order, Mr Speaker.

**Mr Corbell:** Mr Speaker, perhaps you should listen to me before you take the Chief Minister's advice. I think Mrs Carnell is deliberately misleading the Assembly on this point. If she checks the *Hansard* records, she will find that the Labor Party has consistently made reference to the failure of the Prime Minister to live in the Lodge.

**MR SPEAKER:** There is no point of order, Mr Corbell. You can join the debate later.

**MRS CARNELL:** I ask Mr Corbell to withdraw the remark that I was misleading the Assembly.

**Mr Berry:** You have done before.

**MR SPEAKER:** Order!

**MRS CARNELL:** And I ask Mr Berry to do the same - one after the other.

**Mr Berry:** I will go first. Mr Speaker, I said, "You have done before". Indeed, Mrs Carnell was censured for it.

**Mr Corbell:** Mr Speaker, I withdraw my remark that the Chief Minister deliberately misled the Assembly.

**MR SPEAKER:** Thank you. Let us get on with the debate.

**MRS CARNELL:** Thank you very much. Mr Speaker, the issue here is that this Assembly as a whole should get behind a set of words that condemn the Prime Minister's decision not to make Canberra his primary place of residence. I think we all agree with that position; but this side of the house would like to take it one step further and actually get up a petition - possibly the petition that we have copies of here - that could make the Prime Minister realise just what effect his decision is having, both economically and emotionally, on the community in Canberra. Let us do something together, for a change. Let us get something up that can show the Prime Minister just how we - not just this Assembly, but the Canberra community - feel about this particular issue, Mr Speaker. We do not want to play politics with it; we want to make a difference.

**MR BERRY** (Leader of the Opposition) (10.59): What a laugh this Chief Minister is! What a closet apologist! Mr Speaker, everybody else can have a shot at the Prime Minister, but the Labor Party cannot. Why is it so? I think Mrs Carnell has made it clear all along that John Howard was her preferred Prime Minister. She made that decision before John Howard was elected. She made it on the basis, one would expect, of her intimate knowledge of what he was about to do. Then, since John Howard has come to power and has made himself so unpopular, like a true populist, Mrs Carnell has sought to have a bit of a snipe at him here and there. Why did she rise in this debate today if all she was interested in was criticising those who criticised the Prime Minister? Surely it should be her job to attack somebody who holds the Federation of Australia in such contempt that he will not live in the place where that Federation set up its parliament. Why would Mrs Carnell not attack him for that?

He should be subject to the most vicious of attacks because of the actions that he has taken here in the ACT community. But Mrs Carnell would have some sympathy for some of them, because when Mrs Carnell came to office in 1995 we had an unemployment rate in the Territory of around 7 per cent and Mrs Carnell now gloats about the fact that she took us up to 8.6 per cent and back to the starting point again. Thanks for the ride. Of course, Mrs Carnell then demonstrated to John Howard how he should treat his Public Service - get stuck into them. And that is what John Howard did. Thousands and thousands of public servants later, we have the confidence of the community dashed - dashed by Mrs Carnell firstly and then given the knockout punch by John Howard.

**Mrs Carnell:** On a point of order, Mr Speaker, in the interests of consistency here: Mr Corbell actually took two points of order on the basis of my supposedly not speaking about the motion, even though I was actually speaking about where the Prime Minister is living. It appears that Mr Berry is not speaking about anything at all to do with where he is living.

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**MR SPEAKER:** I am happy to uphold the point of order.

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

**MR SPEAKER:** The motion refers to the Prime Minister's refusal to live in the Prime Minister's Lodge. To date I have heard nothing but talk about employment or lack of it.

**MR BERRY:** Why would the Prime Minister not want to live here? I will tell you why. Because he would not want to see the faces of the people whose confidence he has undermined, whose confidence has been undermined by the Territory Chief Minister, Kate Carnell, and whose confidence has been undermined by the effects of their actions in respect of the Territory's economy. Mrs Carnell, a closet apologist, comes out and says, "Really, Mr Howard spends as much time here as he does in Sydney. It is just awful that he goes out and says that he is not going to live here, because he really spends a lot of time here". That is John Howard's line. He is the one that has abandoned Canberra, Mrs Carnell, not the Labor Party. Labor Party Prime Ministers have lived here. If he does not like living in Deakin, I am happy for him to live in Holt. I would not even care if he were living next-door. The house would be a bit small, but he could come and live beside me. Maybe I should withdraw that. My neighbours might not like it too much. I have made a statement there which could cost me in my electorate.

**Mr Osborne:** Mr Speaker, I would like Mr Berry to withdraw that and stop misleading the Assembly.

**MR BERRY:** No; I am prepared to have him living next-door to me if he will come and live in Canberra; but I am afraid that my neighbours might object.

**Mrs Littlewood:** They must be pretty tolerant if you are a neighbour.

**MR BERRY:** They are a pretty tolerant lot out in Holt. Mrs Carnell should drive out there one day. It is a long way, but she should drive out and have a look. Mr Speaker, I saw in the *Canberra Times* today the following report:

In a furious outburst, Mr Howard warned -

listen to this one; what a doozey -

that "Canberra bashing" by Liberal and National Party Premiers could lead to the downfall of the federal Coalition, and cited them for his defeat in 1987.

That is the last of him, it appears, because this Minister and this party have been responsible for the overwhelming majority of the Canberra bashing that I have seen since I came here in 1972. So, Mr Speaker, John Howard is the person who needs to be condemned. I see that he has threatened to go after anybody who attacks him in respect of this. I think he is pretty safe. Mrs Carnell is not going to give him too much of a hard time, because she already says that he spends as much time here as he does in Sydney and that is really okay.

The fact of the matter is that this Prime Minister has snubbed the people of Australia by refusing to live in the place of its parliament. The people of Australia deserve a Prime Minister who takes the responsibility of the job seriously. It might be electorally popular for John Howard to bag Canberra from Sydney. It might be electorally popular for John Howard to say that he does not like the weather here and he would rather live in Sydney; that he would rather live in Kirribilli than in Deakin; and that he would rather spend some taxpayers' money on Kirribilli to make it suitable so that he can live there. That is all very fine; but the people of Australia have to understand that this is their Prime Minister refusing to live in the place where his parliament is.

**Mrs Carnell:** We are not arguing.

**MR BERRY:** Mrs Carnell interjects, "We are not arguing about that". But it seems to me that Mrs Carnell is more interested in diverting attention to the Labor Party than in attacking the Prime Minister, who has abandoned the nation's capital.

Mr Speaker, nobody would criticise somebody for caring about their family. But the fact of the matter is that, when you take on political jobs, the families do pay the price one way or another, whether you are in a city council, a town council or Federal politics. Federal politicians certainly would find it difficult because of all the travel that they undertake from the far-flung reaches; but the fact of the matter is that they knew what they were getting into when they got into politics. When John Howard set his mind on being Prime Minister, he had to take into account what goes with the job. It goes with the job to live in the ACT. If he was not prepared to do that and if he was not prepared to make those sacrifices, he should not have taken on the job and he should give it away now. That is the issue. John Howard should - - -

**Mrs Carnell:** Wayne Berry tells John Howard to resign!

**MR BERRY:** John Howard is not fit to be Prime Minister of the country. It is as simple as that. If you are not prepared to take the job seriously and make the sacrifices, you are not fit to be Prime Minister. The same applies to a lot of jobs. Should we make special allowances for John Howard? Not on your life. Billy McMahon did not deserve to be Prime Minister either, as he did not live here. So, Mr Speaker, in my view, this is a serious issue for the Liberal Party - whether they want to insist that they have a Prime Minister who is prepared to take the job seriously or whether they are prepared to accept one who wishes to treat the rest of Australia with contempt. That is what this Prime Minister is doing. Our forefathers went to a lot of trouble to develop the Federation, and it took a long time. That is why this city exists, that is why the parliament exists and that is why the Lodge exists as the official residence of the Prime Minister.

Mrs Carnell tried to make a point about why the Labor Party has brought this up now. It is because nobody else has brought it up in the Assembly. That is the point.

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**Mrs Carnell:** But what is it going to achieve?

**MR BERRY:** Mrs Carnell bleats across the chamber, "What will that achieve?". What it will achieve is something that you have never attempted to do. We will get the wholehearted support of the Assembly. Every member, I suspect, will come out and there will be an official vote of the elected representatives of the people of the Australian Capital Territory basically telling John Howard, "Either live here or give it away". That is the simple message. Mrs Carnell laughs. She does not take that seriously. Indeed, I note that she does not take many of the motions of this Assembly very seriously; but it is about time she took this one seriously. John Howard needs to be told.

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

**MR MOORE (11.09):** Mr Speaker, I have looked at the motion with interest. I have read it. I have had discussions with the Chief Minister, Mr Humphries and others. It seems to me that this is a very sensible motion, Mr Speaker, and I think it is appropriate that we condemn this sort of action by the Prime Minister. As Mr Berry put it, we, the representatives of the people of Canberra, should be appalled by this decision and the impact that it has on Canberra, because it certainly does demonstrate a contempt for the ACT by the Prime Minister, a contempt that has been reiterated by him and a contempt that has been shown by other members of his Cabinet.

Indeed, during the time when we were not sitting, I drew to the public's attention an example of the Minister for Finance showing the same sort of contempt in a different way. The Minister for Finance talked about judging a city by the size of its roundabouts. He also said that he believed that people in the ACT were never involved in schools' fundraising. I know for a fact, Mr Speaker, that every member here either has been involved in fundraising or has been the recipient of requests for fundraising. I know that because I have gone around with chocolates on a number of occasions, and so have other people, asking our parliamentary colleagues to throw in. I must admit that I have bought Maltesers from Bill Wood's office. That was for a school. They were nice, too, I must say, Mr Wood.

So, Mr Speaker, it was not just that he did not understand Canberra; this same contempt for Canberra is shown by other members of the Federal Cabinet. Somebody else drew out an election ploy used by Mr Kemp, I think, on this same matter. No wonder! The Prime Minister has set the tone. This is the Prime Minister who stood up before the Australian people and said, "We want to govern for all Australians". I think what he meant was "all Australians except the people of Canberra, except those who cannot manage in this way and that way", and he has a series of other exceptions.

Although I find the motion that Mr Wood has moved to be a reasonable motion, it seems to me from my discussions with the Liberal Party and the Greens that it would be far more effective if it contained the same sentiments but we got a unanimous motion from this Assembly.

**Mr Berry:** All they are criticising is the decision, not John Howard.

**MR MOORE:** For that reason, Mr Speaker, I am prepared to move an amendment that I think sends exactly the same message but has a chance of being passed unanimously. Mr Berry says, "No, it is no good", because the amendment that I have circulated says that we condemn the decision rather than that we condemn the Prime Minister. I have to remind members of the Labor Party that, when Paul Keating was in, they would strenuously resist any motion from the Assembly that sought to condemn the Labor Party Prime Minister.

**Mr Berry:** But sometimes we got beaten.

**MR MOORE:** Indeed; but how much more effective is a motion if it is not just a political gimmick but if the sentiment of the whole Assembly is carried? Mr Speaker, that is why I have sought to get to a point where we can work together on this so that my amendment will have this effect. The current motion reads:

That this Assembly condemns the Prime Minister of Australia, John Howard, for his arrogant refusal to live in the Prime Minister's Lodge - an act which demonstrates his contempt for the Australian Capital Territory and its people.

My amendment reads:

That this Assembly condemns the decision of the Prime Minister of Australia, Mr John Howard, to refuse to make the Prime Minister's Lodge in Canberra his primary residence - a decision which demonstrates his contempt for the ACT and its people - and calls on all Members of this Assembly to join petitioners in Canberra in calling on Mr Howard to make Canberra his primary residence.

Mr Speaker, in a way, that supports the work that Mrs Littlewood has been doing with her petition. Mrs Littlewood's petition reads:

WE, the residents of the Australian Capital Territory, bring to your attention the concerns of the Canberra community at your decision not to use 'THE LODGE' as the official residence of the Prime Minister of Australia. We further wish to alert you to both the economic and emotional impact on this community.

Your petitioners therefore respectfully request a review of your decision on this matter.

The word "respectfully" I do not mind, although it is a bit of a worry; but it is a normal part of a petition. Mr Speaker, the wording is actually very soft and very gentle. Our motion is much stronger than that. I presume that what Mrs Littlewood was doing - and I am sure that she will speak to it - was saying that sometimes you achieve more by doing things in this manner than by going in with a sledgehammer.

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The view that I have taken is a little bit between the two - that it is appropriate for us to seek to get a majority decision on this, Mr Speaker, and preferably a unanimous decision. That is what I am hoping for in putting up this amendment. So, Mr Speaker, I move:

Omit all words after "condemns", substitute "the decision of the Prime Minister of Australia, Mr John Howard, to refuse to make the Prime Minister's Lodge in Canberra his primary residence - a decision which demonstrates his contempt for the ACT and its people - and calls on all Members of this Assembly to join petitioners in Canberra in calling on Mr Howard to make Canberra his primary residence."

**MRS LITTLEWOOD** (11.16): Mr Speaker, I rise to support Mr Moore and the amendment. I would like to make a couple of points. Mr Berry said that this matter had never been raised in this place before. I draw his attention to an MPI which I proposed on 9 April, namely, Federal Parliament's attitude to the ACT. I said:

The Prime Minister has decided that he will not live in the Lodge - - -

**Mr Berry:** That is not a motion.

**MRS LITTLEWOOD:** You just mentioned, Mr Berry, that it had not been raised in this place before. It has been raised in this place before, because I raised it in an MPI debate in this house on 9 April. I have had a petition going around for quite some time. So, it certainly has been raised before. The timing of the Labor Party on this really has to be questioned.

**Mr Berry:** Why did you not move a motion, if you are so good?

**MRS LITTLEWOOD:** Give me time, Mr Berry. I just thought that I would give you the opportunity so that we could beat you.

It has been mentioned that Mr McMahon and Mr Howard have never lived at the Lodge. To set the record straight, I think you will find that Mr Curtin and Mr Chifley also did not live at the Lodge. One of those members lived at the Kurrajong - - -

**Mr Moore:** But Mr Chifley lived in Canberra.

**MRS LITTLEWOOD:** He lived in Canberra, but he did not live in the Lodge. Let us get the facts straight.

**Mr Moore:** At least he lived in Canberra.

**MRS LITTLEWOOD:** That is true. Let us get it technically correct. As a Liberal, it is naturally very concerning to me to be talking about the Prime Minister, who is also a Liberal; but there are times when you have to stand up and be counted. The people of Canberra are concerned about this. They have quite strong feelings about it. I think Mr Moore's tack is probably the way to go. I support Mr Moore's amendment, Mr Speaker.



**MS TUCKER** (11.17): Mr Speaker, I will speak to the amendment and in the general debate as well. I have been concerned at how Mr Howard has presented his case for not necessarily staying in Canberra, citing family reasons as justification for that. Why I find that concerning is that, from my recollection, he has also said publicly that, with the changes to the public sector, the loss of jobs in the public sector and generally the difficulties in employment and unemployment in Australia, people must be prepared to move to find work. It is not appropriate, therefore, to say, "But I will not".

It is especially not appropriate that it is the Prime Minister saying this, because there is a very special significance about his work. He is the Prime Minister and this is the national capital. At a time when his Government is making radical changes to how government administration works and when he is continually asserting that he has great respect for the Public Service and for the nature of the Commonwealth Government's role in Australia, he should make it very clear that he does respect the role of the Federal Government, the role of the national capital, his particular role and the significance of it. It is very disappointing.

I support Mrs Littlewood's concerns about the emotional impact on the community. Something that I did not really understand clearly until I talked to members of the community further on this issue is that people do not like being bagged all the time. We really love Canberra. We think it is a beautiful place in which to live, and it is. I think sometimes that some of these Federal politicians have not got out of their cars and they do not actually know what a nice place it is in which to live. We are struggling in many ways in Canberra, and we do not need that bagging. We need to be getting positive messages. We certainly need support from our Prime Minister.

In essence, I support the motion. I concede that there is some disagreement in this place about how the words are used and whether it is the decision that is being deplored or the person who made the decision. I have no problem with saying that it is the decision. I do not like personal attacks. I try not to make them myself. I think it is quite reasonable that you deplore the decision rather than the person. That is quite consistent with how we try to work in the Greens. So, I accept Mr Moore's proposal that we should make this less personal. Therefore, I hope that we will see agreement from the Labor Party to change these words, because what we want is a unanimous motion from this place, which is obviously much stronger. I really hope that we do not see Labor just playing silly buggers again around words.

**MR OSBORNE** (11.20): To follow on from what Ms Tucker said, Mr Speaker, I have a sister who is married to somebody in the Navy. They have been married for about eight or nine years.

**Mr Corbell:** Has it been plain sailing?

**MR OSBORNE:** It has not been plain sailing. Mr Speaker, they have had to move five or six times. They have been down to Hobart and in Canberra for a couple of years. They moved a couple of times in Sydney. He has been out to sea. I think they are about to move again. But, Mr Speaker, when he took on that job, he knew full well that there would be times when he would have to move. The same applies to the Prime Minister.

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I think he has been quite pathetic in his attitude towards Canberra. I know that Mrs Carnell claimed that he stays here just as often as he stays in Sydney; but that is not the point. There are a hell of a lot of meetings going on in Sydney that should be going on in Canberra, and that is having a detrimental effect on any number of small businesses in the Territory.

Mr Speaker, I think the Prime Minister's whole attitude towards the national capital has been quite disgraceful. I will remind the Liberals that, prior to the last election, this is the Prime Minister that they wanted. How angry so many Commonwealth public servants must have been when they saw the Prime Minister having the hide to go up to Newcastle when BHP announced that it was going to cut back a couple of thousand jobs up there by the turn of the century. This is the very same man who has cut back many times more jobs here in this economy, in this city, over a much shorter period of time.

Mr Speaker, there is no doubt that the Public Service is a very big factor in how our economy works. I think the one thing that has caused the problems that we are facing at the moment has been the attitude of this Federal Government. Mr Speaker, I would just like to remind Mrs Carnell and her people that this is the person they wanted in the job - this person who has treated Canberra with contempt and this Prime Minister who will not live in the Lodge. Mr Speaker, if his children were a little bit younger, there might be some weight to his argument. Perhaps I would sympathise a little bit with him. But the reality is that two of his three children are at university and one is close to leaving high school. So, Mr Speaker, I would encourage him to have a good look at himself in the mirror.

I will be supporting Mr Wood's motion first. It was Mr Wood's idea, and I will be supporting that. But, if Mr Moore's amendment has the numbers, then I will certainly be supporting that. I would also like to speak briefly about Mrs Littlewood's petition. I do not know whether I would be prepared to sign that, Mr Speaker, because I do not think it is hard enough. I think it is quite soft, actually, saying, "Please, Mr Prime Minister, I do not want to upset you, but could you consider maybe changing your mind and coming back to live in Canberra? But do not take it the wrong way". Mr Speaker, I would like to see that petition toughened up a bit. At the end of the day, you have to decide whether you are going to act in the best interests of your constituents or in the best interests of your party.

I have heard that there has been a little bit of criticism of our own senator, Margaret Reid. I think Margaret Reid is a wonderful lady; but, for the life of me, I do not know why she has not voted against some of the things that her Government has done to the Territory.

**Mrs Littlewood:** Were you at the PM for Canberra rally on Sunday, Mr Osborne? I was there.

**MR OSBORNE:** No. I was at home with my kids, actually.

Mr Speaker, I would encourage Senator Reid to perhaps be a little bit more vocal in her support for her constituents. As I said, I will be supporting Mr Wood's motion first; but, if Mr Moore does gazump him, then I will certainly be supporting his amendment wholeheartedly.

**MR WOOD** (11.26): I wish to speak to the amendment, not to close the debate. I thought that the Greens made a very strange comment. They said that we should not play silly buggers around words.

**MR SPEAKER:** I did not hear that; but, if they did, they should withdraw the word.

**MR WOOD:** I am not asking for that. The wording fits the Greens, perhaps. But, if anybody is playing silly buggers, it is Mr Moore. He wanted to get his mark on this motion, so he had to find a way to change it. Mr Moore recently had just cause to be angry with Mr Howard. Mr Howard cut off the heroin trial, which is something that Mr Moore has worked very hard for over many years. I think Mr Moore had every right to be very angry with John Howard. Is he going to be angry with the decision or with John Howard? It is a lot of nonsense to put the word "decision" in there. The decision is - on heroin, as on living in Canberra - John Howard's. By doing this, Mr Moore is trying to take it one step further away from the Prime Minister and to do not much more than administer a bit of a slap on the wrist. If there is a chap in court here in Canberra charged with putting a bullet through someone's head, is he charged with the decision he took, or is he charged himself for what he did? That is exactly the case in this instance. We ought to be critical of John Howard, the man, for what he is doing. I urge members to recognise that and to support the motion and not the amendment.

**MR BERRY** (Leader of the Opposition) (11.28): The amendment, in effect, is no different from the motion which was proposed by Mr Wood, except that it criticises the decision rather than the Prime Minister. From my point of view, I think that the Prime Minister himself deserves the strongest criticism. If Mr Moore wants to put in the word "decision" to divert a little bit of attention away from the Prime Minister and the effect of the motion, then there is not much we can do about it if he happens to have the numbers around this place. But, for my part, I believe that the Prime Minister deserves the criticism, and the amendment looks like the actions of somebody just trying to get a scent on every electric light pole.

So far as we are concerned, we think our motion is better because it criticises the Prime Minister. Michael Moore thinks his amendment is better because it criticises the decision. The Liberals would much rather not criticise the Prime Minister. They would much rather criticise anything else but the Prime Minister. It is interesting that Michael Moore, like a magnet, was drawn to the Liberals to have some discussions about it but did not come anywhere near the Labor Party. We are not surprised by that, because conservatives like Michael Moore - people with conservative social values like Michael Moore - - -

Members interjected.

**MR BERRY:** People might laugh. Michael Moore mucks around with sex, drugs and rock'n'roll; but when was the last time that Michael Moore mentioned jobs?

**Mr Moore:** On the radio last week.

**MR BERRY:** That is the first time, then.

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**MR SPEAKER:** Order! You are out of order and you are out of your seat, Mr Moore.

**MR BERRY:** This person, who worries about sex, drugs and rock'n'roll, is terribly conservative when it comes to the conservative political parties. He would not undermine them. Mr Speaker, if Mr Moore wants to criticise the decision of the Prime Minister instead of criticising the Prime Minister, we will support an amended motion so that it is a unanimous motion, but we will first of all support our own.

The next thing I would like to raise is the petition that has been circulated around the place by Mrs Littlewood. It is not a serious petition. First of all, it is a bit of electioneering, because it has Mrs Littlewood's name plastered all over it, and it would be an out-of-order petition in the context of this place. But it is not even a petition to the Federal Parliament. It is a little note to John Howard. He will say, "Oh, well, very interesting", and that will be the end of that. It will not appear on the public record anywhere. It might appear in the *Canberra Times* somewhere or in the *Chronicle*. The next time you will see it will be under some litter in the garden.

Mr Speaker, we will support our own motion first, but we will recognise the wish of the Assembly. If it is the wish of the Assembly to endorse the amendment that has been moved by Mr Moore, we will support the amended motion if the amendment is passed by the Assembly; but we would first of all recommend to members that they take the stronger line.

Amendment agreed to.

**MR WOOD** (11.32), in reply: Mr Speaker, the Chief Minister worried me. She said that this is a stunt. I admit that that worries me, because no-one knows a stunt better than the Chief Minister. If you look at the record of the Chief Minister and at mine, you will find that my record in this place is that I am not about chasing stunts. She asked, "Why now?". I will tell her. After hearing Fahey and after seeing Liberal literature - in my case, coming out of Rod Kemp's office - my anger was rearoused. As I drove past the Lodge, I said, "We must continue our efforts. We must do more and more to bring home to the Prime Minister the message that he should live there".

I first came to Canberra when Malcolm Fraser was in the Lodge. I had been a long-time member of the Labor Party, and I resisted Malcolm Fraser. But it was, nevertheless, as a new resident of Canberra, a source of pride to me that this was the Prime Minister's Lodge and I could see the flag flying there, which I believe signifies his presence in the Lodge, or in the town. So what do we do? There have been from all sides - not just from this Assembly but from well beyond this Assembly - protests about it. I believe that we need a concerted protest from the elected representatives of the people of Canberra; hence my moving this motion.

I think any motion from an elected Assembly is a significant one, and one which carries a strong message. Therefore, I look to its carriage with anticipation. I believe that the motion as I framed it was the better motion. It was a stronger motion. But, if some in the Assembly want a weaker motion, so be it. I believe that the amendment has significantly reduced the impact of the motion; but this will be carried. The Opposition

will support the motion as it has been amended. We, like others in Canberra and others in this Assembly, will carry on with a campaign to make the Prime Minister live in the Lodge. For some of us, it will be to see that there is a different party providing a different Prime Minister who will live in that Lodge.

Motion, as amended, agreed to.

### **ELECTORAL (AMENDMENT) BILL (NO. 2) 1996**

Debate resumed from 4 December 1996, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (Attorney-General) (11.36): Mr Speaker, I am circulating now some amendments to the Bill which have the effect of separating the two issues which the Bill gives rise to. The Bill, of course, as members will recall, firstly, provides for elections in the ACT to be moved from February to October - - -

**Mr Berry**: I have never heard of these amendments.

**MR HUMPHRIES**: We discussed them with the Leader of the Opposition, but he was a different person a few weeks ago.

**Mr Berry**: You have not discussed it with me.

**MR HUMPHRIES**: I am sorry. We discussed it with the Australian Labor Party - - -

**Mr Berry**: No, you never discussed it with me.

**MR HUMPHRIES**: Your representative at that stage was someone different.

**Mr Berry**: You never discussed it with me.

**MR HUMPHRIES**: If you change leaders like revolving doors, that is not my fault.

**Mr Berry**: If you spring them on the Assembly the morning that it is going to be discussed - - -

**MR HUMPHRIES**: Mr Speaker, for the record, let me make it perfectly clear that this matter was discussed fully with the Australian Labor Party's chief representative. When I discussed the issue, I discussed it with the then Leader of the Opposition, who was at that stage, and perhaps still is, the spokesperson for the Australian Labor Party on electoral matters, and we reached agreement that this approach would be taken, as I understood it. I was present with Mr Moore at the time. I understood that we were going to separate the question of four-year terms from October elections.

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If Mr Berry cannot talk to his colleagues - and, let us be frank, who can blame them if they do not talk to each other, after the blood that has been on the floor up there in the last seven days? - then it is hardly my fault. The fact of the matter is that the agreement reached with the Australian Labor Party at that time, and with Mr Moore in discussions with him, was that the two issues should be separated; that it was not appropriate to bring forward the question of four-year terms.

**Mr Berry:** This is preparation for a four-year term.

**MR HUMPHRIES:** The amendments which I have put forward today make it clear that the Assembly will not at this stage entertain the concept of four-year terms.

**Mr Berry:** You will not get our support. If you ram this through today, you will get no support for it. This is another experiment.

**MR HUMPHRIES:** It is quite extraordinary, Mr Speaker. I appreciate that the Australian Labor Party is going through a difficult stage at the moment. I do not wish to exacerbate their problems. I think it was Benjamin Disraeli who said that you do not get a good government without a good opposition. At the moment, I have to say that that calls into question how good the Government might be. The fact of the matter is that members opposite are experiencing some difficulties. Therefore, I will simply put to the Assembly what it is that I believe had agreement only a couple of weeks ago when this matter was discussed, and that is that the question of four-year terms and the question of October elections are two separate issues which should be separated. My party does not feel at this point in time that it can support four-year terms. We have previously said that the matter needs to be ventilated further in the community, and I think that is the view we would take today.

The issue was also discussed with Mr Moore, who was the protagonist of the Bill, and Mr Moore agrees that it is not appropriate to force the issue of four-year terms at this point in time. Therefore, what I will do today is move my amendment which separates the two issues. The amendments that I am putting forward effectively tidy up the amendment that Mr Moore has already put forward, which ensures that the next election after the 21 February 1998 election will be on the third Saturday in October 2001, unless by some chance there is a Federal election on that day, in which case the ACT election would be held on the first Saturday in December 2001. I think that is appropriate. It does mean that the term of the next Assembly will be extended from three to 3½ years approximately, but in my view that is not an unreasonable extension. It puts the date for elections in the ACT on a much more satisfactory footing.

The fact is that February elections deprive many citizens of the ACT of active involvement, if not in the election itself, in the lead-up to the election, because they coincide with a period during which many Canberrans are away on their holidays. More importantly perhaps, they prevent governments from being able to bring down budgets before the beginning of the next financial year - that is, the financial year

beginning on 1 July following the election - and that is unfortunate. I think we have all agreed that it is better that governments at least deliver their budgets, if not pass them, before the beginning of the financial year. That was an agreement that all of us reached in this place some time ago - although, of course, now that Mr Berry is in charge it might all change.

I assume that the house would agree that elections should be held at a time which better reflects the involvement of all people in the election process. I hope members will agree that the issue of four-year terms is an issue it is not appropriate to put forward at this point in time and that we can support the amendments which will progress the question of October elections so as to create that greater simplicity and greater efficiency of the operation of the electoral system.

**MR SPEAKER:** I ask members to amend the amendment which they have in front of them. It is only a minor correction. Delete the word "clause" where it appears and substitute the word "paragraph".

**MR WHITECROSS** (11.43), by leave: I am not the Opposition spokesperson on electoral matters anymore, just to clarify that for Mr Humphries. I feel obliged to rise, however, to set the record straight on a couple of matters and put a point of view about what Mr Humphries has had to say. Mr Humphries is perfectly correct when he says that he, Mr Moore and, I think, a representative of the Greens and I have discussed Mr Moore's Bill on more than one occasion and that on the most recent occasion, when we were leaving a meeting at which we had discussed amendments to the Financial Management Act, we had a little huddle where Mr Humphries indicated to me that the Liberal Party did not want to proceed with the four-year terms but were keen to proceed with the October date. I said that I would take that on board. We had a discussion about some consequential amendments surrounding the October date and the fact that the Labor Party still had not heard back from the Liberal Party on some of those matters. That was where the matter rested.

It is not a secret, by any stretch of the imagination, that other events have intervened which mean that I am no longer the spokesperson on electoral matters. I think it would be appropriate for Mr Humphries, and indeed other members, to give some due regard to the fact that Mr Berry has had carriage of electoral issues for only a week and he has had a couple of other things on his mind during that week as well. It would seem to me that under those circumstances it would be appropriate for the Liberal Party, and indeed the crossbenchers, to have due regard to the need for Mr Berry to get across the issues so that he can make an appropriate and full contribution to the debate.

After all, this is a serious matter, and it is appropriate that all parties in the Assembly be able to make a useful contribution to the debate, rather than having this Bill rammed through without Mr Berry being in a position to put a Labor point of view on this matter. I do not think that that is appropriate. To use the much-worn phrase of Mr Humphries's, you are setting a very dangerous precedent here, Mr Humphries, if you are going to take the view that we can ram lots of things through. The next time you come into the house and say, "We are not ready to pass this legislation, because we have had something else on our minds", we might not be so keen to adjourn it. We have always taken a very flexible approach to Government - - -

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**Mrs Carnell:** Like CIR?

**MR WHITECROSS:** Mr Humphries brought on the CIR Bill. You cannot blame us for that. You brought it on. You just did not like the outcome. You brought it on. We voted against it, and then you said, "That is not fair". It is not our fault that you brought it on. On this occasion Mr Moore has brought it on. Mr Berry is appealing to your sense of propriety - - -

**Mr Berry:** I would not waste my time.

**MR WHITECROSS:** Perhaps in a futile gesture he is appealing to Mr Humphries's sense of propriety to recognise the fact that he has had responsibility for this portfolio for only a week and that he ought to have a proper opportunity to get across the issues. It is a completely different issue from Mr Humphries calling on his Bill and getting rolled. Mr Humphries ought to know better than to remind everybody about that ignominious occasion. We are talking about the proprieties of the house. We are talking about the proper management of the house and appropriate standards of democratic behaviour. Mr Berry has had the portfolio for one week. He ought to have a proper opportunity to get across it.

If I can make one other point just to re-emphasise the importance of giving Mr Berry more time to think about it, let me say two things. The first is that the proposal being put by Mr Humphries in this amendment is a proposal which has never been canvassed with me. That is the first thing.

**Mr Moore:** What is a new proposal?

**MR WHITECROSS:** It is a new proposal. Mr Humphries's amendment is a new proposal which has never been canvassed with me or anyone else from the Australian Labor Party. Secondly, whenever Mr Humphries has raised the October date with me I have consistently said, "I have a problem because the Financial Management Act says that you do not have to bring down the budget until September. If you want to have an election in October, I want something done about the fact that the Financial Management Act says that you do not have to bring down a budget until 30 September. What is the Government going to do about that? You go back, Mr Humphries, and talk to the Treasurer, Mrs Carnell, and come back to us with a proposal on how you are going to deal with that". The Liberals have never come back to the Labor Party with a proposal on how to handle that matter.

I do not think that this is a fully thought through package. I am not criticising Mr Moore. We have all been in discussions about this; but, if you are going to force Mr Berry to vote on a matter now, when he has had one week to get across the issue, when you have introduced today a new proposal which has never been on the table before, when you still have not come back to us with a specific proposal about how to deal with the Financial Management Act, then I think you are showing your contempt for the democratic system. I think it is time that the Government grew up, stopped playing games on this and accepted their responsibility to make this house work in the interests



of the people of Canberra, rather than trying to score silly little political points by ramming a Bill through when they know Mr Berry is not ready for it. If Mr Berry is not ready for it, you ought to let it go. Next time Mr Berry will have had adequate time to consider it and you will have every right to expect it to go through.

If I had been the Leader of the Opposition and the spokesperson on electoral matters and if I had had Mr Humphries's proposal before me before this morning, then I would not have had any problem with it going ahead; but Mr Humphries cannot drop proposals on the Opposition at the last minute. He cannot drop proposals on a new spokesperson who has had the responsibility for only one week and expect to be shown any respect at all. The reality is that Mr Humphries has always had contempt for the democratic process. He has always been just a little bit too smart, and he is being a little bit too smart now. This matter ought to be adjourned and Mr Humphries ought to go away and have a bit of a think about what democracy is really about and whether democracy means ramming things through parliament when they know that there is a new person responsible for the area who is not yet ready to debate it.

**MR BERRY** (Leader of the Opposition) (11.51): Mr Moore indicated in the last couple of days that he was going to put this on the agenda for private members business. I think he might have mentioned it last Friday - I am not sure.

**Mr Moore:** I indicated it to you at the Administration and Procedure Committee meeting last Wednesday, a week ago.

**MR BERRY:** Anyway, I did not say that I did not want it to go on. It was my intention to try to look at all of the matters involved in it. I am not satisfied with the process. One of the major concerns I have about the ACT electoral laws is that over the past few years I do not think we have had two elections where the electoral laws have not been interfered with in one way or another. I just do not think that is a great pattern that, as a matter of principle, one should be setting.

Some people might argue that it is only a little change; others might argue that it is a significant change. I seem to recall that it is not the change that was recommended by the Electoral Commissioner. I do not know how the Government has weighed that up in its thinking on the matter. On the four-year terms issue, it seems as though governments are a bit like nervous Nellies. On the face of it, it smacks a bit of experimentation. It is about time that some issues were left to settle.

That is my in-principle position. I am not in a position at this point to discuss the detail of the matter. I have indicated to Mr Moore that I want to see this debate adjourned. If the Government, Mr Moore and the Greens decide to ram the Bill through, so be it; but I point out that I am not satisfied that this is not merely experimenting with electoral laws for the political purposes of those opposite. I will need to be convinced before I support amendments to the electoral laws. It is my sincere belief that there has been a bit too much of this going on in a lot of respects in the ACT - - -

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**Mr Humphries:** You have been responsible for most of it, Wayne, so you can hardly complain about it, can you?

**MR BERRY:** I am in no way responsible for this, Mr Humphries. What I am saying to you is that I am not satisfied that it should proceed. I need to be convinced that it should proceed. If you decide to ram it through, I will be critical of the Government for these sorts of experiments, and I will be critical of Mr Moore for these sorts of experiments - but experiments are things that seem to be part of a way of life with him. I will be opposing the in-principle stage. If Mr Moore and his Liberal friends and the Greens have decided to ram this through, then they will ram it through and it will become the law of the Territory; but they will not be getting support from the Labor Party at this stage.

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

That the debate be adjourned.

The Assembly voted -

*AYES, 6*

Mr Berry  
Mr Corbell  
Ms McRae  
Ms Reilly  
Mr Whitecross  
Mr Wood

*NOES, 11*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Moore  
Mr Osborne  
Mr Stefaniak  
Ms Tucker

Question so resolved in the negative.

**MR MOORE** (11.58), in reply: In rising to thank members for their general support, I recognise that the support is for changing the time of elections to October, rather than changing to four-year terms, and recognise that the members who have indicated support have indicated that they are not supporting four-year terms but the retention of three-year terms other than in the lead-up to the first October election, consistent with the Electoral Commissioner's recommendations. Mr Berry and Mr Whitecross said that we ought to adjourn this debate. Had I tabled this legislation a month ago and sought to bring it on now, then people may well have said, "Mr Moore, I think that that is pushing it too hard"; but the reality is that this legislation was tabled in November last year and brought on for debate in December. Members ought to have been ready in December. At that point members might have rightly said, and did say, "We are really not ready to debate this. We think there are some broader issues. We think the legislation should be exposed to some public debate". Indeed, it was.

That having been the case, eight months later, after quite a number of discussions with a range of members from every group in this Assembly, we have now brought the Bill back on. Mr Humphries has indicated that he will put up amendments that will say, "No, not four-year terms, Mr Moore; but we are prepared to change to October elections, with a back-up date in December should the October date coincide with a Federal election". That is a very sensible approach, and I am very comfortable with that. I think, therefore, it is appropriate for us to proceed with this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (12.00): Mr Speaker, I seek leave to move together the two amendments I have circulated in my name.

Leave not granted.

**MR HUMPHRIES**: I will do them one at a time then, Mr Speaker. I move:

Page 2, lines 8 and 9, clause 4, paragraph (b), omit the paragraph, substitute the following paragraph:

“(b) by omitting from paragraph (1)(b) ‘February’ and substituting ‘October’; and ”.

Let me put a few matters very clearly on the record, since Mr Berry, who seems to have been abandoned by all of his colleagues - I am not surprised, in the circumstances - seems to have not understood the processes being used in this matter. It is usual, or at least it has been in the life of this Assembly, for parties to attempt to sit down and discuss, in what we have chosen to call round tables, a series of contentious issues that will ultimately come before the Assembly. That is an approach which I think has been extremely successful. It is a process which has anticipated controversial issues and taken them to a stage where they can be discussed outside the intensity of political debate as would be found in this sort of setting. It permits issues to be considered in a calm and rational way.

The many issues that were given rise to by the 1995 election led to a review of the Electoral Act and its operation conducted by the Electoral Commissioner. The report of that review was produced in 1995 and tabled in this place, and there has been extensive consultation and discussion about it ever since. There have been a number of discussions between the parties represented in this place about the consequences of that review. Mr Moore's Bill has also put on the table the issue of four-year terms - an issue not canvassed in the review.

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The issues were extensively discussed at the round table that I referred to. It is important to bear in mind that at each of those discussions the Labor Party was represented. It was represented by its spokesperson on electoral matters. I would say that a substantial degree of agreement was reached on a number of issues at those round tables, and it led to there being, I think, a basis on which the Assembly could proceed to consider a package of amendments to the Electoral Act. The overall package is presently being considered and will be put before this house, hopefully, in the next few weeks. That will entirely reflect the agreement reached at the round tables.

I appreciate that there has been a change of leadership in the Labor Party in the last seven days and that that has had a consequence for the management of the key issues that the Labor Party is running in the Territory, but if it means that all the agreements that representatives of the Australian Labor Party have reached with other spokespeople - - -

**Mr Berry:** It does not mean anything of the sort. It means that there has been a change in the leadership of the Labor Party. That is all it means.

**MR HUMPHRIES:** In that case, the agreements that have been reached with representatives of the Australian Labor Party in discussions and round tables of the kinds that I have referred to in the last few months, I assume, stand.

**Mr Berry:** No. I reserve the right to review them.

**MR HUMPHRIES:** Maybe you do reserve the right to review them; but the point is that I also reserve the right to proceed on the basis that, until otherwise advised, the agreement that was given freely on behalf of the Australian Labor Party stands.

**Mr Berry:** You have been told. We do not agree.

**MR HUMPHRIES:** You did not tell me until the Bill was brought on today. You saw it on the notice paper. You can read - - -

**Mr Berry:** I did not have to tell you. It was Michael Moore's Bill, not yours. I told Michael.

**MR HUMPHRIES:** I am sorry; you did not tell me. We all had discussions about it.

**Mr Berry:** It was Michael's Bill.

**MR HUMPHRIES:** But you told Michael you were happy for it to come on today.

**Mr Berry:** And I told him today we were not ready to proceed with it and I wanted it adjourned.

**MR HUMPHRIES:** You told him today?

**Mr Berry:** Yes.

**MR HUMPHRIES:** You did not tell me today.

**Mr Berry:** It is not your Bill.

**MR HUMPHRIES:** If you had discussed with your spokesperson on electoral matters at that time what had been agreed, you would have known that there were amendments coming forward.

**Mr Berry:** I did not go to the round table.

**MR HUMPHRIES:** You did not have to. You had a representative there at the round table.

**Mr Berry:** Is this really your Bill and is Michael running it for you?

**MR HUMPHRIES:** You can laugh, Mr Berry, but this inept performance by a man who purports to be the next Chief Minister of this Territory is not impressing anybody who is watching this process. If you are going to run a government in which only the Chief Minister makes any decisions and if someone comes forward with a decision that another Minister has made and you want to overrule it and all you can do is sit there and giggle, then you are going to be pretty embarrassed as a government if Ministers have to say, "Sorry. The Chief Minister has not had a chance to look at this yet. I cannot make any decisions". The fact is that all of us in this place, except apparently Mr Berry, know that parties have to work as teams and that we have to make decisions collectively. It means that sometimes we have to delegate the task of negotiating one on one with other parties. We had those discussions and negotiations on the Electoral Bill. We appeared to reach substantial agreement about them. Mr Berry now apparently does not like that agreement - - -

**Mr Corbell:** Did you not hear what Mr Whitecross said?

**MR HUMPHRIES:** Yes, I did. Mr Whitecross did not accurately relate the facts of the matter.

**Mr Corbell:** You deny that, do you?

**MR HUMPHRIES:** Yes, I do, and Mr Moore will also deny it. He was present at the same time. You ask yourself who is telling the truth in these matters, Mr Corbell.

**Mr Corbell:** I would much rather believe Mr Whitecross than you.

**MR HUMPHRIES:** Fine. I am sure you would; but I tell the Assembly very clearly that there was discussion on these matters. It took place on the same day that Mr Whitecross and a member of his staff came up to the second floor to discuss proposed amendments to the Financial Management Act. Are those amendments going to be thrown back in the melting pot as well, Mr Berry? I have to assume so at this point. Those amendments were also discussed by the then shadow Treasurer with Mr Moore - I think Ms Tucker was present - the Chief Minister and Treasurer, and me. We were all present. We all had those discussions.

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At the end of that meeting Mr Moore, Mr Whitecross and I discussed how to proceed on the electoral Bill. We agreed that the issues of four-year terms and October elections should be separated. Mr Whitecross did indicate that he would have to discuss further with his party what they would actually do with the October election, but he indicated that there was likely to be some measure of support for a shifting of the date to that time of year. He was still talking about whether it should be in November rather than in October, but the point is that he still agreed to a shift to that time of year.

**Mr Moore:** And he was still talking about the Financial Management Act too.

**MR HUMPHRIES:** That is right. He was still talking about the Financial Management Act. We all agreed that there would have to be some consideration of how to deal with that issue flowing from this amendment. Since we are talking about the issue of the Financial Management Act not arising until October 2001, it is not exactly an issue which is of burning urgency at the moment. We did not say that nothing further could proceed until that was done. We proposed to deal with it in that way. We had agreement from the Australian Labor Party, agreement which the now leader of the Labor Party appears to want to back away from, in a most unstatesmanlike act, I might say.

**Mr Berry:** I asked for more time.

**MR HUMPHRIES:** You did not ask for more time. You demanded it when the Bill actually came before the house. Let me put on the record very clearly what the facts are. This matter was discussed and agreed. The amendment proposing October elections reflects the recommendations of the Electoral Commission that we should move to October elections. Mr Berry, with respect, misinformed the house about that.

**Mr Berry:** About what?

**MR HUMPHRIES:** You should have been listening, Mr Berry. The Electoral Commission recommended what we are now doing. It recommended October elections. We are implementing what was recommended in a report handed down in 1995. We are supporting what is in a Bill which has been on the table since December 1996.

**Mr Moore:** November 1996.

**MR HUMPHRIES:** I am sorry; November 1996. Debate was adjourned in December 1996. The Bill has been on the table for a very long period of time. Members have had adequate time to consider these issues. If Mr Berry has not done that, if he has not done his homework, if he cannot talk to his party colleagues - - -

**Mr Berry:** Ram it through.

**MR HUMPHRIES:** If he wants to childishly characterise this as ramming it through, when he knows that there has been extensive discussion and consultation, I wash my hands of that sort of approach. Others in this place realise that we need to get on with the business of this place. This Bill has been on the table for a very long period of time. It needs to be dealt with. We propose to support the amendments put forward today as a way of dealing with it, and we support the Bill.

**MR MOORE** (12.10): I support this amendment, because I accept that when we discussed this issue I supported the amendments Mr Humphries proposes. What comes through is Mr Berry's real concern about this legislation, which of course is that Labor are likely to be out of government for 3½ years instead of three years. That is the crunch that we are really dealing with. It reflects his lack of confidence in his ability to lead the Labor Party into a victory in the next election. Mr Berry realises that if Mr Whitecross had to go he was the only choice left. It was one of those choices when you say, "What is the least worst situation in what we have?" and Wayne Berry is it.

It seems to me that there has been more than adequate time to consider this legislation. It was tabled on 20 November and debated on 4 December. The Electoral Commissioner had brought his report down quite some time prior to that. The issues coming out of the report of the Electoral Commissioner should always be part of the consideration of a group. I suppose it is embarrassing for Mr Berry because the Labor Party have had a change-around, but what it reflects yet again is the lack of scrutiny that the Labor Party put into legislation and their inability to deal with it. That is the real crunch that we are dealing with here today.

**MR BERRY** (Leader of the Opposition) (12.12): Normally, a courtesy would be extended to members, but not to the Labor Party, it seems. That is fine. We are used to coping with adversity. That has been our history. I get a little sick and tired of some of the spite-filled observations which are made about what the Labor Party does and does not do in relation to its decision-making process. All that is at stake here is a week or so, so that I can have a bit of time to have a look at the issue. If it were anybody else who had brought this up in the Assembly, I suspect that it would have been agreed to without any difficulty. There would have been a bit of - - -

**Mr Humphries:** Persecution.

**MR BERRY:** Hang on a minute. There would have been a bit of a grumble and people asking, "Why did you not tell me this earlier?". There would have been a bit of a grizzle about it, but that would have been the end of it. If you want to ram this through, go for your life. There is nothing I can do about it, on the face of it, because everybody else has agreed that that is going to be the case. There is not much point in my kicking and screaming about it, because it would be a waste of energy; but the fact of the matter is that a reasonable request has been put to the Assembly. We have asked for the debate to be adjourned. You have refused to adjourn it, and we will have to cope with that. I just want to reiterate my position. We ought to have been extended the courtesy which has been extended so many times in this place, to the Greens more than to others, in relation to the adjournment of matters. I note that the Greens voted with the Government to ram this through. We will remember that. This sets a bit of a pattern. This sets an interesting precedent for the future.

**MR WHITECROSS** (12.14): I reluctantly rise again in this debate, once again to set the record straight on a couple of things. Mr Humphries, in his remarks a moment ago, suggested that I had misled the house and had misrepresented events in my previous speech on this matter. He then proceeded to relate a sequence of events which seemed to be, in all material respects, identical to the account I had given earlier. I can only say that I do not think he made out a case that I had misled anybody.

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**Mr Humphries:** I did not say that you had misled.

**MR WHITECROSS:** You did not use the word “misled”, Mr Humphries, but you did imply that by saying that I had not accurately reflected events. The facts are that your account was identical in all material respects to mine - namely, after a meeting on the Financial Management Act, we had a huddle; we agreed that we were not going to proceed with the four-year term; we agreed that we were going to proceed with the October election; I said that I would have to take that back to my party room; we had a discussion about the Financial Management Act; and we had a discussion about fall-back dates. That was my description and that was your description, Mr Humphries, so do not come in here and say that I misrepresented the facts. I did not misrepresent the facts.

The only other thing I want to say is that Mr Moore, in his remarks, suggested that there was some problem with the capacity of the Labor Party to scrutinise Bills. I have scrutinised this Bill thoroughly, Mr Moore. I am perfectly familiar with this Bill. I know all about it and we have had several discussions about it. The fact is that I am not the spokesperson on electoral matters anymore. Labor’s current spokesperson on electoral matters is entitled to reasonable time to familiarise himself with the matter. This is not an everyday event. It is only once in a while that there is a change of portfolios, but where there is a change of portfolio the new portfolio spokesperson is entitled to a bit of time to familiarise themselves with their portfolio. I believe that Mr Berry is entitled to that time. That is what I said before. That is why I voted for the adjournment. Mr Moore, let there be no question about the capacity of the Labor Party to scrutinise legislation. I am perfectly familiar with the legislation, but it is not for me to represent the Labor Party on this matter. It is for Mr Berry, and that is what Mr Berry has sought to do.

**MS HORODNY (12.17):** We are supporting the amendment as put forward by Mr Humphries. Other speakers have already articulated the very sensible reasons for moving the election date to October. Obviously, on the issue of four-year terms it is important that we have more public debate, because I believe it is a very important issue and it is important that the Canberra community have time to dwell on that issue and to debate the pros and cons.

Mr Berry is using very emotive language here today as per usual, saying that we are ramming this through. Since this Bill was presented in November, you have had eight or more months to look at it. Mr Whitecross has said that he has looked at this Bill and scrutinised it. I would have thought that the sensible thing to do, if Mr Whitecross has spent the time in scrutinising this Bill, is to share that information with the rest of his party, as indeed we do in our party. We have had no difficulties in looking at this Bill, and we consider that eight months has been a considerable period of time. It is important for us to get Bills through after there has been a reasonable period of time to look at them. We are supporting this amendment.



**MR WHITECROSS** (12.19): Ms Horodny made the terrible allegation against me that I am not willing to share things with other members of my party. I just want to rise to say that of course I always share everything I have with members of my party, and I have shared everything I know on this Bill as well. Ms Horodny, let there be no question about my ability to share things. I have shared very much with other members of my party. I will be sharing things with my party on a whole range of matters because I share with the rest of my party a conviction that this Territory needs a Labor government and I will be working just as hard for the election of a Labor government now as I was last week when I was leader. Let us just put to rest this suggestion that I am sitting in my corner and not sharing things with other people.

**MR MOORE** (12.20): I just want to make a brief comment. Had this issue not been raised six months ago, then I would be much more receptive. Like other members who are dealing with private members business, the difficulty I have is that I have a piece of legislation that I want to have debated on every single private members day for the rest of this year up until the election.

**Mr Berry:** You might have to wait your turn on some of them.

**MR MOORE:** Indeed, I will have to wait my turn. We negotiate in the Administration and Procedure Committee in a very open way; but, as soon as I start putting off, then I will wind up with a barrier and I will not get my other pieces of legislation up to be debated.

**Mr Berry:** That is too bad.

**MR MOORE:** I can hear Mr Berry saying, "That is too bad". I would have thought that the Labor Party might have done a similar thing. If you choose to bring on matters of moment to debate, matters such as Bill Wood's motion this morning, that is fine. That is your choice. I have a long-term plan which has pieces of legislation on the table waiting to be debated. I would like you to look at them all and scrutinise them so that they can come on. I do not have the time to back off and say, "No, we will not do that. We will do it next week". I have other legislation that I want to deal with next week and in the sitting after that and the sitting after that, Mr Berry.

Amendment agreed to.

**MR HUMPHRIES** (12.21): I move:

Page 2, lines 18 to 30, clauses 5 to 8, omit the clauses.

This amendment effectively deletes the question of four-year terms.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

**Sitting suspended from 12.22 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Hospice

**MR BERRY:** My question is to the Chief Minister in her capacity as Health Minister. Mr Speaker, in 1994, Mrs Carnell said in this Assembly - - -

**Mrs Carnell:** Was that the year you blew out your budget? Yes, it was.

**MR BERRY:** She said this with passion.

**MR SPEAKER:** Order!

**MR BERRY:** She said this:

The siting of a hospice on Acton Peninsula is just a patently silly decision; but then we all know that, except Mr Berry. It is the wrong decision for those needing the service, the wrong financial decision and the wrong use of Acton Peninsula.

My, how a lot disagree with her these days. Will the Chief Minister unequivocally assure the Assembly and the community that the hospice will return to the Acton Peninsula?

**MRS CARNELL:** Yes.

**MR SPEAKER:** Do you have a supplementary question, Mr Berry?

**MR BERRY:** Yes, indeed. When will the return to Acton take place?

**MRS CARNELL:** Probably early next week, Mr Speaker.

### ANU Students Association

**MRS LITTLEWOOD:** My question is for the Attorney-General. I have been very disturbed by reports of electoral inconsistencies following the 1996 elections of the ANU Students Association. What actions have you taken in response to these claims, and can you assure the Assembly that future Students Association elections are free from any hint of electoral fraud?

**Mr Moore:** And where did you get your training?

**MR HUMPHRIES:** To answer Mr Moore's question first, I have to say that student politics are a very good training ground for politics, but hopefully not of the kind that has been going on, apparently, at the ANU Students Association in the last little while.

I think we have all heard stories about the problems encountered in that particular exercise. The ANU Students Association is a body which administers about \$250,000 of student money. All students have to contribute to that fund because membership is compulsory. It is a concern that there should be allegations of electoral inconsistencies - that is perhaps too mild a word; "electoral fraud" might be a better phrase - in respect of last year's elections at the association.

**Mr Berry:** I raise a point of order, Mr Speaker. What have the goings on at the Australian National University to do with Mr Humphries?

**MR SPEAKER:** I am waiting to hear that.

**MR HUMPHRIES:** Mr Speaker, I can answer that question. I am the Attorney-General and Minister for Police in respect of - - -

**Mr Berry:** Mr Speaker - - -

**MR HUMPHRIES:** If I could answer the point of order first, Mr Speaker - - -

**MR SPEAKER:** Just a moment, Mr Berry. You asked the question and Mr Humphries is explaining it. That is reasonable.

**MR HUMPHRIES:** I am responsible for the investigation and resolving of criminal acts in the Territory, and allegations that there may have been criminal acts committed in respect of Students Association elections are my concern no less than they are those of people at the university.

**Mr Berry:** I again raise a point of order. Mr Humphries might tell us what action he is taking in respect of it.

**MR SPEAKER:** Order! Just give him a chance to answer the question.

**Mr Whitecross:** He has not gone anywhere near a crime yet.

**MR SPEAKER:** Please!

**MR HUMPHRIES:** Mr Speaker, if I might be allowed to continue: For the benefit of any members who do not know the circumstances surrounding this unfortunate incident, 146 illegal ballot papers in the 1996 Students Association election were cast in favour of a candidate endorsed, I understand, by the Labor Students Club. I wish to advise the Assembly that I have already asked the Australian Federal Police to investigate these matters. I have written to the vice-chancellor of the ANU to ask him what action he intends to take against any student found to have been involved. I received his response recently and he informed me that he would not be able to take any further action.

**Mr Berry:** I just think you are a joke.

**MR HUMPHRIES:** Clearly, those opposite - - -

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**Mr Whitecross:** Have the police got involved yet?

**Mrs Littlewood:** We think you are a joke, Mr Berry.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Those opposite clearly seem to believe - - -

**Mr Corbell:** I take a point of order.

**MR SPEAKER:** Just a moment. Settle down. Order!

**Mr Corbell:** Mr Speaker, the Attorney-General has just indicated that there is no criminal action pending in this matter, so what has it to do with him?

**MR HUMPHRIES:** No, I did not. I did not say that at all.

**MR SPEAKER:** He is answering a question. You asked for an answer. You did not ask for an answer only if something was going to happen. Continue, Mr Humphries.

**Mr Whitecross:** Only if something is relevant to his portfolio.

**Ms McRae:** Only if something is relevant to his portfolio. Mr Speaker, we still have no understanding whatsoever of what relevance this has to Mr Humphries's portfolio. He has written to the vice-chancellor. What has that to do with his portfolio?

**MR SPEAKER:** Mr Humphries is in the middle of answering a question, if the Opposition will give him the chance to do so. I suggest that they do. Otherwise some members might not be asking questions today.

**MR HUMPHRIES:** Mr Speaker, I will repeat my advice to the Assembly so that Mr Corbell and Ms McRae can hear clearly what I have said. I have not said that the AFP have replied to me. I have said that the vice-chancellor has replied to me. I have asked the AFP to investigate the matter and I have written to the vice-chancellor of the ANU to ask him what action he intends to take against any student found to have been involved. I received his response recently and he informed me that he would not be able to take any further action. Obviously, I was disappointed at this; but I am not sure what further action I am able to take in respect of this matter.

**Mr Whitecross:** To get to the nub of the matter.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** I have written, however, one other letter in relation to this matter, to which - - -

**Mr Berry:** Why did you not say, "Wouldn't you be disappointed, Mr Humphries, if the vice-chancellor said he could do nothing"?

**MR HUMPHRIES:** I have had virtually no opportunity to speak on this matter, Mr Speaker.

**MR SPEAKER:** Mr Berry, I warn you.

**MR HUMPHRIES:** I have written one final letter in relation to this matter, which I received no acknowledgment of, nor, for that matter, a reply. I would like to table the letter which I sent on 5 June this year to the president of the ACT branch of the Labor Party. In this letter I asked what action the Labor Party would take against any of its members found to have been involved in any electoral fraud during the Students Association elections. That letter clearly indicates that candidates on behalf of the Labor Students Club were obviously intended to benefit from the stuffing of the ballot boxes at the association elections; that it would be in the interest of any party with any association with such activities to take steps to prevent those activities from profiting any people, or, for that matter, for the parties concerned to be associated in any way with those activities. I have to record that I have not received a reply to my letter. That is most unfortunate. Mr Berry has some - - -

**Mr Corbell:** I raise a point of order, Mr Speaker. As Mr Humphries would be well aware, the Labor Students Club of the ANU is not associated in any way with the Australian Labor Party, and I cannot understand why he is pursuing this course of action.

**MR SPEAKER:** Thank you.

**MR HUMPHRIES:** It may be, Mr Speaker, that the Labor Students Club has no association with the Labor Party, but certainly the president of the ACT branch of the Labor Party has some association with the Leader of the Opposition.

**Mr Berry:** No, not anymore.

**MR HUMPHRIES:** And may be able to - - -

**Mrs Littlewood:** They dumped you, did they, Wayne?

**Mr Berry:** No, no; not for a long time.

**MR HUMPHRIES:** You do not know this person?

**Mr Berry:** Not for a long time, Gary. Haven't you noticed?

**MR HUMPHRIES:** You do not have any association with this person? No influence? No capacity to discuss the matter with her?

**Mr Berry:** You are out of date, mate. We have a new president. We have had a new one since June or July.

**MR SPEAKER:** Order!

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**MR HUMPHRIES:** I must say I certainly would regard any allegations about activities by the Liberal Students Club at the university as a matter of concern to the Liberal Party, but obviously those opposite seem to have no regard for what happens there. Let me close, Mr Speaker, by saying that I think it is most important that we are not encouraging anybody to involve themselves in illegal activity. The party on this side of the chamber stands very firmly in favour of people behaving ethically and legally on all occasions and we believe that members of our party generally do. I hope that those opposite would take seriously their responsibility to resolve questions of fairness, fair play and legal activity on the part of their own members.

### **Health Complaints Investigation**

**MS McRAE:** My question is to the Chief Minister in her capacity as Minister for Health. I am raising issues of concern arising from investigations by the Medical Board and the Health Complaints Commissioner. In July last year, following concerns raised about the professional actions of a Canberra surgeon, the Chief Minister wrote to the Medical Board advising them that she believed an urgent investigation was important. In August the Chief Minister also directed the Health Complaints Commissioner to conduct an inquiry. In February 1997 the Health Complaints Commissioner said the case was his top priority. Six months ago, in February, Mr Moore expressed his concern that the serious allegations were still unresolved after eight months. He said, "How many more people have to be put at risk while a slow, laborious investigation continues?". Has the Chief Minister received the report of the Medical Board and the Health Complaints Commissioner? If not, what action has the Chief Minister taken to speed up these inquiries since she was first alerted to the problem over 12 months ago?

**MRS CARNELL:** The answer to that is no, I have not got the report of the Medical Board or, for that matter, the Health Complaints Commissioner. Ms McRae might like to tell me what power I have over either of those bodies to direct them. I would be very interested.

**MS McRAE:** I have a supplementary question, Mr Speaker. I repeat that the Chief Minister wrote to the Medical Board advising them that she believed an urgent investigation was important. When will the Chief Minister act to speed up this matter? You have acted once before.

**MRS CARNELL:** Mr Speaker, as I have said in this place before, yes, I believe that this is taking far too long. There is no doubt about that. It is taking far too long.

**Mr Berry:** When are you going to do something about it? You said that 13 months ago.

**MR SPEAKER:** Careful!

**MRS CARNELL:** What I have said to those opposite is that it would be a really good idea if they read the legislation for the Health Complaints Commissioner, who operates at arm's length from government. Certainly, we can ask the Health Complaints Commissioner to investigate a particular issue. We can ask the Health Complaints Commissioner to speed it up. All of that has been done. We can suggest to the - - -

**Mr Berry:** What use is the Health Minister?

**MRS CARNELL:** What use is the Health Complaints Commissioner?

**Mr Berry:** No; what use is the Health Minister?

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Speaker, those opposite might like to have a look at the legislation. The legislation that was enacted - to my knowledge, under those opposite - for the Health Complaints Commissioner does not allow the Health Minister to direct the commissioner.

**Mr Corbell:** If you cared you would have kept on doing something about it.

**MRS CARNELL:** Mr Speaker, those opposite put the legislation in place. We supported it. There is no capacity under the legislation to direct the commissioner. By the way, nor should there be, because it is important that a Health Complaints Commissioner cannot be told by a Minister - - -

**Mr Corbell:** We are not asking you to direct; we are asking you to - - -

**MR SPEAKER:** Mr Corbell, I warn you, too.

**MRS CARNELL:** A Health Complaints Commissioner cannot be told by a Health Minister, "Look, stop that investigation, Health Complaints Commissioner".

**Ms McRae:** So you are not going to write to them again?

**MRS CARNELL:** I have actually, of recent date - - -

**Ms McRae:** So you are not going to write to them?

**MRS CARNELL:** Oh, heavens, yes. We actually have regular discussions on this. I actually had another meeting with the - - -

**Ms McRae:** Well, why didn't you tell us that? Why don't you tell us that?

**MRS CARNELL:** Because we have not yet got the report. I do not think it is acceptable. We are in constant touch with the Health Complaints Commissioner with regard to speeding up these things. I had a meeting with the chairman of the Medical Board. But again, under the legislation, I have no capacity to direct them, and, again, nor should I, because you really step into very dangerous waters when a Minister can tell a Health Complaints Commissioner what they should investigate and when.

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**Mr Berry:** Mr Speaker, I take a point of order. Mrs Carnell may have inadvertently misled the Assembly there. My recollection of the legislation - I do not have it in front of me - is that you have power to direct the commissioner to conduct inquiries.

**MRS CARNELL:** That is exactly what we did.

**Mr Berry:** You just told us that you had no power to direct. That is the point.

**MRS CARNELL:** We have no capacity to direct a Health Complaints Commissioner. We asked the Health Complaints Commissioner to have an inquiry into this. We have every capacity to write - I think it is under section 11 or 13 - to the Health Complaints Commissioner and ask him to conduct an inquiry. We then have no capacity to direct the Health Complaints Commissioner on how quickly they put an inquiry into place, or, for that matter, how to conduct that inquiry. Ms McRae made it quite clear that we had already asked the Health Complaints Commissioner to investigate this issue, and very appropriately, too.

### **Acton Peninsula - Demolition of Buildings - Inquiries**

**MR MOORE:** My question is to Mrs Carnell as the Chief Minister, and it has to do with the inquiries into the Royal Canberra Hospital demolition. Given that your first appointment of Mr Tanzer to the implosion inquiry had to be cancelled, and given that the second inquiry has had to be put into recess, would you please advise the Assembly what responsibility you have for these two failures? In doing so, can you explain why you did not follow the example of Bob Carr in New South Wales in relation to Thredbo when he said, "No, we do not need an inquiry of that kind because we have a coroner's inquiry and a coroner's inquiry has the same power as an inquiry under either an Inquiries Act or the Royal Commissions Act."? I believe the same would apply here.

**MRS CARNELL:** Thank you very much, Mr Moore. I have to say that the end bit of that question is actually very sensible. The reason we decided to go down the path of a separate inquiry, Mr Speaker, was that we believed, as all members of the Assembly as well appeared to believe - a large percentage of them went on various parts of the media suggesting that there needed to be an immediate inquiry - that there needed to be an inquiry into the actual tender process, into the paper trail involved. We all know that coroners' inquiries can take quite long periods of time. I still believe that if the first inquiry had been allowed to go ahead with a very narrow term of reference, looking at such things as the paper trail and the tender process, we would potentially have some answers on the table now and not have to wait the 12 to 18 months that a coroner's inquiry could take. I believe very strongly that the people of Canberra did want some answers quickly, particularly about the process that was under way. We spoke to the coroner with regard to our initial terms of reference - terms of reference that those in the Assembly chose not to support. That is obviously the role of the Assembly if they choose to do so. But they expanded those terms of reference and ended up in a situation, as I explained to them at the time, where we could easily end up with the terms of reference of the two inquiries overlapping. I believe that would not have been the case, and, by the way, so do others, if we had maintained the initial terms of reference.



**MR MOORE:** I have a supplementary question. With the wisdom of hindsight, Chief Minister, would it not have been far better simply to allow the coroner's inquiry to go ahead and to cover this, rather than having any other inquiry in the first place?

**MRS CARNELL:** I still believe very strongly that the people of Canberra want answers. They want answers in a short time, not a long time. We had an opportunity to get some answers on the table; certainly not a whole coronial inquest; certainly not, as I explained on many occasions, any answers on what actually happened with regard to the demolition or the unfortunate death of Katie Bender. But we could have had on the table some answers on the tender process, to ensure that that process was conducted properly. Unfortunately, this Assembly, and particularly those opposite, chose not to allow that to happen and came up with terms of reference that were much broader and that the coroner said took the risk of impacting upon the coroner's inquiry. They decided to go ahead. Again, if we had ended up with the inquiry as it was first put on the table, Mr Speaker, we would now, I hope, have some answers.

### **Year 2000 Computer Problem**

**MR CORBELL:** Mr Speaker, my question is to the Chief Minister. Chief Minister, yesterday in the Assembly you were asked a question about the Unisys People project. Since a majority of the training for the project occurred in Sydney and Melbourne and not Canberra, you were asked how many jobs created on this project were in Sydney and Melbourne, not Canberra. Chief Minister, as you were unable to answer this question yesterday, can you provide more detailed information to the Assembly today? Can you also inform the Assembly how much demand there has been for the consultants trained so far by the Millennium Training Centre in the ACT, which, I should remind you, is the training centre set up by the CIT in November last year following your grand announcement of the Unisys training scheme?

**MRS CARNELL:** Mr Speaker, I have to say that I do not know how I would know how many jobs were created in the private sector in Sydney or Melbourne. It would be impossible to know. Mr Speaker, yesterday I explained to the Assembly how many training courses had happened here in the ACT. I explained that training courses were planned for September and November. I said I believed that the take-up was significantly slower than I would have liked it to be. Similarly, the take-up of the whole issue of the millennium problem has been far too slow, both in government and in the private sector, not just in Australia but around the world.

We are starting to see a change on that now, with the Federal Government and other governments around Australia requiring their departments to come up with plans on how they are going to address the problem. We believe that that will up the ante, shall we say, on the number of Unisys people who will be employed. It is very important to realise that there are no ACT business incentive funds in this particular approach. This is a joint venture between CIT - - -

**Mr Corbell:** A thousand jobs. You have taken the credit for the thousand jobs and now you are backing away at a million miles an hour.

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**MRS CARNELL:** Mr Speaker, I thought you had warned Mr Corbell.

**MR SPEAKER:** I did warn Mr Corbell, and we all know the next step. Silence!

**MRS CARNELL:** Mr Speaker, I am very interested that Mr Corbell does not want to listen to the answer. Yes, I have admitted that there have not been a thousand jobs with regard to Unisys. There is no doubt about that. No government - - -

**Ms McRae:** How many other things have you promised that are not right?

**Ms Reilly:** How many other jobs do not exist?

**MRS CARNELL:** Ms McRae asks how many other jobs, Mr Speaker. Well, how many other jobs is 7,200 more jobs in Canberra since last November, Mr Speaker. Trend unemployment has dropped from 8.5 per cent to 7.2 per cent. There are 1,800 fewer unemployed people.

**Mr Corbell:** I take a point of order, Mr Speaker. I did not ask the Chief Minister about the employment statistics in the ACT. I asked her specifically about the Unisys project. If she has finished answering that question, perhaps she can just sit down.

**MRS CARNELL:** I do not think that is a point of order at all.

**MR SPEAKER:** I would take up the offer, actually.

**MRS CARNELL:** Mr Speaker, as I said, the Unisys People project is a partnership between CIT and Unisys People and it has not gone as well as I would have liked it to have gone. Equally, we believe that it will significantly speed up now. What is interesting to me, Mr Speaker, is that we do not hear from those opposite about the very good new business figures that have come out from Yellow Pages just over the last two days.

**Mr Moore:** I take a point of order, Mr Speaker. I think Mr Corbell's point of order was valid. Standing order 118(a) says quite clearly that answers to questions without notice shall be, firstly, concise and, secondly, confined to the subject matter of the question. You have ruled on many occasions that within those parameters Ministers can say what they like; but this Minister is wandering all over the place, whereas the question that Mr Corbell asked was really quite specific. A similar question was asked yesterday and we still do not know the answer to the question.

**MR SPEAKER:** I think the Minister was concluding, actually.

**MRS CARNELL:** Mr Speaker, that is actually not the case. I have answered the question totally. We do not know how many private sector jobs were created in Sydney or Melbourne. I said that yesterday. How would we? We answered the question on Canberra yesterday and explained the number of courses that were going to go ahead, Mr Speaker; but this is a question, I thought, about jobs in the information technology area, jobs in Canberra, and I would have thought those in this place were interested in that, and were interested in 7,300 new jobs; but obviously not.

**MR CORBELL:** I have a supplementary question. Chief Minister, why do you not just admit that you do not know? That would make it a lot easier for all of us. Is it true that there has been such a low level of response to one of the two courses in the Unisys project, the millennium system tester training course offered by the CIT, that there is a chance that this particular course may not be run in the ACT again this year because of the very poor demand?

**MRS CARNELL:** Mr Speaker, these courses are courses that people pay for.

**Mr Corbell:** Yes or no. Yes, no, or you do not know.

**MR SPEAKER:** Order! Just a moment.

**MRS CARNELL:** They are cost recovery courses, Mr Speaker. If there are not enough people who register for them they do not go ahead, usually.

### **Petrol Retailing Outlets**

**MR OSBORNE:** Mr Speaker, my question is to the Minister for Fair Trading, Mr Humphries, and is about Woolworths Plus petrol outlets. Minister, the Government's decision to allow Woolworths to sell cut price petrol in the ACT has been regarded with a degree of criticism, in that a number of existing service station owners would be forced to close - a fact with which you agreed publicly last week. While most people in Canberra - myself included - want cheaper petrol as quickly as possible, what research has been made available to you on the likely impact that Woolworths will have on existing petrol outlets? How many of them are vulnerable to closure, and what effect will closures have on the viability of their local neighbourhood centres?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Osborne for that question. It is a good question. I did acknowledge frankly that the impact on existing retailers of petrol by the arrival of Woolworths Plus would be significant. That is a consequence of a decision which I have indicated, on the Government's behalf, needed to be taken and which I regret. It will be unfortunate for people affected by it. However, I also have to say, very clearly, firstly, that the changes that are taking place in the petrol industry are not changes limited merely to what is happening with Woolworths Plus. We have heard in the last two or three weeks about the proposal by an alliance between BP and a number of independent supermarkets in the ACT. We also have rumours around about a similar deal between another major grocery retailer and another major oil retailer to see similar arrangements put in place.

It is clear that there are winds of significant new competition blowing through the petrol industry, particularly the industry in Canberra, and the Government needs to decide between taking a highly protective approach to existing retailers and somehow completely restructuring the market to prevent those things from happening and preserving the present structure of relatively high prices or - - -

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**Mr Osborne:** Like trading hours.

**MR HUMPHRIES:** Like trading hours; indeed, very much like that. Or we need to let the competitive forces do their job and, we hope, touch wood, produce lower petrol prices. I think I know, on the basis of Mr Osborne's previous advice to me, what he would urge me to do, which is to let the market take care of itself; but if he says that to me in respect of trading hours he must say the same thing to me in respect of petrol prices. In the case of the trading hours decision, the people who were hurt by the decision to go back to open, come one, come all, trading in groceries were the small local retailers in local centres. They will be badly affected. I do not think Mr Osborne can come into this place - - -

**Mr Moore:** It is the expansion of retail space, not the hours. It always has been.

**MR HUMPHRIES:** The hours are a factor in that. There is no doubt about that. That is my belief.

**Mr Moore:** Not much. That is why you realised you were wrong.

**MR HUMPHRIES:** No; the argument, Mr Speaker, is that you either regulate the industry or you do not. We tried to regulate the industry as far as grocery sales were concerned and we were told that this was the wrong decision to take and that we should let the market do its job. Mr Whitecross, at the time, I recall, urged us to say, "If some small local centres go by the board as a result of competition, that is too bad". You cannot take that line on the issue of trading in groceries and take a different line in respect of trading in petrol.

Mr Speaker, there are no studies available. Frankly, I think there are no accurate measures of how these changes will affect the industry. We do not know what the factors are exactly yet, because they are changing all the time. Apart from the three possible deals I mentioned before, of course, there is also the arrival of Gull, which will be opening very shortly in two locations in the ACT. So, I cannot predict what the outcomes will be. I do note that the Woolworths company has indicated that in centres in New South Wales where they have opened Woolworths Plus outlets no other retailer has gone out of business. I am slightly reassured by that, but I am not much comforted. I am not going to go out and make a promise on the strength of that prediction.

I think members in this place would be the first - in fact, they have been the first - to urge us to let the market do its job. Surprisingly, in that previous debate the Liberal Government was reluctant to let that happen and others on that side of the chamber wanted it to happen. I assume we are agreed, given that previous position, that we should let these forces take a leadership role in regulating petrol prices in the ACT and we will see what comes out of that. There will be casualties out of all of that, no doubt, in my view; but, frankly, there are simply no alternatives, except to say that these new outlets should not be allowed, and I assume no member would want me to do that.

**MR OSBORNE:** I have a supplementary question. Thank you, Mr Humphries. The main thrust of the question was what research did you have. I am glad that in the last minute of the seven minutes that you spoke you spoke about that and you said there was nothing. My supplementary question is this: In recent newspaper articles the executive director of the ACT Motor Trades Association stated that the effect of supermarket chains in Great Britain entering the petrol retail market was a temporary drop in prices and that about 7,000 service stations across the country went out of business, but once the supermarkets had control over a local area the petrol price went back up to its previous level. Minister, what assurances can you give to the Assembly and to the people of Canberra that the expected price reductions resulting from the introduction of Woolworths Plus petrol are sustainable beyond the short-term fluctuations and this will not be another Burmah disaster?

**MR HUMPHRIES:** Mr Speaker, I can give no such assurances, precisely because we are letting the market regulate the price and the supply of these goods to the community. If I were able to control that in some way, if I were able to dictate where people will sell and for how much and under what circumstances, then yes, I could offer guarantees; but we have all argued in this place for the market forces to be dominant. Perhaps the Greens have not argued for it. I might not tar the Greens with that brush.

**Mr Moore:** I have not argued that either.

**MR HUMPHRIES:** In respect of trading hours I think you did, Mr Moore; but let us put that argument to one side. The fact is that we have to take our chances. I think that the combination of Woolworths Plus, the BP independent deal, Gull and another, which it is rumoured will come along very soon, will produce lower prices and they will be on a much more sustainable basis than was the case with the arrival of Burmah Fuels, which was very much a flash in the pan. That is my prediction, but I do not guarantee it because I do not have the power to regulate the market. We have, to some extent, to trust that this infusion of new players into the marketplace will see a greater level of competition and hence lower prices.

### **Bruce Stadium Redevelopment**

**MR WHITECROSS:** Thank you, Mr Speaker, for your astuteness in spotting me leaping to my feet.

**Mr Humphries:** Do you have a question?

**MR WHITECROSS:** Yes, I do. Chief Minister, now that we have heard earlier in question time that you lied about the 1,000 Unisys jobs, I want to ask you about Bruce Stadium.

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**Mr Stefaniak:** On a point of order, Mr Speaker: Quite clearly, that is unparliamentary.

**MR SPEAKER:** Order! Withdraw.

**MR WHITECROSS:** I withdraw. The facts speak for themselves, as usual, Mr Speaker. Chief Minister, I refer to the redevelopment of Bruce Stadium which is projected to cost over \$27m, of which ACT taxpayers are paying \$12.3m, with the remaining \$15m to be provided by private finance. In answer to a question yesterday you indicated that work on Bruce Stadium was expected to commence in September. Has the project manager, CRI Project Management Pty Ltd, secured the \$15m in private finance necessary to fully fund the project? If they have not, will you give a commitment that work on the project will not commence until the full funding for the project is secured?

**MRS CARNELL:** Mr Speaker, we have given an undertaking that there will be \$12.3m worth of government money. As was put to the Estimates Committee, there will be \$7m in a loan to be repaid through operating revenue, and \$8m up-front revenue through the sale of sponsorship, naming rights, and food and beverage rights. Mr Speaker, I understand that Graf Consulting International, which I explained yesterday was actually looking after these sponsorship issues, are very confident that these figures will be reached. We have made a commitment that there will not be more than \$12.3m worth of ACT money. It is in the budget.

Mr Speaker, I am fascinated that those opposite seem to want to undermine a project that has made Canberra an Olympic city. I heard Kevin Neil of the Raiders speaking this morning, and saying that it is a great project. It will give our codes an opportunity to achieve fairly good returns in the future, inasmuch as the corporate facilities will be better. In other words, the whole facility will be very much a state-of-the-art facility. What we have here is a state-of-the-art facility. We will be an Olympic city. I think we will have 11 Olympic games here in the ACT, and those opposite want to knock it. I think it says everything about the Opposition, Mr Speaker.

**MR WHITECROSS:** I have a supplementary question. Chief Minister, can you give this house an undertaking that the ACT taxpayers will not be lending the \$7m to be repaid out of operating things and that that money will be raised privately? Can you explain to the house who is underwriting the \$8m worth of sponsorship that you are saying you are confident will be raised and is not being underwritten by the ACT taxpayers? Or is it the case that the ACT taxpayers are underwriting the full \$15m and that the venture is, in reality, going to expose the ACT community to an additional \$15m liability over and above the \$12.3m already appropriated?

**MRS CARNELL:** Mr Speaker, maybe it was a good thing that Mr Whitecross stopped being shadow Treasurer. It is certainly good that he does not have anything to do with business, but probably none of those opposite should be anywhere near that at all. He would be very well aware that the ACT Government will ensure that the loan is achieved on the best possible rates. I have to say that wherever the best deal can be got is where it will be achieved. Mr Speaker, in terms of the \$8m to be raised through up-front revenue - - -

**Mr Whitecross:** I take a point of order, Mr Speaker. I am reassured that the ACT Government will achieve the best possible rate. The question was: Will the ACT Government be lending the project manager the \$7m or will it be raised privately, and will the ACT taxpayers be underwriting the loan? That was the question, not what the interest rate was.

**MR SPEAKER:** Sit down, Mr Whitecross. I think the Chief Minister is moving to answer the question.

**MRS CARNELL:** Mr Speaker, the commitment I will give to the people of Canberra is that the best possible interest rate will be achieved. Surely that is the basis of any good business, Mr Speaker. In terms of the \$8m - - -

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

**MR SPEAKER:** There is no point of order.

**Mr Berry:** He has not made it yet.

**Mr Corbell:** Mr Speaker, the Chief Minister has been continually irrelevant in her answers this question time.

**MR SPEAKER:** I am still waiting for the Chief Minister to finish.

**MRS CARNELL:** It is not a point of order.

**Mr Corbell:** Mr Whitecross specifically asked a question about loans. We are not asking about interest rates. We are asking about the specific issues that Mr Whitecross outlined. You should direct the Chief Minister to answer the question or sit down.

**MR SPEAKER:** There is no point of order. Proceed, Chief Minister.

**MRS CARNELL:** Thank you very much. Mr Speaker, in terms of the \$8m to be raised through up-front revenue sources, a marketing strategy, in conjunction with the three major hirers, will be launched later this year after the completion of the detailed design plans. This marketing strategy will cover all potential revenue sources such as naming rights, sale of corporate suites, the premium seating, food and beverage rights and the video replay board rights. There will be many exciting product opportunities for the corporate market within the redeveloped stadium which currently do not exist. That is the reason why we cannot generate the revenue that we will be able to generate with the new facility.

Extensive demographic research and market assessments have been undertaken which have led to detailed revenue models illustrating the potential level of capital and operating revenue and costs. Mr Speaker, as you may imagine, these models are based upon various assumptions regarding future market demand and anchor sporting tenants - all of those sorts of things. The preferred financial business plan has been independently audited by Arthur Andersen and they support the assumptions that are contained in it.

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**Ms McRae:** Why wouldn't they?

**MRS CARNELL:** It appears that Ms McRae knows all about these sorts of things and knows more than Arthur Andersen. Positive feedback has been received already from potential sponsors, with the marketing and sales campaign to commence later this year. Mr Speaker, this is an important project for Canberra. Without this project we could not be an Olympic city. Without this project the capacity for the Brumbies, the Cosmos and the Raiders to maintain and improve their financial position in the future simply would not be there. Those opposite simply will not accept that you have to operate in a businesslike way if you are to get - - -

**Ms McRae:** And waste taxpayers' money.

**MRS CARNELL:** Ms McRae says, "A waste of taxpayers' money", Mr Speaker. Obviously, Ms McRae does not believe that we should have bid for Olympic soccer. Obviously, Ms McRae does not believe that we should be an Olympic city, Mr Speaker.

**Ms McRae:** I never said - - -

**MRS CARNELL:** She said, "A waste of taxpayers' dollars".

**Ms McRae:** Mr Speaker, I take a point of order. The Chief Minister is putting words into my mouth. If she chooses to respond to my interjections she should be ruled out of order, and she is not permitted to put words into my mouth, Mr Speaker.

**MR SPEAKER:** You may correct that under standing order 46 in due course.

**MRS CARNELL:** Thank you very much, Mr Speaker. This is an important project for Canberra. It is important that Canberra maximises its capacity - - -

**Ms McRae:** Why do you not answer the question?

**MRS CARNELL:** I did, at length.

**Ms McRae:** No, you did not. Who is lending the money? You never answered that.

**MR SPEAKER:** Do not interrupt. If you interject you may not get the answer you want, but you may well get an answer. Proceed, Chief Minister.

**MRS CARNELL:** Mr Speaker, this is an important project for Canberra. It is an important project for sport in this city. It is important for us to be part of the Olympics, which will be the single biggest event in this country, probably ever.

**Mr Whitecross:** Mr Speaker, I raise a point of order. The Chief Minister answered none of my supplementary question. Mr Speaker, hear me out. The Chief Minister answered none of my supplementary question. I accept that maybe she does not have the answer written in her brief, but I ask you to direct her to take those supplementary questions on notice and to provide an answer to those questions to this house; or, if she chooses to conceal that information, to simply say she is going to keep it a secret.



**MR SPEAKER:** There is no point of order.

**Mr Whitecross:** She has not answered those questions and she is required to - - -

**MR SPEAKER:** Mr Whitecross, would you mind resuming your seat. There is no point of order.

### **ACTEW - Electricity Purchases**

**MS HORODNY:** My question is directed to the Minister for the Environment, Land and Planning, Mr Humphries. In September last year, nearly a year ago now, the Assembly passed a motion calling on the Government “to develop a greenhouse gas reduction target specifically for the ACT” and stating:

... that this target be applied to greenhouse gases emitted within the ACT and also to greenhouse gases emitted outside the ACT as a result of electricity consumption within the ACT.

During that debate, Minister, you said:

... before we set targets ... for levels of greenhouse gas emission reduction, it is essential that we actually know what our level of greenhouse gas emission is.

To calculate the level of emissions generated by ACT residents you will therefore need to know the source of the electricity that is being bought by ACTEW, since it is currently the only supplier of electricity in the ACT, and also because different electricity generating plants produce different levels of emissions per unit of electricity. Minister, can you therefore tell us what monitoring the Government is doing of the electricity purchases of ACTEW, not only to develop the greenhouse target but also to see whether ACTEW is complying with its corporate objective to conduct its operations in compliance with the principles of ecologically sustainable development?

**MR HUMPHRIES:** Mr Speaker, I thank Ms Horodny for the question. I can advise her that work has gone on, since the Assembly considered this matter in September, to develop an overall audit of greenhouse gas emissions as they relate to the ACT, and that includes emissions both within and outside the ACT. I was briefed on this matter, I think from recollection, a few months ago. I do not have enough recollection of what was in that briefing to reliably inform Ms Horodny or the house about the state of play. I will take the question on notice and, if possible, advise her tomorrow in the Assembly what the answer to her question is.

**MS HORODNY:** I have a supplementary question. Could you also take on notice when we can expect an announcement of the Government’s proposed greenhouse gas target strategy?

**MR HUMPHRIES:** Yes.

### **Police Establishment**

**MR WOOD:** Mr Speaker, my question is to Mr Humphries, the Minister for Police. Minister, how many jobs are currently vacant in the ACT police establishment? Is that number abnormally high? If so, what is the reason for those vacancies?

**MR HUMPHRIES:** Did you say, "Are there jobs vacant in the establishment?"

**Mr Wood:** Yes. How many gaps are there?

**MR HUMPHRIES:** Mr Speaker, Mr Osborne asked a question yesterday. I gave an answer which I subsequently corrected here when I said that it was my understanding that the establishment of the AFP had not actually increased although we were seeking to recruit to that level. I should correct my correction because, according to the figures that have been supplied to me by the AFP, which I had originally seen and had based my first answer to the question on, the establishment has increased from about 7 August. Instead of 689, it now stands at 694. That is the establishment which the ACT Government effectively purchases from the Commonwealth. It does not pay for all those positions. Account is taken of the role in Commonwealth policing for which the Commonwealth subsidises us.

Members who sat on the Estimates Committee last June, or whenever it was, will recall that there were questions about the extent to which the number of police being purchased by the ACT was actually being fulfilled by the Commonwealth Government. I have had discussions with the Commissioner of the AFP, the Chief Police Officer for the ACT, to ascertain what the situation is. I have to say quite frankly to the house that I do not think as yet the full complement being purchased by the ACT is being supplied by the AFP - that is, the deficiency or shortfall which was identified before the Estimates Committee, whenever it was, is still not yet addressed by the AFP.

I have been involved in discussions with the police about that matter on several occasions. I expect to see the commissioner in the next few days to further discuss that matter and to reinforce the point that the ACT must get every one of the 694 bodies that it pays for, and that we must have any shortfall in the past restored to us either by way of additional police or by way of refund of money we are paying to the Commonwealth of some \$50m. Mr Speaker, it is a matter that I regret we have not yet concluded with the Commonwealth; but we will pursue it actively and vigorously, and I will keep the house fully informed.

**MR WOOD:** We would like to see some success there, Mr Speaker. My supplementary question is this: Is this failure to have the full complement, for the reasons you have given and also for reasons of various absences from attendance at work for leave and the like, the reason for the pressure on police at the moment? For example, one police car was rostered at the time of a reported robbery in progress at North Lyneham which occurred at the change of shift time for the police, but not for the robber. What can you do about this pressure on the police, not just for the reasons you gave but for the whole difficulty of getting police up to your numbers on all occasions?

**MR HUMPHRIES:** Mr Speaker, I accept the criticism which Mr Wood has referred to. It is clear that on occasions the police do not adequately address the concerns or the problems that the ACT community encounters. Sometimes that is a matter of perception about the level of service provided, but sometimes it is genuinely a matter of the police not being able to get there fast enough or not having the resources available at the time in the right place to be able to deal with those problems. That is why the ACT Government resolved in the budget delivered in May to increase the number of police on the streets of Canberra by approximately 18. We indicated in the budget that that would not happen until the beginning of next year. We intend to stick to that promise. We made that promise and we will stick to that promise.

Mr Speaker, as I say, I accept that there are occasions when the police do not have the resources available to deal with those matters and that is why we are firm in our view that there should be additional resources delivered in that area. I might say that that is only in one sense rectifying what amounts to three consecutive years of reductions in the police budget which were sustained during the former Government's life.

### **Business Incentive Scheme**

**MR HIRD:** Mr Speaker, I know that those opposite are particularly interested in jobs, particularly in the area of technology.

**Ms McRae:** Yes, yours, Harold. We want one more for yours.

**MR HIRD:** Ms McRae, of course, would be interested in technology and jobs.

**MR SPEAKER:** Mr Hird, are you making a statement or asking a question?

**MR HIRD:** Mr Speaker, yes. It is musical chairs over there. Blow the whistle and it is this week's leader. Things chop and change. That is how things are. My question, sir, is to Mrs Carnell in her capacity as Minister for Business and Employment. I refer to a recent announcement that the Government has agreed to help a leading Canberra advanced technology company known as CEA Technologies to expand its operations here in the Territory. Can the Minister outline why the Government has decided to get behind this company? What benefits will its expansion bring to the Territory and the region?

**MRS CARNELL:** Thank you very much, Mr Hird, for the question. I would be upset if those opposite are not interested in this; but I imagine they will not be, as usual. Mr Speaker, this Government has recognised, right from the first day we came to office, that one of Canberra's strengths lay in establishing ourselves as a centre for the development of new advanced technology. We have worked hard in the past 2½ years to foster the growth of that industry, along with the high technology and environmental technology industries, because they form an integral part of our long-term strategy to encourage greater diversification of our economic and business space.

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I was therefore pleased to announce earlier this month that a firm based in Fyshwick, CEA Technologies, had received support, via our business incentive scheme, to expand its operations right here in Canberra. CEA is a research and development company that was founded here in Canberra in 1983 by David Gaul and Ian Crosser. Each year the company has grown by a staggering 40 per cent increase in turnover. It now has facilities in Melbourne and Adelaide as well as offices in California and Hawaii. In December 1991 CEA won the Australian Small Business of the Year Award; in 1993 it won a *Canberra Times* Employer of the Year Award; and in 1996 it won the ACT Manufacturers Export Award.

The company has a number of major manufacturing projects and is regarded as a world leader in its field. These projects include the supply of radar systems to the US Navy, a new ships management system for the Sydney Port Authority, and direction-finding equipment for the Australian Navy's patrol boat fleet. CEA Technologies currently employs 90 people but expects to take on another 120 staff over the next four years as well as expanding its current premises. I say again that this company expects to take on an extra 120 new employees here in the ACT. That is 120 jobs which, if those opposite were in government right now, would never happen.

**Mr Berry:** Neither would the 1,200 slashed from the Public Service.

**MRS CARNELL:** Mr Speaker, hear those opposite. They simply do not want to know that the economy is doing very nicely out there in the jobs area. They simply cannot accept it, Mr Speaker. This company, which has been helped through our innovative business incentive scheme, is one of the many local companies which have been assisted by the Government. In fact, Mr Speaker, when I was out at CEA launching their new business incentive scheme, on that day they got another contract worth \$5m from the US. It shows that locally we have companies with technology that is right out there. They are world leaders. But just because they are world leaders does not mean that they did not need a bit of a hand with a business incentive package. Again, those opposite think it is funny, Mr Speaker. We think it is very exciting.

It is worth pointing out that, since the business incentive scheme was established under this Government, assistance has been provided to a total now of 26 firms. This is expected to result in the creation of more than 1,900 new jobs right here in Canberra over the next three years and new investment by these companies amounting to almost \$50m. I might repeat that for the benefit of Mr Corbell, who seems not to understand this stuff at all. He is yet to understand how the business incentive scheme works, let alone what a business is. I repeat: We expect a total of 1,900 new jobs over the next three years and an investment of almost \$50m.

**Mr Corbell:** You hope. It is a bit like the 1,000 Unisys jobs.

**MRS CARNELL:** Mr Corbell, how much ACT investment is in Unisys?

**Mr Corbell:** Be careful.

**MRS CARNELL:** How much investment is in Unisys?

**Mr Corbell:** You like taking the credit for the jobs, don't you? You said 1,000 jobs.

**MRS CARNELL:** There is something else that the Labor Party might be interested in, Mr Speaker.

**MR SPEAKER:** Order!

**MRS CARNELL:** Of these 26 companies - - -

**Mr Corbell:** Fifteen.

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Speaker, they are simply not interested.

**MR SPEAKER:** No; but they are being provoked, Chief Minister. Just answer the question.

**MRS CARNELL:** There are 26 companies which have been assisted, and more than 75 per cent are local, Mr Speaker. Of the 26 companies, 75 per cent are local Canberra-owned businesses. Mr Speaker, unlike those opposite, this Government is not just talking about jobs in this city; we are actually producing them.

**MR HIRD:** I have a supplementary question. Unlike those people over there, coming from the business sector myself I am interested in the creation of employment within this Territory, and I am also - - -

**MR SPEAKER:** Then you will know that brevity helps. Ask your supplementary question.

**MR HIRD:** Again, Chief Minister, how many jobs will this initiative by this Government create within this Territory?

**MRS CARNELL:** Mr Speaker, CEA Technologies will create - - -

**Mr Corbell:** I take a point of order, Mr Speaker. Mr Hird is being deliberately provocative. The Chief Minister has answered that question already.

**MRS CARNELL:** One hundred and twenty, Mr Speaker.

**Mr Hird:** What was it? I did not hear it then.

**MR SPEAKER:** I call Ms Tucker.

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**Mr Hird:** I take a point of order, sir. I did not hear the figure then.

**MRS CARNELL:** It is 120 new jobs, Mr Speaker.

**Mr Hird:** Thank you very much.

**MR SPEAKER:** Turn around and tell him in private, would you, Chief Minister.

### **Electricity Supply Contract**

**MS TUCKER:** My question is to the Minister for Urban Services, Mr Kaine. Minister, yesterday in question time you said you had not been informed of the ACTEW-Yallourn electricity deal until after the contract had been signed and that you felt that was appropriate. You went on to say that you would consider using your powers under Part 3 of the Act to require ACTEW to show and justify the processes it used when deciding to award this contract to Yallourn if you could be convinced that it was necessary. Minister, the Greens and the Assembly have, firstly, put into Schedule 4 of the Territory Owned Corporations Act a requirement for ACTEW to give equal weight to the principles of ecologically sustainable development and to economic considerations; and, secondly, passed a motion calling on the Government to set greenhouse gas emission reduction targets which explicitly called for those targets to include gases emitted on our behalf by electricity suppliers outside the Territory. Mr Kaine, why should I have to convince you, any more than the Assembly has already been at pains to do, to take an interest in this enormous electricity supply contract with a producer who, according to the relevant 1996 National Greenhouse Gas Inventory Workbook - I seek leave to table this - is the most polluting generator, not one of the most polluting generators, in the country? Please do not tell me I do not understand how the national grid works, or how the national electricity market and the pool work. This is about a hedging contract. I am asking you for that.

**MR KAINE:** Mr Speaker, I think Ms Tucker read a great deal more into my words yesterday than I actually said. What I said was that I would need to be convinced before I would involve myself in the business decisions of ACTEW.

**Ms Tucker:** Yes, under Part 3 of the Act.

**MR KAINE:** I have heard nothing that would convince me that I should do that. Mr Speaker, there seems to be some belief on the part of the Greens that ACTEW is acting contrary to the public interest. I would assert that that simply is not true, and there is no evidence to suggest that it is.

**Ms Tucker:** Where is the argument?

**MR KAINE:** Well - - -

**Ms Tucker:** It is a hedging contract.

**MR SPEAKER:** Order! The question has been asked, Ms Tucker.

**MR KAINE:** If Ms Tucker is prepared to listen, I will do my best to answer her. It does not mean to say that I am going to give her the answer that she wants, however, Mr Speaker, as you so often point out.

ACTEW was established as a corporation so that it could get on with the job of providing electrical energy to this Territory in a new competitive environment. There is a regime of accountability with which ACTEW and all other Territory-owned corporations are obliged to comply. The accountability provisions are contained, first of all, in the Territory Owned Corporations Act, which requires the people managing it over there to act honestly, to have a duty of care and diligence, a duty to avoid conflict of interest and the like. The directors of the corporation are required to act in the best interests of the company at all times. That is their job. That does not mean to say that they have to act according to the conditions set down by the ACT Greens. They have to act in the interests of the company. At the end of the day, if they do not, they are accountable, first of all, to the Government and, secondly, to this place.

As part of its satisfying the requirement to ensure the continuing supply of electrical energy to the ACT, ACTEW has had to secure its place in the new competitive arrangements in which there are a number of electrical energy generators, there are a number of electrical energy wholesalers and retailers, and there is a distribution system. In order to secure their place they let a contract which gives us some guarantee that we can get out of the pool a certain amount of electrical energy on behalf of the ACT community and at a certain price over the next three years.

**Ms Tucker:** I take a point of order, Mr Speaker. I have already explained that I understand how the hedging contract works. I am asking for what processes the Minister thinks have occurred to bring about accountability for the objective that is in the Act. In ACTEW's Act it has to have regard for the environment. How has he worked out that this contract which he is describing does not have environmental implications? That is my question.

**MR SPEAKER:** There is no point of order. The Minister is answering the question.

**MR KAINE:** Thank you, Mr Speaker. The contract can have no environmental implications, Mr Speaker, because it does not require the supplier at the other end of the system to increase the amount of electrical energy that they generate. All it does is secure a part of their existing output on behalf of this community. So it in no way adds to any degradation of the environment whatsoever, neither in Yallourn nor in Canberra. I do not know how else I can convince the Greens that I believe that the directors of ACTEW have acted properly, within the terms of reference that they have, in securing electrical energy at a reasonable price for the people who live in the ACT. I do not accept the implication from the Greens that somehow or other we have added to the degradation of our environment. We have not.

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**MS TUCKER:** I have a supplementary question, Mr Speaker. How do you explain, then, Mr Kaine, that when ACTEW put out its press release on the day it announced the contract it said, "This is a significantly enhanced energy market for Yallourn."?

**MR KAINÉ:** Why do I have to explain that?

**Ms Tucker:** There are obvious environmental implications.

**MR SPEAKER:** I call Ms Reilly.

**Mr Berry:** Because somebody asked you a question.

**Mr Wood:** Why - - -

**MR SPEAKER:** Order! Ms Reilly has the call. She has been waiting patiently all question time. Proceed, Ms Reilly.

### **Health Complaints Unit**

**MS REILLY:** Mr Wood may have had a very interesting point to make, Mr Speaker.

**MR SPEAKER:** But he will not make it now.

**MS REILLY:** My question is to the Chief Minister as Minister for Health. There has been an increasing number of concerns raised about the operation of the independent health complaints unit. The main problems seem to relate to the available resources and the time it takes to complete each case. I think you have mentioned one as well. This year's budget allocated some extra money for the unit, but it also then had to take on extra functions. Will the Chief Minister now allocate more resources for the unit to allow it to clear the backlog of work?

**MRS CARNELL:** Mr Speaker, from time to time when the Health Complaints Commissioner has asked for extra resources they have been made available, and that remains the case.

Mr Speaker, I ask that all further questions be placed on the notice paper.

### **Health Complaints Investigation**

**MRS CARNELL:** Mr Speaker, I want to give some further information on a question that I was asked in question time. I was asked about the Health Complaints Commissioner and a particular investigation into a particular doctor. Mr Speaker, I am advised, with regard to the falsification of records issue, that the Health Complaints Commissioner has completed his report and it has been referred back to the Medical Board, which has now set a date for a formal inquiry. With regard to other issues involving the particular medical practitioner, I understand that the investigations are still under way, Mr Speaker.



### **Driving Schools - Advertisements**

**MR HUMPHRIES:** Mr Speaker, I would like to provide additional information in respect of a question I took on notice from Mr Osborne on 20 February this year. The question was in relation to advertising by certain ACT driving schools in the 1997 *Yellow Pages*. Mr Osborne alleged that the advertising by these parties stated that their schools were accredited by the ACT Government to apply the principles of the competency-based driver training scheme, when at the time there was no accreditation scheme in place. He asked whether these driving schools had breached the ACT Fair Trading Act 1992.

Further to the answer which I gave I would like now to add the following: I instructed the Consumer Affairs Bureau to investigate the allegations raised by Mr Osborne in the Assembly. I am advised that the Consumer Affairs Bureau investigated the allegations raised by Mr Osborne and conducted interviews with the principals of the driving schools and gave them an opportunity to respond to the allegations made against them. It also approached various other industry and government representatives. I am advised that the Consumer Affairs Bureau has now completed its investigation of these allegations and that the director of the bureau has referred the matter to the Director of Public Prosecutions. As is the normal course, the DPP will now decide whether proceedings will be initiated as a result of the information provided by the director of the Consumer Affairs Bureau. Members will appreciate that it would be inappropriate for me to provide further information at this stage.

### **PERSONAL EXPLANATIONS**

**MR BERRY** (Leader of the Opposition): Mr Speaker, I seek leave to make a statement pursuant to standing order 46.

**MR SPEAKER:** Proceed.

**MR BERRY:** During question time Mrs Littlewood asked a question of Mr Humphries and Mr Humphries proceeded to attempt to implicate my office in some way in some behaviour which he described, I think, as questionable in relation to an organisation called, I think, the University Labor Club or something like that.

**Mr Humphries:** Labor Students Club.

**MR BERRY:** Labor Students Club. The first thing I would say, Mr Speaker, is that Mrs Littlewood should avoid being used as a pawn by Mr Humphries.

**MR SPEAKER:** Order! That is not a personal explanation. I am sorry; we are not - - -

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**Mr Humphries:** That is making a personal inference in a personal explanation. It can hardly be within standing orders.

**MR SPEAKER:** That is right. I uphold the point of order.

**MR BERRY:** That was gratuitous advice.

**MR SPEAKER:** It was most gratuitous.

**MR BERRY:** It was gratuitous advice to Mrs Littlewood, but I thought it would be helpful for her in the future to avoid being involved with Mr Humphries's office too much. Mr Speaker, my office has nothing to do with the students organisation to which Mr Humphries refers. Mr Humphries attempted to imply that, because of some direct association in my office with the president of the Labor Party, I could influence them to do something or other about the students organisation to which he had referred in his imputation. The fact of the matter, Mr Speaker, is that the president of the Labor Party does not work in my office. I think that this was merely an attempt to render some spite on a staff member of mine, rather than have any meaningful - - -

**Mr Humphries:** Mr Speaker, again, Mr Berry is using a personal explanation to make personal comments about the members of this place.

**MR SPEAKER:** I uphold the point of order. A personal explanation relates to matters of a personal nature, Mr Berry. To date you have been exemplary, except for one little slip; but now you are moving into non-personal matters.

**MR BERRY:** You are so generous. Mr Humphries attempted to infer that in some way I could influence a staff member of mine to do something about this matter which he has raised. Mr Humphries is the Attorney-General and if something illegal has occurred he ought to do something about it, instead of asking other people to do something about it in some sort of prankish way. This is nothing more, Mr Speaker, than an undergraduate or schoolboy prank, and it has to be identified as such.

**MR HUMPHRIES** (Attorney-General): Under standing order 46, Mr Speaker, I would like to make a personal explanation as well.

**MR SPEAKER:** Proceed.

**MR HUMPHRIES:** Mr Speaker, I did not suggest that there was some relationship between Mr Berry's office and the Labor Students Club. I did not suggest that there was some requirement for Mr Berry to exercise influence over his staff. I did say, however, that he was familiar with - that he knew quite well - the president of the Labor Party and that he might therefore be able, as leader of the Labor Party, which he is, to prevail upon the president of the Labor Party, of which he is the leader, to at least respond to my correspondence. That was a perfectly reasonable thing, Mr Speaker, and I stand by it.

**Mr Berry:** I can respond quickly to that; it might be of some assistance.

**MR HUMPHRIES:** I do not care if you respond to it. I have responded to it and I have said - - -

**Mr Berry:** You have made an imputation, so I think it is fair enough that I should respond. I will come to it in a minute.

**MR HUMPHRIES:** I have made no imputation, Mr Speaker. I have simply said that that is what I was saying in my comments.

**MR BERRY** (Leader of the Opposition): Mr Speaker, I will make a quick statement pursuant to standing order 46. Mr Humphries gave me some gratuitous advice that I might influence these people. If I were in a position to influence in any way, Mr Speaker, and I were giving advice to the branch president of the Labor Party, I would tell that person not to take any action at all and just ignore it because it is just a schoolboy prank.

**MR STEFANIAK** (Minister for Education and Training and Minister for Housing and Family Services): Yesterday Ms Reilly made a statement after question time saying that she had talked about more than 3,000 people being on the waiting lists, to correct the statement that I was making about her statement about it being over 4,000. Whilst I am certainly happy to acknowledge hearing Ms Reilly correctly say on several occasions that there are over 3,000 people on the waiting lists - I am glad she is correct, at least, on that - I would refer her to her press releases of 24 June and 26 June this year where, in point five, she says on both occasions, "Numbers on ACT Housing lists have gone up currently over 4,000".

**MR HUMPHRIES** (Attorney-General): Mr Speaker, Mr Berry has slunk out of the chamber, so I am not able to press the question that was being put to me during question time about influence over members of his own party. I maintain that a relationship between the leader and the president of the party is a fairly serious one which ought to be taken seriously by him. But obviously he is prepared to tolerate that kind of behaviour; so that is fair enough.

#### **AUDITOR-GENERAL - REPORT NO. 7 OF 1997 Disability Program and Community Nursing**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 7 of 1997, "The Disability Program and Community Nursing".

**MR HUMPHRIES** (Attorney-General) (3.41): Mr Speaker, I ask for leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

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**MR HUMPHRIES:** I thank members. I move:

That the Assembly authorises the publication of Auditor-General's Report No. 7 of 1997.

Question resolved in the affirmative.

## PAPERS

**MR SPEAKER:** Ms Tucker, during question time you asked for leave to table a document, did you not?

**MS TUCKER:** I did.

Leave granted.

**MS TUCKER:** I table the following paper:

Energy - Workbook for fuel combustion activities - Extract - Table B.2  
prepared by National Greenhouse Gas Inventory Committee.

**MR HUMPHRIES** (Attorney-General): Mr Speaker, for the information of members and pursuant to section 12 of the Remuneration Tribunal Act 1995, I present determination No. 21, including statement relating to the Chief Justice of the Supreme Court.

I also present, pursuant to standing order 83A, an out-of-order petition lodged by Mr Hird from 28 residents relating to the sale and use of fireworks.

## THREDBO LANDSLIDE - A.C.T.'S RESPONSE Ministerial Statement

**MR HUMPHRIES** (Attorney-General and Minister for Police and Emergency Services) (3.42): Mr Speaker, I ask for leave to make a ministerial statement on the ACT's response to the Thredbo landslide.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, I rise today to pay tribute to the many Canberrans who participated in the massive effort to search for survivors, and ultimately rescue one, who were involved in the Thredbo disaster. In the early hours of the morning of Thursday, 31 July, police and Fire Brigade communications officers took calls from their New South Wales counterparts seeking urgent deployment of rescue resources to a structural collapse in Thredbo Village. Police, ambulance and fire officers from Canberra, assisted by members of the ACT Emergency Service, were among the first on the scene and were confronted by a tragedy about which we are now all too well aware.

The initial hours were obviously frustrating for all concerned, as the search for survivors was hampered because of a very real concern that the ground was highly unstable. Further slippage could have been caused simply by small movements on the scene.

During the early hours of the morning, preparations were made across the ACT and New South Wales for what could be, and hopefully would be, a massive recovery operation. The ACT's disaster plan was activated and recovery services were placed on stand-by. Indeed, a contingent of medical staff from the Canberra Hospital was sent to Thredbo, with paramedics from the ACT Ambulance Service. As dawn broke, the stark reality of what we were facing became apparent to everyone. A massive rescue mission needed to be mounted with absolute care to guard against any further slippage.

I wrote to the New South Wales Premier, Mr Carr, on that Thursday morning and offered whatever assistance the ACT could provide in the rescue and recovery operation. I can say, with pride, that some 197 Canberrans from all areas of the ACT Government actively participated in Thredbo in the rescue operation. They were from the AFP's search and rescue team, the Fire Brigade's firefighters trained in urban search and rescue, paramedics from the ACT Ambulance Service, volunteers from the ACT Emergency Service, surveyors from the Land Information Office, officers from ACTEW who assisted with optical fibre camera technology, doctors and nurses from the Canberra Hospital, and engineering staff from Totalcare and the Canberra Institute of Technology. In addition, countless others worked to support those teams of rescuers. Based here in Canberra, many from the Emergency Services Bureau, the Australian Federal Police, the Canberra Hospital and other agencies provided logistical assistance, shuttled equipment and stores between Canberra and Thredbo and backed up the significant rescue effort.

I am sure many of us watched the miracle of Stuart Diver's rescue and felt hope for the many other victims of this tragedy and their loved ones. Sadly, though, there was to be only one survivor, miraculous as that was in itself. The search and rescue operation involved some 2,600 people from around Australia, and for every one of those I am sure there were many more behind them who made it all possible. Today, I hope that we can all pay tribute to those people and remember for a moment the 18 people who died as a result of this tragedy.

Mr Speaker, I say with some pride that the ACT's contribution to this rescue operation was significant and the level of preparedness very high. On several occasions since becoming Minister, I have attended urban search and rescue training sessions undertaken by the ACT Fire Brigade. Clearly, the level of skills built up by those professionals, as well as the many other service personnel who attended, is something we never hope to have to use, but in Thredbo the investment paid for itself many times over. I am very proud of the individuals who travelled to Thredbo, many of whom worked day and night in below freezing conditions to give everyone a chance, no matter what the odds, thereby restoring so much faith in the Australian spirit. Their efforts are worthy of special mention in this place today.

But it is important to recognise that, to so many of these people, they were just doing the job that they had been trained to do. Our community comes into contact on a regular basis with many police, firefighters, paramedics, volunteers and health professionals,

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and often in very stressful, sometimes distressing, times. But these times are often less dramatic for the nation than Thredbo. It is especially significant to remember that this community spends a lot of money training its emergency services personnel in the hope that we will never have to put the training into effect but in the knowledge that at some time that training will be desperately needed. We should also pay tribute to the families behind those people. Many wives, husbands, partners and children were left behind in Canberra for days at a time, not knowing how the stress of this monumental task was affecting their loved ones. To them we also extend that community support, as we do on each occasion their services are needed.

I welcome the Prime Minister's announcement yesterday of changes to the honours and awards system for better recognition of rescue workers in cases like Thredbo. In fact, only last week the Chief Minister wrote to the Prime Minister recommending a new award for people who play a role in major disasters. The Prime Minister's announcement yesterday is a welcome step in that direction.

In closing, Mr Speaker, I want to read an extract from a letter I received just days after the Thredbo landslide from Geoff Williams, the deputy firemaster of the Central Scotland Fire Brigade, who was in Canberra in November 1995 attending an urban search and rescue training course. Mr Williams says:

I would like to formally record my sincere admiration at the skilful dexterity the Urban Search and Rescue Teams of the Australian Emergency Services have displayed throughout this specific disaster rescue operation.

Their courage and tenacity has been outstanding. To many people without the trained eye it could appear, occasionally, that little effort was being applied to the rescue operation. I can assure you nothing could be more from the truth. These teams have acted with the type of discipline that is absolutely essential for such a hazardous environment. One small removal of a small brick or piece of timber without first analysing the reaction could be the catalyst collapse point to the whole scene. The collapse site could rapidly become an even bigger death trap, and cause even more grief to the stricken community and to the families of the rescue team.

Australia can be proud of their Urban Search & Rescue Teams, especially those from the ACT and New South Wales Fire Brigades. They have displayed excellent professionalism.

As a fellow USAR professional, I can confirm the world has watched with a critical microscope as this rescue effort developed. I am delighted to acknowledge that the Australian USAR Teams have shown the rest of the world how to quickly learn and develop knowledge and skills of the highest quality and, what is most important, practically apply them in the most dangerous environment.

He ends by saying:

Where structural collapse strikes within our communities one hopes we all can provide the same level of expertise displayed by our Australian colleagues.

They are significant words of praise from a world expert in the field. Our service personnel should take great comfort from that praise and this expression of thanks on behalf of the Canberra community for all their efforts. Of course, however, we also extend our sympathies to those who lost loved ones in this disaster.

I present the following paper:

Thredbo Landslide - ACT's Response - ministerial statement, 27 August 1997.

I move:

That the Assembly takes note of the paper.

**MR BERRY** (Leader of the Opposition) (3.50): When I first learnt of the tragedy at Thredbo, it struck me that a place so isolated from the larger communities would have some difficulty in putting together a successful rescue mission and that that might affect the outcome for those people who eventually died as a result of this tragedy. It soon became plain that the organisation of forces to assist was well and truly under way. I was quite proud to see that people from the ACT emergency services were involved at an early stage. I suppose that my interest in these matters goes back to a former life when I worked in emergency services, to the days when, in one way or other as Health Minister, I was associated with doctors and nurses, and with ambulance officers, who were located in Health in those days, and to my association with police officers in earlier days. It was quite impressive to watch the response as it came up on the nation's television screens.

As we all know, you do not feel the temperature, you do not smell the smells and you do not sense the arduous nature of the work by watching television screens. You could sense the emotion in many ways - from the looks on people's faces, from the tone of people presenting stories and from the messages that came back from rescue workers. One of the most touching things for me was to watch the way that all of the emergency services workers put their shoulder to the wheel and very carefully and methodically dealt with the situation at hand.

All of the time, of course, one felt in the pit of one's stomach that something had gone terribly wrong and the likelihood of survival of anybody was, at best, very slight. Just looking at it on a television screen, never at any time did I feel that there was much chance of anybody surviving. I suppose if one had been on site it would have been more obvious how difficult the circumstances were. Miracle of miracles, somebody was dragged from all of the chaos and survived, with a very tragic story to tell and a story that will be told many times over.

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Another thing that impacted on me was that I saw a few people there that I had once worked with. It was touching to see those people, their faces showing signs of anguish, working with other emergency workers as they toiled away. I understand that formal urban search and rescue training and equipping in the ACT is a recent event. It is certainly something that has happened since I was in the service. In earlier days one would always respond to these things but not deal with them in such a well-trained way.

Even so, some of those emergency workers were people I had worked alongside at various times or been in charge of. In fact, some of them were even stationed with me at various times. You could imagine a little bit of what was going on in their minds as they worked through the rubble and tried to rescue those who could be rescued. I noticed a couple of ACT Fire Service vehicles in the background, one of which had been designed by ACT firefighters. It gives you a great sense of pride to have been associated with people who responded to the call when necessary.

It is absolutely necessary for us as legislators and as responsible elected people to ensure that people involved in that sort of work are provided with every support they need. I am not suggesting for a moment that they have not been supported, but we should keep in focus the need to provide every support that they need in their calling. Too often these things are forgotten between incidents and they come into focus only at an incident. I remember some years ago in the parliament on the south side of the lake an issue being raised about the number of workers compensation claims that firefighters made. It is essentially true that in those days firefighters were encouraged to ensure that note was always made of even the slightest injury in case it came back on them at a later time. Somebody had collated all of these notifications of injury - many of them not requiring any attention at all or any expenditure - and had criticised the firefighters because of the number of notifications.

The Federal Government is now talking about undermining workers compensation provisions by weakening the entitlement to workers compensation in the Federal legislation. That legislation affects our emergency workers here in the ACT. Among the other things that I have mentioned in the course of my contribution to this debate, I wish to focus on that issue. One of the issues affected by that legislation is the issue of stress. I would like to attract the Minister's attention to this. Later on he might read the transcript. Firefighters and other emergency workers will be affected by the legislation which proposes to change the workers compensation provisions. Of course, that legislation will be decided by the parliament on the south side of the lake.

What I am saying to you is that this Government has to make a stand in relation to that issue because there may be some ideological position that the Liberals on the hill have taken in relation to Federal public servants, but nobody here is entitled to take that same view. I am concerned that not only emergency workers but a whole range of workers are going to be affected by this attempt to undermine access to workers compensation provisions. One issue which I mentioned a little while ago is the issue of stress. Of course, that is a significant issue for emergency workers. It has been a significant issue for a long time, recognised in different ways over time and dealt with in different ways. I saw in a recent print media edition some criticism of some of the stress counselling. At the end of the day, I think we in this place would all agree that we have



to provide adequate protection for our emergency workers. That is why I am concerned about the undermining of workers compensation provisions, particularly for emergency workers but not confined to emergency workers. There are a whole range of people out there who will be concerned about that issue.

Nobody could avoid thinking about the way families might be affected by all of the video and radio news coming from the Thredbo site. Everybody would agree that there have been greater tragedies in terms of loss of human lives, but it is rare that you get so close to, and involved in, a rescue of such magnitude that goes on for so long. I think that in itself would assist the community in better understanding the role of rescue workers and voluntary emergency services staff. Those people provide various skills at those sorts of incidents, performing tasks varying from what might be described as the most menial up to providing fairly sophisticated rescue assistance. One has to spare some thoughts for the people who supplied the food and all of the other logistical back-up required for that operation. Though they were not at the front, it would not have worked without them at the back.

For all of those families who were affected by the tragedy, who lost loved ones and relatives, one cannot help but have ongoing concerns about how they might cope with this matter. In any event, it is our responsibility to make sure that the ACT emergency services - those with whom I have worked and those with whom I have not - are continually offered the sort of support which will attract younger enthusiastic people into their ranks from time to time. In the volunteer area that is sometimes quite hard. It is our responsibility to make sure that when we do have people involved in that sort of service we provide protection not only in the form of workers compensation - do not be mistaken about my view on this - but also in the form of training and equipping them and doing all the sorts of things that are required to make it a safe operation for them. We should provide that protection, with the view that the activities of our emergency services will not be confined to the ACT but that these services will be called on to deal with incidents outside of the ACT as well.

My congratulations go out to all of those emergency workers who were involved at Thredbo and to all of those who did not go but helped in the organisation here in the ACT. Their role was extremely important as well. My heartfelt sorrow goes out to all of those people who have been affected by the tragedy, especially through the loss of relatives and loved ones.

**MR MOORE** (4.03): Mr Speaker, it was very interesting to hear the comments from Mr Humphries as Minister for Police and Emergency Services and very interesting also to hear the comments from Mr Berry, who of course has been involved in these sorts of circumstances and understands better than any of the rest of us some of the associated risks, some of the care that needs to be taken and some of the difficulties that the men and women of the range of emergency services face when they do this sort of work. I would like to join both of those members in congratulating these people and recognising the fantastic work they put in on behalf of our community.

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I congratulate everybody from the ACT who was at Thredbo working on this disaster - workers from a range of services such as ambulance, fire and emergency services as well as people performing a counselling role and offering support of other kinds. The contribution that they make in times such as this, when there are disasters - sometimes it is heavy rain; sometimes it is very strong winds; sometimes it is a major fire - rarely gets the same sort of attention as we saw at Thredbo, with the concentration of television on one person whose rescue changed the tone of events. It is a good opportunity for us to stand here and say, "That was a great job. We appreciate what you are doing. As elected representatives of the community, it is appropriate that we in the Assembly recognise not just the contribution you made at Thredbo but the constant assistance and support you provide to the community". I am very pleased to join with other members in recognising that contribution.

**MS TUCKER (4.05):** I would also like to say a few words. Obviously, we all feel great sympathy for those people who lost loved ones at Thredbo. The people who were dealing with the actual rescue operation deserve great respect from us all. I went to a church service for Missing Persons Week. The priest there spoke about Thredbo and how it had affected him because he had gone there to help support the people who were working on the rescue. He was very thoughtful in his sermon and he said that many people were asking him, "Where is God when you see these kinds of accidents?"

**Mr Moore:** A good question.

**MS TUCKER:** Mr Moore says, "A good question". It is, and that is why I thought it was a very thoughtful sermon. I was impressed to hear a priest addressing that question. It is the question that people always ask when there is a tragedy. I was interested to hear a religious person address that question. He said that he believed he saw God in the faces and the demeanour of the people who worked on that site, in the endurance and the perseverance that they showed. He was really stretching the definition of God to include the strength that we all have within us and that can come out in certain circumstances. He was saying how truly great it was and how we can be very inspired when we see it.

I talked to the priest later. He also has the ministry for the police in the ACT. He made me aware that, while this particular incident was the focus of our attention, in fact police are dealing with this kind of trauma on a regular basis. They are constantly having to deal with such trauma and receive counselling and support from people such as Peter Guy. That made me think further about incidents like Thredbo, which really shock us in Australia, where as a society we are pretty secure most of the time. However, there are individuals in our society who are not safe, who do not feel safe and who are experiencing trauma.

Every night on television we see tragedies in various countries around the world. Last night on SBS we saw children starving to death on the streets in Russia. A social worker said that every morning he goes back to the streets and he wonders which child has been murdered, raped, assaulted or whatever. When these things happen, it is an opportunity for us to see our responsibilities as citizens of the world.

I know that this is local government. I am not suggesting that we can do it here, but as Australians we should remember how many people are suffering around the world. Through Federal Government policies and as individuals, we should support community organisations trying to bring about social change in other countries around the world. We should take part in that.

When tragedy happens to us, as it did at Thredbo, it brings home to us the reality and the horror of events we see in other parts of the world and can cause us to work in a more generous and thoughtful way to support other people in less fortunate places than Australia who have to deal with these sorts of tragedies on a regular basis. I join members in praising the work of our rescue workers and in expressing great sympathy for those people who lost people they cared for.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Draft Variation to the Territory Plan - Residential Land Use Policies**

**MR MOORE** (4.10): I present Report No. 28 of the Standing Committee on Planning and Environment, entitled "Draft Variation to the Territory Plan No. 76: Residential Land Use Policies - Area Specific Policy: Palmerston Section 142 Blocks 7 & 8 and Section 143 Blocks 8 & 9", together with a copy of extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Tuesday, 8 July 1997, pursuant to the resolution of appointment. I move:

That the report be noted.

This draft variation proposes to vary the residential land use policies with reference to five dwellings for aged persons on section 142, blocks 7 and 8, and five dwellings for aged persons on section 143, blocks 8 and 9, Palmerston. It surprised us in some ways that we should already be looking at a variation to Palmerston, which was planned reasonably recently. Quite clearly, the planning of the area had not taken into account that aged persons would move into Palmerston, most likely to be closer to their families. It became clear that there was a need there. The committee had no difficulty with this variation to the Territory Plan and felt that it was entirely appropriate.

We were conscious of the recent move by the Government to ensure that there should be no variations for dual occupancy or for multiunit development within five years of the development of the suburb. My recollection is that Palmerston is just outside that time anyway. Nevertheless, it was quite clear that this draft variation was important to meet a particular need, so the committee was happy to support it.

Question resolved in the affirmative.

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**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Draft Plan of Management for the Murrumbidgee River Corridor**

**MR MOORE** (4.12): I present Report No. 29 of the Standing Committee on Planning and Environment, entitled "Draft Plan of Management for the Murrumbidgee River Corridor", together with a copy of extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Tuesday, 12 August 1997, pursuant to the resolution of appointment. I move:

That the report be noted.

I think it is important to use the opportunity to comment on the disappointment of the committee, and probably the Government, with the slow progress made by successive governments in finalising plans of management for the Territory's public land, especially significant areas of the public land such as the Murrumbidgee River Corridor, Tidbinbilla and other areas of Canberra Nature Park. The committee was told that only one management plan had been finalised since self-government and that that was the one for Jerrabomberra Wetlands. That having been said, we welcome the fact that this is the beginning of such plans.

Concern was expressed to the committee in public hearing that the difficulty was that the management plan failed to meet some of the more detailed criteria. The head of Environment ACT assured the committee that there would be a final management plan that would be accompanied by a series of implementation plans and that that would be done within the year. On that basis the committee recommended that the Government approve the final management plan. However, the committee did recommend some modifications. The committee recommended improving the relevance of some of the management objectives; providing more detail about the manner in which the activities in the corridor interlink with the activities of other bodies along the river, including other States and catchment groups; and providing more detail about how the management authorities intend to deal with land uses and land users that abut the Murrumbidgee River Corridor. It also recommended clarifying, simplifying and editing the language of the document. In some ways that seems to be a very minor thing. Perhaps the fact that it is a final draft gives us the opportunity to do that. These things ought to be very easy for ordinary people to read. I emphasise to the Minister that we were very serious about that comment.

We also recommended outlining the manner in which the management authorities intend to handle the other situations where management strategies are in conflict. In addition, the committee considers that not just the head of Environment ACT but the Government itself should make a commitment to finalise the implementation plans for specific areas of the Murrumbidgee River Corridor within 12 months of the date of this report and via a process of full community consultation. The committee is actually quite excited that we are under way with management plans for the Murrumbidgee River Corridor and respects the very good work of Environment ACT in getting these under way. We believe that when these plans express a good overview we get much better outcomes for the ACT. I commend Report No. 29 to the Assembly.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Draft Variation to the Territory Plan -**  
**B2 Commercial Land Use Policies**

**MR MOORE** (4.16): Mr Speaker, I present Report No. 30 of the Standing Committee on Planning and Environment, entitled "Draft Variation No. 64 to the Territory Plan: B2 Commercial Land Use Policies - Local Centres (Part B2D)", together with a copy of extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 8 August 1997, pursuant to the resolution of appointment. I move:

That the report be noted.

This brings to a final stage the move by the Government to try to enhance local centres by providing more flexibility in what can be achieved in a local centre. That flexibility is based on the Government's retail policy in *Striking a Balance* as well as our own committee report on retail policy, "Further Retail Policy Measures to Maintain Diversity in the ACT Retail Market".

It seems to me that the Government is to be congratulated on these measures, and it is the unanimous view of the committee that the extension of possibilities in the way that it has been done with reference to these small commercial centres will give them a further chance for better viability. It is something that I know the Minister is concerned about. We have differences of opinion sometimes about how we should go about that, but in this area at least it is another step which I think is positive. Clearly, that is the unanimous view of the committee.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (4.18): I just want to make a brief comment on this matter. I welcome the committee's recommendation that the variation proceed. Members will note from the report that there was an initial reluctance by the committee to endorse the variation without further ventilation of the guidelines among affected people, particularly in local centres. The Government undertook a further round of public consultation. I want to note, particularly in light of the inquiry which the Social Policy Committee is conducting at the moment about public consultation, that additional public consultation took place. It cost about \$8,000 to consult further with the people in local centres who, it was alleged or at least suggested, might not have been reached in the initial round of consultation. That resulted in almost no new comments coming forward in the process, and the recommendations then proceeded as originally suggested.

Sometimes we can be overzealous about the amount of consultation we need to take on board. Some of the consultation exercises we engage in in the Territory can be quite elaborate and very expensive but result in very little in the way of public comment. The reason sometimes is not necessarily that people are not interested or that people do not have a desire to express a view but that the sheer volume of issues on which they are asked to comment is so enormous that it is very difficult to determine, in the blur of issues being put forward for public consultation all the time, what issues interest them.

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The public notices section in the *Canberra Times* is sometimes full of invitations for public comment on different things that parties, including the Government, are doing. I simply say that we should be a little bit careful about how much we seek to get the community to do in respect of such matters.

**MR MOORE** (4.20), in reply: Thank you, Mr Humphries, for that comment. I concede that there are times when consultation does appear to be overzealous, to use your term; but sometimes it is far better to be a little overzealous and be satisfied that we have reached the community in dealing with these issues than to have the situation of some years ago - you and I were certainly very conscious of it - when the opposite was happening. It was quite clear that we were not getting to the numbers of people we should have been getting to. I hope that we will be able to find the appropriate balance.

I am also conscious of the fact that one of the easiest arguments to put, if somebody disagrees with something, is that there was not enough consultation. We have certainly heard that argument again and again. I have sat in this place - and I believe that you have, Mr Humphries, and I certainly know that Mr Kaine has - when such comments have been made about the outcomes of the Territory Plan, when it has been said that there was not enough consultation. I have always said that that was absolute nonsense. There were thousands of submissions on the Territory Plan. I did not like the outcome in particular and I argued about how the consultation was dealt with in some ways, but to say that there was not enough consultation was quite patently nonsense. Getting the balance right is what we need to be careful about. I believe that if we rely too heavily on consultation we will get to a point where we never do anything. It is appropriate that we retain a reasonably solid outcome focus. That is also part of striking a correct balance.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Further Report on Draft Variation to the Territory Plan -**  
**Residential Land Use Policies**

**MR MOORE** (4.22): It gives me pleasure to present Report No. 31 of the Standing Committee on Planning and Environment, entitled "Further Report on Draft Variation No. 55 to the Territory Plan: Residential Land Use Policies - Provisions for Temporary Care Accommodation", together with a copy of extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 8 August 1997, pursuant to the resolution of appointment. I move:

That the report be noted.

The issue of draft variation No. 55 is interesting. It is one of the two variations that we have sent back to the Government to handle in a slightly different way or to meet some objection that the committee had. As with Report No. 30, the Government has met the concerns of the committee. However, I must say that there is still an underlying concern,

although we have appropriate assurances from the Government. I suppose in my own mind there are still underlying concerns that we may not have appropriate policing of the leasehold system in order to maintain temporary care units for the very purposes for which they are designed. I do not think any member of the committee objected to the notion of relocatable units or habitable suites. They are quite important.

**Mr Berry:** I would give that committee up, Michael. Give it up. Give it to somebody who cares.

**MR MOORE:** Mr Temporary Deputy Speaker, can you protect me?

**MR TEMPORARY DEPUTY SPEAKER (Mr Hird):** Mr Moore, there are lots of things you need, but I am sure that you do not need protection. Besides, interjections are not allowed in this chamber.

**MR MOORE:** Thank you, Mr Temporary Deputy Speaker. I feel much better now. It seems to me that the committee was pleased that the Government had met these needs, although we will be still monitoring carefully to see that this variation is dealt with in the appropriate spirit and that such units are used for very specific purposes for a limited amount of time. I hope that they will be useful to people. In fact, just the other day somebody approached me to say, "How soon is this going through?". They are waiting to proceed down this path and to - - -

**Ms McRae:** Get Granny out of the basement.

**MR MOORE:** In fact, it was not to stick Granny in the basement this time, or even to bring her out of the basement, but to ensure that their own future was set for retired people to be able to live with other members of their family. I am very fortunate to have extended family around me in the suburb where I live. Perhaps with a bit more of the extended family we would see less of the range of social problems that are so difficult to deal with in our society. Hopefully, this will just help a little bit in that way as well.

**MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.25):** This report is probably an illustration of what Mr Moore was talking about in addressing the previous report, when he spoke of the need perhaps to make a decision against a background of limited consultation. I think there were very few public submissions on this matter, and some were from people who supply such accommodation in the form of demountable buildings.

**Mr Moore:** They had a vested interest, effectively.

**MR HUMPHRIES:** They had a vested interest. However, I think it is equally true, as Mr Moore alluded to, that there will be those who will complain when those sorts of habitations appear in the backyard of their neighbours. This is an issue which will certainly come back and - - -

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**Mr Moore:** It will be “Not in my next-door neighbour’s backyard”.

**MR HUMPHRIES:** Perhaps. As Mr Stefaniak still refers to you as a NIMBY, Mr Moore, I am sure - - -

**Mr Moore:** No, he does not, because I refer to him as Fourby in such circumstances, and he does not take the risk anymore.

**MR TEMPORARY DEPUTY SPEAKER:** Order, Mr Moore! You asked for protection from interjections.

**MR HUMPHRIES:** I am sure members will hear more about these issues when residents complain to them about them, but I think that this is a suitable development and should see some family units strengthened by the capacity of family members to live on the same block as their other family members, and it will assist in the cohesion of some families, which is a good thing for the community.

**MR MOORE (4.27),** in reply: In closing the debate, Mr Temporary Deputy Speaker, I draw it to your attention that Mr Stefaniak appeared in here for a brief second. It took me back to 1989, when he originally began calling me NIMBY and I responded as I did in 1989, “Righto, Fourby”. That, of course, refers to four-by-two. Do I need to explain facts of a plank of wood that is four by two or how solid it is? Probably not.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE  
TERRITORY PLAN  
Papers**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning): For the information of members and pursuant to section 29 of the Land (Planning and Environment) Act 1991, I present three approvals of variations to the Territory Plan: Variation No. 55, provisions for temporary care accommodation; variation No. 64, B2 commercial land use policies, local centres, Part B2D; and variation No. 76, area specific policy, Palmerston section 142, blocks 7 and 8, and section 143, blocks 8 and 9. In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.



**STANDING ORDERS 5A, 5B AND 69(a)**  
**Motion**

**MS TUCKER** (4.29): I move:

That:

- (1) The heading to Chapter II of standing orders be amended by omitting "Leader of the Opposition";
- (2) Standing orders 5A and 5B be omitted; and
- (3) Standing order 69(a) be amended by inserting "or" after "Minister" and omitting "or Leader of the Opposition".

I want to say, first of all, and get it really clear so that we do not have to listen to Mr Berry saying how this is personal, that this is not a motion against Mr Berry. I like Mr Berry. It is not a motion against Mr Whitecross. I like Mr Whitecross as well. This is something that we are doing to raise the issue - - -

**Mr Berry:** I do not believe you.

**MR TEMPORARY DEPUTY SPEAKER:** Order! Ms Tucker, address your remarks to the Chair.

**MS TUCKER:** I am addressing my remarks to you, sir. I am just explaining to you that this is not personal. I hope I still like both of them at the end of the election campaign. There is certainly nothing personal in this motion; so let us hope we do not have to listen to Mr Berry insisting that there is. This was actually - - -

**Mr Moore:** When you announced it.

**MS TUCKER:** Yes. When we announced this motion Mr Berry was not the Leader of the Opposition, so I think that makes it quite clear, unless Mr Berry thinks it was personal against Mr Whitecross too. I am saying quite clearly it was not. This is actually about broader issues of how we work as a parliament. I will be very disappointed if the issue is not given serious consideration by the Labor Party. If they insist on saying that this is just about being personal and politicking they are showing quite clearly that they are not interested in the broader debate. This is about the anachronistic and inappropriate convention in this Assembly that there has to be a Leader of the Opposition. We did raise this issue some months ago, long before Mr Berry became the new Leader of the Opposition - - -

**Mr Moore:** Or anybody had even thought of it, apart from Wayne.

**MS TUCKER:** We do not know who would have thought of it then or not, Mr Moore. We would have raised it regardless of who was in opposition, and this is just as much directed to the Liberal Party as well. The Greens object strongly to the idea that there is a Leader of the Opposition in this Assembly. The Greens, along with the ALP,

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and at various times the Independents, are all in opposition to the Government; yet the leader of the ALP is certainly not our leader. There are 10 members in this Assembly who are in opposition to the Government and Mr Berry speaks for only six of them. In fact, quite often the opposition is only the four members here and we have a very cohesive grouping in the rest of the chamber.

**Mr Moore:** You notice that there are more members of the crossbench opposition than there are of the current official Opposition.

**MS TUCKER:** I know. It is disappointing that the Labor Party and the Liberal Party are not more interested in this and listening to this important debate.

The position of Leader of the Opposition is not a necessity. It does not depend on any statutory law. The position arose in the English Parliament in the early nineteenth century and has continued on as a convention of the parliament. The Federal Parliament recognised the position of Leader of the Opposition in its standing orders only in 1931. In the ACT the position depends entirely on parliamentary custom and what is contained in the standing orders. The position has no formal powers or functions. The Australian Capital Territory (Self-Government) Act 1988, which is, in effect, the ACT's constitution, makes no provision for a Leader of the Opposition. It provides for the election of a Chief Minister, which in itself is unusual for a parliament, and the appointment of three Ministers; but there is no mention of a Leader of the Opposition. The standing orders that were prepared for the First Assembly in 1989 also made no provision for a Leader of the Opposition. It seems obvious to us that it was the clear intention of those - - -

**MR TEMPORARY DEPUTY SPEAKER:** Order! You have the call, Ms Tucker. There seem to be discussions right around the chamber.

**Ms McRae:** He is helping you.

**MS TUCKER:** He is calling me to order. Mr Temporary Deputy Speaker, I do not hear it. It is fine.

**MR TEMPORARY DEPUTY SPEAKER:** It is not fine. You have the call.

**MS TUCKER:** Okay. It is in your hands, Mr Temporary Deputy Speaker. It seems obvious to us that it was the clear intention of those people who established ACT self-government that, while the Assembly would generally follow the Westminster model of parliament, there were some aspects of the Westminster model that were not appropriate for the ACT Assembly. It is quite obvious that we do not need all the trappings of a parliament. The ACT Assembly exists to govern a city of 300,000 people, not a State or a country. Being a Territory parliament, the Assembly also deals with both municipal and State government functions. The ACT's voting system right from the start has been a proportional-based system which almost guarantees that a range of parties and Independents will be elected and that minority government will be the norm. However, the Labor and Liberal parties could not accept a reduction in their power.

On the first day of the ACT Assembly in 1989 the two parties worked together against the opposition of the other members of the Assembly to amend the standing orders to provide for a Leader of the Opposition. The amendments to the standing orders that I have proposed today merely reverse those original changes.

In putting forward this motion I am not suggesting that there should not be leaders of parties in this Assembly or that they should not have formal recognition. If the ALP wants to elect Mr Berry as its leader, that is fine; but the ALP or any future non-government party has no right to say that their leader is the leader of all non-government members. The key question that I want to raise by this motion is: Does this Assembly really need a Leader of the Opposition? I would say that it does not, because all parties and Independents outside of the government perform the role of opposition.

Let me go through the role as described in *House of Representatives Practice*. Historically the position came about only because of the dominance of the two-party system in Australian politics, so in effect you had only one party in power and one party in opposition. In the traditional Westminster system the Opposition is regarded as the alternative government and its leader the alternative Prime Minister or Premier. However, this situation does not apply in the ACT. At present we have a minority Liberal Government, and if the Government should fall the ALP would still need the support of other members of the Assembly to form a government. The leader of the ALP is also not guaranteed to be the future Chief Minister, as the Chief Minister is elected by the Assembly as a whole, not just by the ALP members.

A number of other functions for the Opposition are listed in *House of Representatives Practice*. They are: Scrutiny of, criticism of, and suggestion of improvements to legislation and financial proposals; examination of expenditure and public accounts; seeking information on and clarification of government policy, principally questions with and without notice; surveillance, appraisal and criticism of government administration; ventilating legitimate grievances; petitioning; and examination of delegated legislation. When you look at this list it is clear that all non-Government members undertake the role of the Opposition, and I would say that the Greens and Independents often do it better than the official Opposition.

The amendment to the standing orders that we have proposed today may look very simple, but it has big implications for the way this Assembly operates. This move is, however, just a reflection of what is happening across Australian politics generally. In an article in the *Australian* dated 23 August 1997, Frank Moorhouse made a number of telling observations on the two-party system. He described the adversarial nature of Government and Opposition, as well as the labelling of Left and Right, as “perhaps the most serious obstacles to Australian political advancement”. He said:

For contemporary Australian politics it is a useless categorisation. The critical thing is that we have moved away from having two major political parties representing radically different views of the way society should be organised ... The Parties are now management teams, and the

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party that goes to an election with its opinion-poll based policies and leadership personnel often has little connection with the party of the same name that contested the previous election.

Take the GST as an example.

**Mr Moore:** Dead in the water.

**MS TUCKER:** It was Labor and then it was Liberal, and now it is Liberal again. What your actual policies are just depends on what position you are in. There is very little difference between the policies of the two. I believe it is a very legitimate and valuable point that Mr Moorhouse has raised here, and that is why people in the community are getting so frustrated. The idea that people are wedded to only two forms of government - a Liberal government or a Labor government - is also becoming less and less true. This is shown by the size of the swinging vote and the growing dissatisfaction with both mainstream parties.

Moorhouse concludes, and I agree:

... the evolving role of politicians will be to contribute to a mood of reasoned discourse, not of bipolar conformity characterised by the old party system, but of informed negotiation both within parliament and within the nation.

We see the abolition of the position of Leader of the Opposition as just one step in reforming the Assembly as a whole. I am aware that other members have talked about reforming the Assembly. Before the last election Mrs Carnell said that the Liberals were committed to achieving reforms of the Legislative Assembly that would result in less adversarial and more management-oriented approaches to the administration of the Territory. She often referred to the need to create city council-style government. I am not aware of any councils that have a formal Leader of the Opposition. I have never seen Mrs Carnell spell out what she means by council-style government, and I have not seen a great opening up of the debate either. In fact, I did notice this morning a rather telling interjection from Mrs Carnell. Mr Wood said in debate, "Mrs Carnell is worrying me", and Mrs Carnell interjected, "That is my job - to worry you". I think this is the essence of the debate here. That is what the problem is.

The Greens also raised the need for reform of the Assembly soon after we were elected. In our first budget speech we noted that only four out of 17 members formulated the budget for a Government that has a little over 40 per cent of the members of the whole Assembly. We said that all members of this place should have the opportunity to have much greater input into the budget process. We also raised the point that few, if any, parliaments in the Westminster system have been blessed with a minority government such as ours. I know that Labor do not think it is a blessing to have a minority government and they have said quite clearly that they want to make sure that there is not a minority government next term; but it seems the community does not hold that view. For this reason, little work has been done to create participative processes and systems that ensure that all members have an opportunity to be meaningfully involved.

Mr Osborne and Mr Moore have, on many occasions, expressed similar sentiments. Of course, democratic parliaments are about debating issues, and I have no problem with vigorous debate in this place. I do see the value of it as long as it is informed, thoughtful and not just political intrigue and manoeuvring.

The Government addressed some of these issues in its report *Governing Canberra*; but, as members know, there was considerable criticism of this document and a lack of support of the model that it proposed, mainly because it seemed to be increasing Executive power, not decreasing it. We also had the Prasad report which was quite interesting. It was not actually presented in the context of changing the Legislative Assembly or the processes within it. It was presented as a review of staffing allocations. But it did have in it a political analysis by this man who was contradicting himself within the report and making judgments that we need to discuss as a group. He has the right to make those judgments and to have those views, but that is not the place of a consultant. The place for this debate is amongst all members here to work out, if we, indeed, all do want more participatory and participative processes in the Assembly. Certainly, Mrs Carnell has said she does, Mr Moore has, and Mr Osborne has. We welcome the opportunity to advance that debate. This motion is about that debate as well.

The Greens believe it is now time to take action on all the words that have been said about reforming the Assembly. This Assembly now needs to create the processes and to cease protecting the entrenched political power that the old parties are so keen to hang on to. The abolition of the position of Leader of the Opposition is a relatively simple act. Other reforms to the Assembly are harder to incorporate into the standing orders or require direct action by the Government - for example, reform of the budget development process and improved consultation processes. There also needs to be more discussion of how the Assembly committees could be better integrated into government decision-making processes.

The Greens believe that over the next few months, before the election and a new Assembly, serious work needs to be done on making the Assembly more open, innovative and responsible. Good government should be about improving the accountability of government, finding a less adversarial way of resolving important issues, and opening up decision-making processes to the wider community. We do look forward to Assembly support for the start of this process.

I heard Mr Berry interject. If he is going to try to argue that this is just about salaries and wages for the Greens, there would be very little difference between what we were receiving a month ago and what would come out of a redistribution.

**Mr Moore:** That would be reasonable.

**MS TUCKER:** Mr Moore actually has come up with a very sensible proposal about a more equitable arrangement that would benefit everyone, if we are interested in acknowledging the realities of how this parliament works and move out of this very blinkered view that we still have some kind of two-party system. It has never been the case in this place.

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**MR OSBORNE** (4.44): I understand that the debate on this motion is to be adjourned at some stage during the debate.

**Mr Moore:** I will seek to adjourn it.

**MR OSBORNE:** There are a number of points I would like to raise.

**Mr Berry:** No, no. You are not going to do that sort of stuff. They are going to adjourn it. Are you going to support the adjournment?

**MR OSBORNE:** I am not going to adjourn it, but I understand someone is. Mr Speaker, I am on the record as saying that we certainly need changes in this Assembly. I believe that at some stage we do need to get rid of the title "Leader of the Opposition". I believe the system that we have does not work as effectively as it could. How often have I sat here and watched the two major parties argue, fight, bicker and throw insults over petty things. There have often been times when one side has disagreed with the other, not because it is a bad idea but because the other side came up with it first. There have been even more times when the actual opposition in the Assembly has not been the Labor Party; it has been someone on the crossbench.

**Mr Moore:** The crossbench as a whole.

**MR OSBORNE:** Or, as Mr Moore interjects, the crossbenchers as a whole. The reality is this, Mr Speaker: When the crunch comes the two major parties always stick together. On issues that affect the power base of the Assembly, the Labor Party and the Liberal Party always seem to go together. How pathetic!

However, I will say this, Mr Speaker: I do not know whether supporting the Greens at this stage in the life of the Assembly is the way that I will go. I think what they are proposing is really a token piecemeal change at this time. We are only a few months away from an election and all of us, when we came in here, knew very well the state of play. I do not recall the Greens standing on the issue of removing the position of Leader of the Opposition prior to the last - - -

**Ms Tucker:** Not on that, but we did stand on the issue of more participatory processes, and that is part of this.

**MR OSBORNE:** Ms Tucker interjects. However, what they are proposing is very specific. They are proposing to remove the title and the role of Leader of the Opposition. As I said, this is not something I disagree with, but perhaps it does not go far enough. However, given the timeframe of the upcoming election, perhaps it is not what we should be doing. There is no point, Mr Speaker, in going in half-heartedly. If the Greens are so keen to pursue these changes, perhaps they will consider supporting some of the issues that I raised a couple of months ago.

**Ms Tucker:** We have been looking at them.

**MR OSBORNE:** Are you happy to do that? Great.

**Ms Tucker:** Mr Berry interjected and said that ever since the Prasad report the Greens have been after some more money when it comes to staffing.

**Mr Berry:** There was no sign of it beforehand.

**MR OSBORNE:** I would not like to suggest that, Mr Speaker. I have a lot more faith in Ms Tucker. However, I will say that the thought of getting my hands on some of your money, Mr Berry, is very tempting. I feel, though, Mr Speaker, that perhaps we are heading down the wrong path on this issue at the moment. As I said, I am on the public record as saying that I think there need to be some fundamental changes in the Assembly. However, I do need to be convinced that now is the right time to be removing Mr Berry from his role as Leader of the Opposition. As I said, we all entered this Assembly knowing full well how it operates. I think it would be a bit like asking the Australian Rugby League to play under Super League rules during the semifinals when for the whole of their competition they played under ARL rules.

Mr Speaker, I will quickly go through some of the issues that I would like to see addressed if we are to consider changing how this Assembly works. I firmly believe, as the Greens have said, that power does need to be returned to the Assembly, and I think that needs to be at the expense of the Executive. It should make all 17 members here responsible for governing the Territory, not just four Ministers who meet in secret and who certainly make it very hard to access documents which oftentimes they say are Cabinet-in-confidence.

I think two points need to be borne in mind when considering the system of government that we have. Firstly, the Hare-Clark electoral system will generally guarantee that neither of the major parties will be in a position to govern in its own right, no matter what Mr Berry has had to say recently. The second is that the Assembly is the smallest chamber in the Commonwealth and the reality is that talent is at times very thin on the ground amongst the ranks of the major parties.

There are three major changes to the system that I believe will radically reorganise the power structure and draw all members into the process of government. This will best utilise all the available talent and ensure that decisions better reflect the aspirations of the community rather than the ideology of one political party. I would prefer, Mr Speaker, to begin with a blank sheet and completely revamp the style of government, but unfortunately this is not possible because the system is entrenched in a Commonwealth Act which the Assembly cannot change. So another means needs to be found. To reinvent a phrase, my suggestion is a minimalist position which maximises the available opportunities for change. The Assembly can be significantly remodelled simply by changing the rules by which it runs. As we have seen today, the standing orders can be amended at any time if the move is supported by a majority of members.

I propose three changes. At the first meeting of a new Assembly the chamber votes first to elect a Speaker, and then a Chief Minister. The Chief Minister then appoints her Cabinet. What I would like to see happen, Mr Speaker, is that after the Chief Minister is elected the Assembly vote again to recommend the members of her Cabinet.

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The Cabinet membership would not be confined to members of a single political party but be drawn from the whole Assembly. The self-government Act prevents the Assembly from forcing this Ministry on the Chief Minister. However, it is within its power to withdraw confidence in her should she ignore the direction.

The Assembly standing committees would then be recast so that they directly reflected ministerial portfolios. Each Minister, for want of a better word, would chair the relevant committee and all legislation could be forwarded to it. I would also like to see the departments held answerable to the committees, but I do concede that this step may be going too far. This aspect will perhaps need to be explored more fully.

Finally, the Assembly would be given direct power over the formulation of the budget by combining the Public Accounts Committee and the Estimates Committee into a Finance and Economics Committee. This would not be a committee of review but one that examines the budget before it passes into law. There are a number of ways in which this could work, Mr Speaker, and again the idea needs to be fully developed, but I do have an example. The Minister or the chair of the committee introduces draft estimates of expenditure to the Assembly. These are referred to the relevant portfolio committee, which must report by a certain date. The committees report to the Assembly, or are deemed to have reported, with or without comment or recommendations.

These reports stand referred to the Finance and Economics Committee for review. In due course, that committee reports back to the Assembly with comments or recommendations. Following the Assembly's consideration of the report and its adoption, or adoption with amendments, or rejection, or the formulation of any recommendations the Assembly may care to make, the relevant Minister will then introduce the major appropriation Bill, which will then be considered by the Assembly.

This process allows the Assembly considerable say in the expenditure of the Territory's money without offending that section of the self-government Act which says that only a Minister may raise a charge against the public purse. Under this process the Minister exercises his Executive role in appropriating public money after the Assembly has exercised its democratic role in having a say.

Over the last couple of months I have run these ideas past the Clerk of the Assembly and he believes it is possible to implement these changes without amending the self-government Act. Although I am the first to admit that no system in the world is above the venal behaviour of some politicians, I am convinced the system can be changed for the better and I am determined to make this idea my focus for the remainder of this Assembly's life. In the end no system can function without the goodwill of good people committed to making it work.

The major hurdle in trying to change the system is not the law or the as yet unimagined problems change might bring. The real problem is the two-party system. I prophesy, Mr Speaker, that both parties will say that this sort of change cannot work and will advance multiple plausible reasons to support their case. The real reason for their



opposition will remain unspoken. This system may never have a chance to see the light of day because the major parties are not really interested in good government. Their major concern is power, and the existing system maintains the artificial divide between them. There is a lot more that I would like to say on this issue, Mr Speaker. However, I will not bore the two major parties, as it appears I am doing.

On the issue of removing the role of Opposition Leader at this stage, as I said earlier I will need to be convinced that it is the thing to do right now. I am sure Mrs Carnell will stand up and say that she will consider it because she believes in a more council style of government; yet that was the main thrust of her election campaign 2½ years ago and she did nothing about it. I look forward to hearing from her on this issue. I am quite happy to see the current system unchanged at this stage, unless Ms Tucker can convince me otherwise, until after the next election. Leave Mr Berry where he is. I look forward to working with any members who are interested in making this Assembly work a hell of a lot better than it is at the moment.

**Mrs Carnell:** Does not one of you guys want to speak?

**Mr Berry:** I am the one under the microscope. I just want to hear what you - - -

**MR SPEAKER:** Nobody is under the microscope at the moment.

**Mr Humphries:** Have you an argument for your position to be retained? We want to hear about it.

**Mr Berry:** No, no. I want to hear what you have to say, and I will respond to it.

**Mr Humphries:** We want to hear your arguments for retaining the position.

**MR SPEAKER:** Come, come! Most of us are not backward in coming forward.

**Ms McRae:** That is ridiculous. You are the one attacking here.

**Mrs Carnell:** We are not attacking anyone.

**MR SPEAKER:** Order! I am puzzled by the sudden modesty, but Mr Wood has the call.

**MR WOOD (4.59):** I am not modest, Mr Speaker. We hear often the claim that we should be non-adversarial and there is great resentment of the partisan adversarial nature of this Assembly. Indeed, for a fair part of our proceedings we are adversarial. We are at the moment, I suppose. There are times when we have quite deep differences, genuine differences; but when there is no majority government the Assembly actually survives and operates by cooperation and by working together. The Assembly works that way. I have been here longer than most members in the chamber and I can tell you that. I am sure you already know.

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It is not just the committee system, which I think is acknowledged around the place as better than most in Australia. Have you noticed that since question time Michael Moore is now talking to the Chief Minister, with Kerrie Tucker? I have been talking to Paul Osborne. I just had a discussion with Gary Humphries about a Bill. There is constant movement around the Assembly; there is constant discussion. This place actually works, in the end, by cooperation. There is a lot of theatre around, too, from time to time, a lot of stunts and feigned grievances, along with those really genuine, deep and serious ones.

**Mr Kaine:** Only on the crossbenches, Bill.

**MR WOOD:** Never on the crossbenches, Mr Kaine.

Debate interrupted.

### ADJOURNMENT

**MR SPEAKER:** Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

### STANDING ORDERS 5A, 5B AND 69(a) Motion

Debate resumed.

**MR WOOD:** Mr Speaker, we do work together. Let us get a fix on this. I think if Ms Tucker and the Greens want to knock over any idea of the adversarial system the first people they need to go to is the media, with respect to the media. I am sure Ms Tucker knows, as I do, that, if I put out a media statement saying, "I agree with Mr Humphries", that is not news; it will never get a run. If I put out a statement disagreeing strongly and vehemently with Mr Humphries, I have a chance of getting a run, if I choose to want one. The image outside is reflected by the perceived need, I guess probably the real need, by the community to see argument, to see entertainment, to see dispute. We have all said at various times that there is not as much angst in these places as you would think by what you see. Again I am not denying that often enough there are quite deep and serious differences.

So the Assembly does work. It has worked, for better or for worse sometimes. There have been some good experiences and some not so good ones over nearly nine years in a minority Assembly. It is not as though there is a government sitting over there with a clear majority that can do as it wishes. Maybe in that circumstance, as I used to see in Queensland, you would wish for more cooperation than was evident then.

Mr Speaker, I do not believe that this is a motion about a non-adversarial system. When I heard the Greens on radio the other day it was all about staffing. That is where it started. I remember the report we got - Mr Berry will remember it - after the last election when people were fronting up and saying, "Who is going to be the Government? What groups will get together? Where will support come from?". The approach from the Greens was, "What staffing do we get? What extra staffing can we have?". I do not think that has changed in all this time and it is what is driving this now. I think that is a reasonable approach if you want to do it that way. If you put out the concept that you are philosophically minded and pure and holy like the Greens, you would have thought they would have come to us and started talking about where policies melded and where their policies might be better in tune with one group or another. But that did not happen. It was all about staffing, and I do not think that has changed. I think that is fair enough, as I said.

When Ms Tucker responds she will not stand up here and say, "I do not want to expand the influence of the Greens party". Of course she does. She wants more support from the community. She wants to win more votes in the next election. She wants to have more members in this Assembly, just as the Labor Party does, just as the Liberals do and just as the other crossbenchers do, and that is legitimate. In order to do that they want more staff than they have now, and that is legitimate. I do not complain about it, but I do complain about this pious patting on the back and saying, "We are for non-adversarial systems; we are for peace, harmony and all those things" as the perceived reason for changes. Let us understand exactly what it is about and let us do away with any pious nonsense that suggests otherwise.

**MR MOORE** (5.05): Mr Speaker, I rise to support Ms Tucker's motion. Indeed, after a little bit of a run around the Assembly, we have agreed that Mr Berry's request not to adjourn the motion is reasonable. I must say that, if the motion is lost today, I will be quite happy to support its being brought on again, should it be necessary. Mr Speaker, it seems to me that Ms Tucker put a cogent and sensible case that it is inappropriate for us to have in this Assembly the position of Leader of the Opposition, let alone that of Deputy Leader of the Opposition, the way the standing orders currently exist.

Do not forget, Mr Speaker, that the standing orders have changed a couple of times. When we first came into this Assembly, in 1989, there was no such thing as a Leader of the Opposition. We then went through a process whereby we established a Leader of the Opposition, who was voted for by non-government members of the Assembly. At one stage, after the fall of the Alliance Government, that delivered a Leader of the Opposition who was not from one of the major parties. The result of that, Mr Speaker, was a change in the standing orders brought about by a combination of the two major parties. The combination of the two major parties in getting what they wanted to run a particular system resulted in the standing orders that currently exist.

Ms Tucker read from *House of Representatives Practice* showing what an opposition should do. The reality, to any observer for the last 2½ years, is that those tasks are done by the crossbenches at least as well as, and probably better than, they are by what is called the official Opposition.

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**Mr Osborne:** No doubt better, obviously.

**MR MOORE:** Mr Osborne interjects, "No doubt better, obviously better". We have certainly heard quite a number of people argue that.

Mr Speaker, associated with the notion of Leader of the Opposition is the issue, which Mr Berry raised by way of interjection, of salary and salary allocation. It seems to me, Mr Speaker, that if what we are interested in from an opposition is the sorts of things that Ms Tucker talked about, in terms of scrutiny, monitoring the government, petitioning - the range of tasks that we all do - then we could get the tasks done better if there were a more even distribution of the funds. I think that is a perfectly reasonable and perfectly good idea.

In fact, Mr Speaker, I looked at what would happen if we took away the position of Leader of the Opposition and allocated the money on an equal basis to what Mr Osborne and I currently get as a staff allocation. The reality is, Mr Speaker, that, if we did that, Mr Osborne and I would not be better off; Ms Tucker and the Greens would be a touch better off; but the Labor Party would no doubt be worse off, and rightly so. What does the Leader of the Opposition do that the others of us do not do? Why does the Leader of the Opposition have all this extra funding, and what the hell does he do with it? I think that is a reasonable question to ask.

There are two principles tied up in this, Mr Speaker, as I see it. First of all, non-Executive members ought to be paid equal amounts for staffing allocation, so that each member can get on and do the job to the best of their ability. That is what I think is the most important principle. By the way, Mr Speaker, I have been arguing that for a long time, although I have been outnumbered on that basis. Secondly, members should be able to allocate their staff to suit themselves when they are in parties, so that the parties get a major advantage. We have already seen Ms Tucker and Ms Horodny do that with their allocations. They combined them to get a receptionist.

Probably what the Labor Party are concerned about is that they would have trouble if they were each allocated the same amount of money. They probably would hold onto it, rather than pass it on to the Leader of the Opposition. There is a very good reason for that. It is that each member would know that they could do a better job if they had better staffing. Instead of it all being concentrated in one spot, we would have a much better arrangement in terms of scrutiny of the government - which is, after all, what opposition should be about. It should not be about the Leader of the Opposition; it should be about scrutiny of the government. It seems to me, Mr Speaker, that that is a very sensible thing.

I heard some sensible comments by Mr Osborne, who said, "No, it is not time to do this just yet. First of all, we should not do it piecemeal. We should do it within the whole context of giving Canberra a better and more cooperative system of government, and a system that works better". I do not agree with that approach, Mr Speaker. I do not disagree with that as the end goal. In fact, like those in Mr Osborne's office, I also have been working on some areas of how to bring about change - as have Mrs Carnell and, I think, Ms Tucker - even though that will make us a social laboratory.

Actually, I am quite happy to be in a social laboratory. I am happy about change, because I do not think things are perfect now. If they are not perfect now, then of course we can proceed with change. But I do not mind Mr Osborne turning us into a social laboratory in this way.

Mr Speaker, there is a difference between my opinion and Mr Osborne's opinion here. Let us take the small step. Let us see how it goes and then let us take the next step in modifying government. That is why I am prepared to support Ms Tucker's motion right now, make this change and also seek to make the change in salaries. The change in salaries will make no difference whatsoever to me and it will make no difference to Mr Osborne, but I think it will make a difference to the way the Government is scrutinised and the way the Assembly does its work.

So, I am all in favour of this motion, Mr Speaker. I think it is a great motion, and I am very pleased that Ms Tucker brought it on. I am very pleased, too, Mr Speaker, to recognise what Mr Berry said. He said, "This motion is having a go at me, and it ought not to be adjourned". I had originally intended to move for its adjournment. He said, "It ought not to be adjourned. We should deal with it now". I think that is a reasonable request. I am happy to bow to it.

**MR BERRY** (Leader of the Opposition) (5.12): Mr Speaker, the first thing I would like to do is take a little bit of an historic journey to where all of this started. In 1989, I was a greenhorn politician - I am sorry, Ms Tucker - and came to this place amidst a myriad of people from different political persuasions. Labor, for its sins, was the government of the day. We had a Chief Minister elected and we formed a government. We had five members, as I recall; the Liberals had four; I think the Residents Rally had four; and there were members from the No Self Government Party and the Abolish Self Government Coalition. That added up to 17. We had a fairly feisty few months.

**Mr Kaine:** It was almost like now, Wayne.

**MR BERRY:** Yes. It was a fairly feisty few months. The Labor Government fell because it could no longer maintain the confidence of the Assembly, and an Alliance Government was formed. As Mr Osborne spoke, it brought back some memories. The Alliance Executive consisted of some Liberal members, one Residents Rally person and one No Self Government person - a nice mixture. It was a blend of what was going on. Bearing in mind that the Labor Party had lost the confidence of the Assembly, the alternative government was a blend of all of the other forces. If I said that it was chaotic, I am sure that there are some within this chamber who would say that that was an understatement, because it was downright impossible. It was a blend of the political forces in the Assembly.

The traditional Executive was formed. They made their decisions in the Cabinet room, but they also had a joint party room. They had two separate party rooms, a joint party room and a Cabinet. Then came the time when decisions of the Cabinet had to be defended in the community. Was that not interesting, and did it not make for some headlines? It eventually led to the sacking of one of the Ministers, who was a non-Liberal, and the Government fell apart. Labor took office again for a short period.

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If we had had another year left in the term, I am not sure that Labor would have sustained that. I think it would have been overturned again and we would have had some other chaotic arrangement in place. Maybe even Dennis Stevenson would have been Chief Minister.

**Mr Kaine:** I offered to form an alliance with the Labor Party, remember?

**MR BERRY:** On reflection on the damage that was done to the Territory's standing, I think it might have been a sensible thing to do. In the very early stages of that, the Labor Party members sat down and had a think about what had to be put into the structure. We came to the view that, whatever the case, there had to be an alternative government. It was absolutely necessary; otherwise, the contest of ideas could not proceed with any substance, in our view. I think we were right to form that view. We persisted with it, we discussed it with other people, and eventually it became the will of the Assembly.

The Liberals occupied the Opposition position for some time, much to the chagrin of the then Residents Rally, because they felt that they ought to have it. Was the Residents Rally an alternative government? No, it was not. It was not within a bull's roar of being an alternative government.

**Mr Osborne:** And you are?

**MR BERRY:** You should read the *Hansard*, Mr Osborne. It makes interesting reading. It was chaotic. There was also a system of executive deputies, who chaired committees. The committees made recommendations, which the Government ignored or took notice of. That added to the chaos, in my view. When we were in government there was one steady thing on the other side - that was the Opposition benches. When they were in government there was one steady thing on the other side of the chamber. We like to think that we provided a steady Opposition which kept the Government - - -

**Mr Osborne:** Ask Ms Follett and Mr Whitecross.

**MR BERRY:** No. Those were the facts that were in place at the time. It was a very early situation which had to be dealt with. I make no apology for being involved in the negotiations to set up an Opposition Leader. I think it was the right thing to do. It was traditional in many ways, but it was the right thing to do because it provided a steady Opposition to the Government when the Government was finding it difficult to operate, and I think it still does. Whatever the Greens say, we are the alternative government and we have to behave accordingly. It is all very easy for minority groups - Independents, Greens and so on - to come into this place and say that what the others are doing is wrong. That is the political thing. They would say that. And they would try to grab a vote or two out of the whole process.

I see people like Ms Tucker getting to their feet and complaining about the adversarial nature of politics. Ms Tucker, I recall, moved a vote of no confidence in the Chief Minister - that is pretty adversarial, I would think - and she pursued it with vigour, which she had a right to do. Had she succeeded, somebody else would have been sitting

over there and Mrs Carnell would have been sitting over here somewhere or doing something else. I would have thought that was a fairly adversarial sort of activity. I think it is a little bit much, once you have been involved in the process, to complain about it.

“Adversarial” is a pejorative word. We are not here just for the adversarial nature of the place; we are here to get a few things done. The pejorative description of passionate debate is “adversarial”. In my view about things, I have no difficulty with people pursuing a debate with passion. If it is not worth believing in, it is not worth pursuing. So, I do not think you should complain about the adversarial nature of the two-party system and then describe them as the “old parties”. There are a few people who were young striplings when they first started in your party a long time ago and who now have grey whiskers. Your party is starting to be able to be described as old, too. Let us not get carried away with some of those descriptions. I think this motion is personal and political - a mixture of both. There is no doubt about that.

I have come into this position with vigour and I have said to people on the crossbenches - the Independents and Greens - that we want to establish ourselves with their voters and we want to take some of them back. There is nothing wrong with that. We have said the same to the Liberals. I am sure that everybody else out there will be trying to win our votes. That is the nature of the business. If we win enough, we will be in a stronger position to deliver what we think the people of the ACT and the Territory economy need. If the Greens were able to win enough of the votes, I will bet my last dollar that they would be prepared to take on the Leader of the Opposition position.

**Ms Tucker:** Do you want to bet? I have said quite clearly that we would not.

**MR BERRY:** I will bet.

**Ms Tucker:** On the record, Mr Berry.

**MR BERRY:** Yes, but at this stage they are not an alternative government, and they are not going to be one in the foreseeable future. The same applies to the Independents. They would say that the position of Leader of the Opposition should go. I do not intend to be the Leader of the Opposition for that long, I have to say. I am here only on a temporary placement. On 22 February I will be out of here and over there. So, this is a very temporary position, as far as I am concerned. I will be moving after 22 February. I can say that with confidence. (*Extension of time granted*)

**Mrs Carnell:** Do you remember saying that I would not last until Easter?

**MR BERRY:** Did I say that?

**Mrs Carnell:** In 1995, yes.

**MR BERRY:** Well, there you go. Sometimes I have been wrong. I am prepared to admit it.

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Essentially, this is a political attack on the position to divide the spoils. Ms Tucker has made that clear. Mr Moore has made that clear. They want to reduce the impact of the Labor Party. That is a good way of doing it - to take away the Leader of the Opposition position, a traditional position which is used throughout the Westminster system in almost every place in which it operates. Of course, they would say that, because it weakens the Labor Party's position and it would weaken any other major political party's position in the future and make it easier for them. It is as simple as that. That is probably a simplistic way of describing it, but that is the way it is.

As to whether or not it is entrenched in law anywhere, I cannot say with any full backing that the legislation in other countries or in other parliaments provides for leaders of the opposition, but I can tell you this much: Almost everywhere that I have been looking at parliamentary systems, especially in the Westminster system, there is a Leader of the Opposition who provides the alternative government should there be a change in government. It will be a long time before that will change, I think.

If the Greens get themselves to a position where they can have this seat, I say, "Good on them", because I still think that, if the Greens are able to put together a package that puts them in a position of being the alternative government, then that is our fault - or their fault, whatever the case may be. We have to guard against that. If the Greens think that by grabbing the spoils that will resolve the situation, they have another think coming. They think the community out there will be convinced of their argument because of this approach. I was dismayed to hear Ms Tucker talk about the splitting up of the spoils. It is like doing a bit of pillaging in a small village back in the Middle Ages. You bolt in, bash down the front gate, grab everything you can and bolt. That, to me, was a dreadful suggestion. She said that we should do it now, because it would not be too painful. Ask my staff.

**Mr Moore:** You were not thinking of that when you rolled Andrew, were you?

**MR BERRY:** Indeed, I was. I have always been concerned about staff. Anybody who knows me, Michael - and you know me - knows that one of my first concerns is staff members or working people. Mr Speaker, the situation is just a silly one, where the Greens and the Independents want to lessen the effect of the major parties. The Greens are aptly named in this. They are green with envy; they want to get their little hands on the spoils. I do not think they ought to get them.

There are a couple of historical factors, too. Over the years, I have been able to deal with the Greens and Independents about salary allocations. I have to tell you that Mr Moore and his then political partner pursued with vigour increases in salary allocations.

**Mr Moore:** And you never have, Wayne?

**MR BERRY:** No.

**Mr Moore:** Of course I did, Wayne, because then I could do the job better.



**MR BERRY:** I will tell you how the salary base for the Independents was set. Mr Moore made it clear that the Labor Party would not get its legislative program through unless he had more people to read the documents.

**Mr Moore:** That is not quite true, Wayne.

**MR BERRY:** And it was about getting legislation through. Do you know what the Greens said in the first meeting we had with them after the last election? They said, "How much are you going to give us for our staff? We want the same as Michael Moore, each". Let us not forget about Michael Moore and the change between Independent and party. He changed to a party at election time because it suited him and back to an Independent because it changed the salary allocation. You were an Independent when you came back into the chamber. That was not illegal; but those are the facts of the matter. (*Further extension of time granted*) It was never about policies; it was always about salary allocations.

Mr Speaker, this motion by the Greens is about splitting up the spoils for themselves and weakening the major political parties. It is political and personal - there is no doubt about it - and it should be dumped without ceremony. It is not about changing the style of government; it is about increasing their own power and influence in this place.

**MR MOORE:** Mr Speaker, I raise a point under standing order 47. Mr Berry suggested that I had told Labor that its legislative program would not go through unless I had more staff. It is not quite accurate. My exact representations to Ms Follett were that, because I was answering my own phone all the time, I did not have enough time to do things as quickly as she would like and that that would probably continue and get worse unless I had adequate staff to do the tasks - which is not completely different from what Wayne said, but a slight variation. That is a matter about which I have no shame, Mr Speaker, but I do want the record to be accurate.

**MRS CARNELL** (Chief Minister) (5.29): Mr Speaker, when the Greens first outlined their plans to abolish the position of Leader of the Opposition, like that of most people on this side, my first thought was, "That is interesting. There might be certain benefits here". But after about 30 seconds, I think - - -

**Mr Kaine:** Bear in mind that the Chief Minister is next.

**MRS CARNELL:** Yes. After that, I have to say that I was fairly sceptical about their proposal. I said back then - it was a while ago now - and I will say it again now, that, if all they are doing with this motion is having a straight political go at Mr Berry now or Mr Whitecross, who was the Leader of the Opposition at that time, then the Government would not be interested in the motion. Getting rid of the position in its own right will not, in our view, contribute to achieving the kinds of reforms that would improve the way the Assembly and our system of government operate. We have heard quite a lot about systems of government in this debate this afternoon; but no-one, not even Ms Tucker, has explained to us how this motion was going to achieve any of those things.

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We came to government with the intention of supporting changes that would result in a more city council style of operation. I cannot see how doing away with the position of Leader of the Opposition and simply redistributing the staff allocations would fit in with our approach at all. In my view, that would be a pointless exercise that would rightly be viewed as a cynical political move in the months in the lead-up to the election, particularly after we went down the path of commissioning a detailed independent review of members' roles and responsibilities, which has only recently been adopted.

Mr Speaker, I have to say, though, that, if you were to make the position of Leader of the Opposition one based on merit or performance, I am not sure that you would choose those opposite. By any reasonable measure, the Independents and the crossbenchers - - -

**Ms McRae:** The same with the Chief Minister then, and the Ministers.

**MRS CARNELL:** Ms McRae should actually look at the statistics here. The Independents and the crossbenchers have actually come up with more ideas and more Bills over the last 2½ years. Just have a look at the statistics. I do not actually have a great love for those on the crossbenches on many days, Mr Speaker, but I know for a fact that Mr Moore has brought forward more new initiatives and more Bills in this Assembly than the entire Labor Party put together. It is fair to comment, too, Mr Speaker, that the Greens and Mr Osborne, all of whom are in their first term in this Assembly, have been considerably more proactive than those dinosaurs opposite.

**MR SPEAKER:** The enthusiasm of youth, Chief Minister.

**MRS CARNELL:** It is, Mr Speaker. I can understand that. Having said that, I think that it would be inappropriate at this stage to use the poor performance of the Labor Party as the official Opposition to officially throw the baby out with the bath water by supporting this motion right here and now. Mr Speaker, for this Government to even contemplate supporting what the Greens have put forward today, Ms Tucker and the crossbenchers will have to go significantly further than what they have put on the table today. I suppose that you could say that we are, therefore, issuing a challenge, Mr Speaker.

We have heard a number of comments in the debate today from Ms Tucker, Mr Osborne and Mr Moore; but, unlike those opposite, we do not take the view that the current miniature Westminster system that we operate under here in the Assembly is somehow perfect or even the best system for the ACT. I know that the Labor Party has stated repeatedly that it is not interested in changing the system of government. So, I will address my remarks to those members who are. I have to accept that all of the members of the crossbenches really are.

To illustrate my point, I would remind the Assembly of one of the ideas contained in the *Governing Canberra* report, which was compiled in 1995. I accept that members opposite did not like the *Governing Canberra* report; but to rule out all of the *Governing Canberra* report, I think, would be a mistake as well. I would just like

to quote one section from that report, particularly taking into account Mr Osborne's comments earlier. It is with regard to committees - which I think we have all stated from time to time, in the past anyway, have been some of the best working parts of this whole Assembly. There are some fairly startling exceptions to that rule; but, for all of that, I will quote just a small amount of the report under the "committee" heading:

... a small number of Assembly Committees, matching Ministries -

Mr Osborne, listen -

but not usually chaired by Ministers, should result in a streamlining of the Assembly's decision processes. These Assembly Committees would consider new policy proposals, business and strategic plans, performance reports (including budgets) and legislative proposals from the agencies within the Minister's portfolio. Their function would be advisory, and their role to inform the Executive's decision-making. Their focus would be more on *outcomes* than on *process*. Meetings would be regularly scheduled (time and place) and open to the public. An opportunity for members of the public to place questions on notice and/or to make presentations on particular issues should form a part of the Committees' agenda. The Committee should also seek community input when it considers this is necessary. If this process is managed effectively, the need for select committees and standing committee inquiries -

as exist currently -

should be considerably reduced.

That is just one paragraph from *Governing Canberra*, very much in line with what has already been said. Mr Speaker, in its current form, such a concept may not be ideal or particularly practical; but it is the sort of idea that could potentially, given a whole revamp of the way we operate here, significantly improve the workings of the Assembly.

This motion by the Greens today in its current form is a narrow view that will not, on its own, do anything to achieve the sort of style of government - a more city council style - that this side of the chamber supports. However, it may be a start, and we would like to work with Ms Tucker and the crossbenchers to see whether we can advance the ideas to a stage where we could come back to the Assembly and seriously debate ways of improving our system of government. I have to say that those discussions may or may not include getting rid of a traditional Opposition and, by implication, the Leader of the Opposition's position. So, I guess that I could say that the ball is back in Ms Tucker's, Mr Moore's and Mr Osborne's court. If you are serious about doing something more than just reigniting the old debate about salary allocations and grand titles, then c'est la vie. If you are interested in making a difference, we would certainly welcome that.

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Unlike Mr Berry and his colleagues, we have never taken the view that the job of the Opposition is simply to oppose everything the Government does, Mr Speaker. The role of the Opposition is to look at issues that come before the Assembly, that the Government brings before the Assembly, to scrutinise those, to produce a more transparent style of government, to ensure that the community's interests are being upheld or are being looked after by the government of the day, not simply to oppose for the sake of opposition, Mr Speaker. If we can come up with proposals that do that, this side of the house - the Government - will be very keen to look at them.

Mr Speaker, I oppose this motion with a certain degree of reluctance, as all people on this side of the house would do. I have to say again that it would achieve nothing more than a reallocation of salaries. I do not believe that that is appropriate; nor does this side of the house. But, Mr Speaker, let us use this debate as the basis for moving to a new and more efficient system to operate in this Assembly.

**MS McRAE (5.38):** One factor that has been overlooked in the entire debate is that the positions of Leader of the Opposition and Deputy Leader of the Opposition are not simply figments of the wishes of this Assembly. They are actually recognised by the Remuneration Tribunal. The work that is done by the Leader of the Opposition and the Deputy Leader of the Opposition has been recognised by the Remuneration Tribunal and remunerated. Those people have been given extra pay in recognition of the importance and the significance of the job that they do.

Mrs Carnell likes to invent systems for her own sake. She likes to invent what the Westminster system should or should not be: Somehow, because we are small, it is a little bit different from if we are big. I do not think it makes any difference whether there are 17, 75, 750, 22 or 11 members. The principles of the Westminster system are of profound importance, and they are entirely to do with conflict. I actually believe that conflict is amazingly important. Anyone who prattles on with the nonsense of reducing that conflict does not understand the basis of the Westminster system and the roles that parliament has. Anyone who shirks that conflict is refusing to admit that important and profound differences of opinion and ideology have a place in society and must be resolved. We used to resolve them - - -

**Mr Moore:** Yes, but there are not only two of them. There is a range of them.

**MS McRAE:** There are two of them of significance, and, no matter what you say, there is no such member in a lower house of parliament from anything other than the two parties. When there is a significant number, maybe there will be a third; but at the end there are always two. In the olden days, people used to get on their horses and charge each other. In more recent times, people get into armies and kill each other. This is an extremely important forum for those differences to be played out. If those differences are not articulated and played out, we are all dishonouring our electorate and dishonouring the profound importance of those issues. If we cannot get up with vigour, and vigorously attack, criticise and scrutinise the alternative view, then we are failing in our job.

We have this fairytale notion that somehow the Opposition is here to create ideas, to do things for the good of the Territory. It is an absolute fairytale notion that is held by people who do not understand the Westminster system. We have a Government, with 17,000 public servants to support it. We have an Opposition, whose role it is to scrutinise, criticise and create the alternative viewpoint. We are not here to give policy to the Government to implement. We are here to scrutinise; otherwise we will fail.

The role of the Independents is different. I grant that. They can play it out in any way they wish. But I think an opposition or a government that shirks the fundamental conflict that the Westminster system is there to manage, to focus on, to sharpen and to allow the community to know that the alternative viewpoints are being considered with some depth, seriousness and passion is merely playing with what power is and playing with its own populist notion of what popularity is and what the roles of government and opposition are.

You may criticise what we do until the cows come home; but it is the most important role that the Opposition has - to actually face that conflict, to create that conflict, to sharpen that conflict, to argue that conflict and to ensure that the people for whom we stand are not forgotten in any debate that we are involved in. That responsibility has been recognised by the Remuneration Tribunal. It is a responsibility that is recognised by any serious commentator on parliaments. If we evolve to something different, we will evolve; but we will not evolve through the fanciful, populist, ridiculous notion that is being put before us that somehow, by magically waving a wand and dispensing with one position, we are improving the Westminster system. It is a travesty of the Westminster system not to take those two roles seriously and it is a travesty of the Westminster system to think that we should all be dancing around in a circle like sweet little children, coming to some sort of consensus and somehow magically making the world a better place. We will not. By ignoring conflict, we will not be doing our job.

**MS TUCKER** (5.43), in reply: Mr Speaker, it has been a very interesting debate this afternoon. I will just respond to a few comments that various members have made. The picture that Mr Osborne painted was that he did not think it was appropriate to change the way we play the game at this late stage of the three-year term. I really think he needs to understand that this is not about changing the game or changing the rules. The rules do not fit the way the game is played. That is the point I have been making. The rules are actually caught in the past when there were two parties in the parliaments. There are not just two parties in the parliaments. There is a broad representation here. This is a minority government. The way the game is played is not represented by the rules. So, it is just bringing the rules into line with the reality of what actually happens in this place. I thought that the way he explained that the current system is actually maintaining the artificial divide between the two major parties - for their own ends, of course - was quite good.

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Mr Wood raised the issue of the media and how they focus on conflict. I agree that that is an issue; but that is not a reason to continue to work in only that way.

**Mr Wood:** We do not work in only that way.

**MS TUCKER:** Of course, we do not work in only that way; but you were seeming to say that we need to address this issue through the media. I am acknowledging that that is an issue for politicians; but it is certainly not a reason just to say that this particular motion is not worth supporting. Mr Wood also said that, from his experience, the Assembly does work. What is wrong with asking how it could work better? That is what I am doing here today, and that is what Mr Moore and Mr Osborne are asking, and Mrs Carnell has also been quite willing to ask that same question. Of course it works; but how can we make it work better?

The first thing Mr Berry picked up on was the personality issues in the early days in this place and the fights that were going on. He said that I should read *Hansard*. I have read *Hansard*. The issues in the debate here are not about who those individual parties were or what the community said at that time; the issues are that the standing orders were changed. Those who wrote the self-government Act or who put together the standing orders for this place did not consider that there should be a Leader of the Opposition. It was that particular group of individuals, representing Labor and Liberal, on that day here in 1989 who decided that they knew better. They figured that that was the way this parliament should work.

“A steady thing on the other side” is what Mr Berry said. The steady thing element is what worries the community. The steady thing element is what is destroying Victoria right now - a majority government that has unfettered power to do what it likes. The Labor Party is very upset about that steady thing existing in Victoria right now, because what is happening is absolutely offensive. There is great value, in the minds of the community, in the steady thing not having total power.

There is another issue. A number of Labor members have raised this issue, and Ms McRae did so particularly colourfully. It was suggested that we wanted to dance around like sweet things, or something like that.

**Ms McRae:** You do, for heaven’s sake. Every time you have conflicts you wimp.

**MS TUCKER:** Ms McRae interjects to say that we do. You did not listen to my speech. I acknowledged the value of conflict in the Westminster system. I was particularly careful to raise that in my speech, because I knew that you would say that. I have heard you say it before. I want to make it quite clear that I welcome the role of conflict, scrutiny and debate. What I am saying is that we can also look at other ways of expanding how we work in this place. Yes, I did move a no-confidence motion in Mrs Carnell. That was the thing I felt was appropriate at that time. However, maybe that would not have been necessary if we had had processes in this place whereby there was more consultation and working together on the issues about which I was so concerned and which led to my actually moving that no-confidence motion.

Also, Mr Berry pursued the line that this was about a grab for resources. I actually thought that it was an off-the-record meeting and that we would just throw things around. That is fine. I am not ashamed of it. But it is interesting that you can think that some things are not particularly official and you find otherwise. Of course, we were interested in resources for staffing in this place, because we wanted to do the job well. What I am hearing here consistently is that Mr Berry is claiming that this is some kind of greedy grab for resources, as if that is going to make us more powerful.

What it is acknowledging is that there needs to be an equitable allocation of resources in this place. Of course, if Labor has six members, it is still advantaged. There are six people to do the work that two of us do here and that one person does there. I can see the problem for Labor members. We found out today that they do not actually talk to each other. That is why there was a huge issue about adjourning a debate that we have had on the notice paper since December. I guess that, if you do not talk to each other, that is an issue; but I can actually see how you can have an advantage if there are six members rather than two. You are still going to have more resources to look at the issues. What the community is interested in seeing here is that members who are elected to represent them have the resources to do the job well. What you can see if you look at the record - and Mrs Carnell pointed it out - is that the work that is done by the crossbenchers is indeed significant, and not even just reactive, which is all they can do with all their extra resources and extra numbers of people.

It was very interesting to hear what Ms McRae had to say about how an opposition works and whether they should come up with their own ideas. They are here, Ms McRae said, because they have to ensure that the people in their electorates are represented here. Indeed, I would agree with that. But that does not mean that you cannot be proactive in your work. Why does that mean that you have to be just reactive? If the people you are representing, Ms McRae, are not faring well under this Government, why not initiate your own legislation and your own work?

The quality of the work that comes from the crossbenches and from Labor is interesting, too. The number of initiatives, as Mrs Carnell said, and the amount of work we have with the parliamentary drafters that has not been returned to us are very worrying. But the point is that the work that is coming from Labor is often of a very political nature. It is often a very political statement of some kind. So, I really find it very disappointing to hear Ms McRae say that there is a place for political - - -

**Mr Whitecross:** Moving motions attacking the Leader of the Opposition is not political, is it?

**MS TUCKER:** Mr Whitecross interjects, Mr Speaker.

**Mr Whitecross:** Hypocrisy gone berserk.

**MR SPEAKER:** Order!

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**MS TUCKER:** I would like to respond to that interjection. Once again, the Labor Party likes to simplify it. Mr Whitecross interjects, “Oh, but is it not political to put up this motion about the Leader of the Opposition?”. Of course it is. I am not saying, “Thou shalt never move a political motion”. I am not saying, “Thou shalt dance in a circle of love and never have conflict”.

This is a very silly line that Labor keeps putting up to try to get away from discussing the basic issues and the substance of this debate. They have not responded in depth to what I have raised. It is what I expected. It does not surprise me. But it is another reason why I have to refer to the quality of the work that is coming from the crossbenches. Mr Osborne came up with a thoughtful analysis. Mr Moore came up with a thoughtful analysis. What do we get from the Labor Opposition? We get a lot of noise, a lot of interjections and a lot of simple claims that do not reflect the importance of this debate.

I respect the fact that Mrs Carnell said that we need to look at it further and expand it. I believe that we will be able to work together to look at how we can broaden the processes and bring in greater cooperation so that the talents of everyone in this place can still have the political motion; but we will be doing something more as well. I am prepared to bring this motion back into this place - and I understand that I can do it, if it is necessary, under standing orders - once we have had further discussion.

Question put:

That the motion (**Ms Tucker’s**) be agreed to.

The Assembly voted -

*AYES, 3*

Ms Horodny  
Mr Moore  
Ms Tucker

*NOES, 14*

Mr Berry	Mrs Littlewood
Mrs Carnell	Ms McRae
Mr Corbell	Mr Osborne
Mr Cornwell	Ms Reilly
Mr Hird	Mr Stefaniak
Mr Humphries	Mr Whitecross
Mr Kaine	Mr Wood

Question so resolved in the negative.

## **ADJOURNMENT**

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

That the Assembly do now adjourn.

**Assembly adjourned at 5.57 pm**