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“In Support of Progress”

# Newsletter

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**Cabinet**  
**The NBN**

## ***Cabinet appointments***

Last week, two members resigned from Cabinet, leaving two vacancies. The Attorney-General has been suffering a long and debilitating illness, and the acting Attorney General decided he needed to capture more private time with his family. Whereas the government was prepared to cover the long absence from the Attorney General, her eventual resignation following that of Matthew Groom forced the Premier to act.

Basically he had two choices, to go for a major revamp and fill both positions, or to go the minimal disruption route, and fill but one. Both options have merit, both have their upside and both have their downside.

The first would have allowed a major recalibration of portfolios, a set of new faces and new energy around the Cabinet table, and a new re-presentation of the team and its agenda. The downside is that it would be seen to be “new” at a time when the government was presenting its credentials as a stable and experienced government, and the L plate label they were endeavouring to place on the Opposition could also well apply to them.

The alternative view was to create as little disruption as possible, with only minor change. This would enable the Premier to argue that it was “steady as she goes”, that the ship of state was still on course, and to maintain the pre-election strategy of painting the opposition as the learner brigade. The downside is that the Cabinet is shy one person, Ministers have been given an extraordinary and broad workload and will be tied to their tasks at a time when they need to be campaigning for re-election. There will be little time for reflective thought. A steady ship can be a steadily sinking one.

In the event he chose the latter course. All Ministers maintained their existing portfolios, the Speaker was elevated to Cabinet, a new Speaker was nominated for Parliament to endorse, and Matthew Groom’s portfolios distributed. Which still leaves a Cabinet position vacant.

The Treasurer takes on State Growth, the Resources Minister takes on Energy, the New Minister, Elise Archer, takes on Justice, Prisons, Environment and the Arts, while the Premier takes on the responsibilities of Attorney-General.

This last move is to say the least “interesting”, and I am surprised it has not raised more comment. Because the role of Attorney General has a special power, a part of the “balance of power” arrangements which exist within our system, and which is the power to act against the government if in his/her mind the government has acted illegally. And which is why traditionally Premiers and Prime Ministers are not Attorneys-General.

This is not an esoteric or a hypothetical argument, because it actually happened, here in Tasmania, back in 1972.

In July of that year the Lake Pedder Action Committee sought the fiat of then Attorney General Merv Everett to allow litigation to proceed to test whether the inundation of part of the South-West National Park was contrary to the proclamation establishing it. A fiat is an executive order.

The Premier, Eric Reece, refused to accept the legitimacy of this request, and Everett decided to resign from the Ministry. As he put it:

"My duty was not to decide whether Lake Pedder should be flooded or not, but whether there was a legitimate legal question in the situation which should be resolved in the courts".

In this particular circumstance, legislation was then required to validate the flooding, and Everett returned to the Ministry on its passing.

The power for an Attorney General to act in such a manner is an awesome power, and one that can set the position above and against the government. As such it should not be ignored, or dismissed lightly.

The Premier has said he had considered the matter. Mmmm. I don't think he has, really.

The Premier and the new Minister for Justice are legally trained, so this should not be new news to them. As such, the Premier needs to provide some further explanation as to why he chose this path.

### **The NBN**

We all have our stories about gaining access to the internet. This is mine.

I have been involved in moving house. The old place had power, Austar and NBN connection. The new place, in the same postcode, also had power, Austar and NBN connection. All lines were "live"

Austar arranged the changeover remotely during a telephone conversation. Aurora, the power provider, arranged the changeover on time, having been given a day's notice. The internet service provider, however, through their call centre in the Philippines, advised that they had arranged for an NBN technician to connect the new property in one month's time.

Advising them that the new place was already connected was to no avail – an NBN technician had to be involved. Further inquiry to the local ISP office – Telstra - confirmed the booking date, advising it was out of their hands. "It was an NBN issue", they said. "There's nothing we can do", they said. etc etc.

If a connection can be made "live" remotely by Austar, and by made "live" remotely by Aurora, then what on earth stops the NBN being made "live" in exactly the same way. At a time when we rely more and more heavily on internet connection, for work, education and recreation, this is tantamount to a retreat to the dark ages.

We are advised we need to embrace the new technology. Well, there's nothing particularly modern about this service, if you can call it that.

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