

Historic Parliamentary Role-play

A ready to use classroom resource for years 5–8

THE FRANKLIN RIVER DEBATE 1983





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Website	

moad.gov.au







The Museum of Australian Democracy at Old Parliament House traces democracy from its earliest origins and captivates visitors' imagination through the stories of ordinary people using their voice to achieve extraordinary things. Old Parliament House, the home of the Australian Parliament from 1927 to 1988, has witnessed some of the most triumphant and turbulent events in Australia's history. The culmination of one such event was the introduction of a federal bill in 1983 to stop the construction of a dam that would impact on the Franklin River.

The Bill was listed as *The World Heritage Properties Conservation Bill 1983* (Cwlth). It was tabled by the newly elected Federal Labor Government in the House of Representatives. The debates were passionate. The Bill passed in the House of Representatives and the Senate.

This Bill stopped the construction of a dam in a world heritage area. It established that the Federal Parliament had the power to overrule the States to conserve world heritage places. This debate explores State and Federal powers and the issue of world heritage places.

The classroom program can be used as an introduction or conclusion to a unit on Federal Parliament or the environment. The program is flexible in application—it can be used as a one-off activity or extended to be a unit of work.

Students will:

- · take on the roles of politicians and officials using costumes and props
- · set up their classroom as a mock House of Representatives
- · debate using historic speeches adapted from Hansard
- · have an opportunity to speak using their own words and arguments
- · experience what it is like to be a politician representing an electorate and a party

Focus questions

What is heritage, natural heritage and world heritage?

What are the three tiers of government and their responsibilities under the Australian constitution?

Curriculum links

- Statements of Learning for Civics and Citizenship Years 5, 7 and 9
- Key Performance Measures 1 and 2 in Civics and Citizenship Year 6



Preparation

- 1. Scaffolding basics
 - teacher reads: Teacher background notes
 - explore the three tiers of government in Australia-federal, state and local
 - visit Parliamentary Education Office website to find out about the Australian Federal Parliament www.peo.gov.au
 - revise the purpose and passage of a bill in the Australian Federal Parliament
 - clarify roles of persons in the House of Representatives in a parliamentary debate
 - · research world heritage sites
 - research the Franklin River in Tasmania.
- 2. Key points
 - What is in the constitution
 - What is world heritage?
 - · Where is the Franklin River and why did it become a world heritage site?
 - Why did the Tasmanian Government start to build a dam in a world heritage area?
 - What is Hydro-electricity?
 - Why did some Australians and people from overseas protest and want it protected?
 - Why did the Federal Government become involved in a State matter?
- 3. Set up the classroom as the House of Representatives
 - Use desks and chairs to create the central chamber table, front bench and back bench positions for Government and Opposition members.
 www.peo.gov.au/teachers/diy_law.html
- 4. Assign roles to students
 - Divide class into two. The Government needs to be slightly larger than the Opposition.
 - · Select students and distribute scripts or speeches for the roles of:
 - The Speaker, Clerk and Serjeant-at-Arms. The teacher or a confident student should play the role of the Speaker. Note: the Speaker was the Hon Dr Henry Jenkins, member for Scullin.
 - The Speaker needs pages 7–10 of debate script, Clerk needs pages 7–9 of debate script and Serjeant-at-Arms needs pages 7–10 of debate script.
 - Note the *italics* in their scripts signifies an action and the indented text is what the students should say
 - Prime Minister and Leader of Opposition (you may prefer the parties to elect their leaders)
 - Government ministers and Government backbenchers
 - Opposition shadow ministers and Opposition backbenchers
 - Note the **bold** text in speeches signifies word emphasis
 - Choose two tellers to count votes for each party at the end of debate.







- 5. Student preparation as Government and Opposition
 - Students practice their speeches-they may need to check the pronunciation of words such as conservation, mainlanders, Berowra, Huon.
 - Use the following information to help students understand their side's point of view and to help students without a scripted speech prepare their own speech for the debate.

Government	Opposition
 Australian Labor Party team building The Government has the majority in the House of Representatives. Its role is to introduce new ideas for laws. Bob Hawke is Prime Minister and leader of the Government. The Government is against the damming of the Franklin River. It is introducing a bill to stop the dam being built. Some reasons for saving the Franklin River world heritage and global responsibility preserving the environment—rare or endangered species damage to Aboriginal archaeological sites and rock art in area to be flooded tourism. 	 Coalition: Liberal/National Parties team building The Opposition comprises the minority parties in the House of Representatives. Its role is to challenge, question and persuade the Government to change or modify its ideas. Andrew Peacock is Leader of the Opposition. The Opposition supports Tasmania's right to be able to build a dam. It is opposed to the Government's Bill to stop the dam. Some reasons why the Opposition is against the Bill need for jobs in Tasmania right of Tasmania to decide what happens in Tasmania. Be ready to vote for your party at the end of the debate.

- 6. Preparation for Speaker, Clerk and Serjeant-at-Arms roles
 - The Speaker runs the role-play and calls members to order.
 - After the scripted speeches the Speaker will ask if anyone else wishes to speak, choose members from alternate sides to contribute to the debate, starting with the Government.
 - If interjections are interrupting the flow of the debate, the Speaker can stand and ask the speaking member to sit until the Chamber has come to order.
 - Individual members are given three warnings before the Speaker can ask the Serjeant-at-Arms to remove them from the room.
 - Serjeant-at-Arms can be asked by the Speaker to escort persistent interjectors from the Chamber.



MUSEUM



- 1. Set up the room as the House of Representatives.
- 2. Dress characters in debate costumes and give out props. (See resource list)
- 3. Seat members of Government and Opposition, Clerk, Prime Minister and Leader of Opposition in their positions.
- 4. Explain that ministers walk to the main table to speak and backbenchers speak from their seat.
- Encourage all members to listen carefully to the speeches. Members say 'hear hear' after speeches to support their party members. Listen carefully to the other side's case.
- 6. Remind members not to interrupt speeches.
- 7. Remind members to begin speeches with Mr Speaker.
- 8. Remind members that they need to **convince** the other party with their speech. Encourage the members to face the opposing party and project their voices to try to persuade the other party to change their minds.
- 9. Remind members that they will be asked to vote on the Bill. Members voting for the Bill want to stop the building of the dam, they sit on the Speaker's right. Members voting against the Bill want the dam to be built, they sit in their seats on the Speaker's left. Party allegiance dictates that you vote with your party and not 'cross the floor'.
- 10. Hand over to the Clerk who starts the debate role-play by ringing the bell.
- 11. The role-play proceeds uninterrupted until the Bill is passed and the Speaker directs the Bill to the Senate.



What happened?

- In 1983 the House of Representatives passed this Bill. The Government supported the Bill and it had the majority in the House of Representatives.
- The Bill also passed in the Senate. It was signed by the Governor-General and became a law.
- The Tasmanian Government appealed to the High Court on the grounds that the law was unconstitutional. The law was upheld by the High Court.
- No dam was built.

Discussion points

- No one crossed the floor in the House of Representatives in 1983. Everyone voted with their party. Did any students want to cross the floor? Why? How did it feel **NOT** to cross the floor? Discuss party responsibilities.
- How did it feel to represent your electorate and speak on behalf of approximately
 80 000 voters?
- Are there any issues about development or conservation in your local community?







Clerk: stands at desk then rings the bell

Serjeant-at-Arms: announces the Speaker from the doorway

Honourable members, please stand for the Speaker.

Serjeant-at-Arms: carries the Mace on his/her right shoulder and leads the Speaker into the room

Speaker: sits in Speaker's chair

Serjeant-at-Arms: places the Mace on the table and sits in Serjeant-at-Arms' chair

Speaker: stands to speak

Parliament is now in session.

The rules of the Parliament must be obeyed.

Clerk, please read the rules.

Clerk: standing

- 1. Always stand to speak.
- 2. Always begin your speech with Mr Speaker.
- 3. Members speak without interruption.
- 4. The Speaker keeps order.

Speaker: standing

The Bill about building a dam on the Franklin River will now be debated.

Clerk, please read the title of the Bill.

Clerk: standing

The World Heritage Properties Conservation Bill 1983.





Speaker: standing

I call on the...

- 1. Minister of Home Affairs and Environment, the Honourable Barry Cohen, to introduce the Bill
- 2. Shadow Minister for the Environment, Mr David Connolly
- 3. Prime Minister, the Honourable Robert Hawke
- 4. Leader of the Opposition, the Honourable Andrew Peacock
- 5. Minister for Science and Technology, the Honourable Barry Jones
- 6. Member for Bass, the Honourable Kevin Newman
- 7. Minister for Aboriginal Affairs, the Honourable Clyde Holding
- 8. Member for Berowra, Dr Harold Edwards
- 9. Member for Henty, Mrs Joan Child
- 10. Member for Franklin, Mr Bruce Goodluck

Speaker: standing

Does anyone else want to speak?

Stand up if you wish to speak.

Choose a member from the Government side first.

When the speech is finished, choose the next member to speak from the Opposition.

Choose evenly from both sides of the House.

Speaker: standing

The member for ... (use their first name).



THE FRANKLIN RIVER DEBATE 1983



Speaker: standing

Members will now divide to vote on the Bill. Clerk read the title of the Bill.

Clerk: standing

The World Heritage Properties Conservation Bill 1983.

Speaker: standing

Members who vote for or support the Bill, please sit on my right side.

Members who vote against or oppose the Bill, please sit on my left side.

Lock the doors!

Serjeant-at-Arms: closes door and sits down

Speaker: standing

Government and Opposition tellers, please come out and count the vote.

When the votes have been counted, the tellers whisper the numbers to the Speaker.

The Speaker then announces the result.

Speaker: standing

The number of votes for the Bill is ...

The number of votes against the Bill is ...

When the Bill is passed the Speaker says ...

The Bill has been passed. Send the Bill to the Senate.





If members are too loud you can say...

Order!

Order, Order! The House will come to order

Order! There is too much noise in the Chamber! **Order!** Honourable members of the Opposition /

Government are making too much noise!

Order! The member for (name) will resume his / her seat

Order! I warn the member for (name)

Order! Serjeant-at-Arms please escort the member for (name) from the Chamber

When a member has already been warned:

- the Speaker may stand to indicate that the matter has become a serious breach of parliamentary standards
- the Speaker may ask the member speaking to sit down until the House is quiet
- the Speaker can have a member escorted from the Chamber by the Serjeant-at-Arms if they have been warned three times.





Government MINISTER FOR HOME AFFAIRS AND ENVIRONMENT THE HONOURABLE BARRY COHEN

Mr Speaker

I am pleased to introduce this **very important** World Heritage Properties Conservation Bill to the House.

This Bill will save the Franklin River in Tasmania from being flooded by building a dam. It is important to save this world heritage site from destruction.

The people of Australia support this Bill. The Labor Party won the last election because **we** promised to save the Franklin River.







Opposition SHADOW MINISTER FOR THE ENVIRONMENT MR DAVID CONNOLLY

Mr Speaker

The Liberal and National Parties **will not** vote for this World Heritage Properties Conservation Bill.

The Franklin River dam will make more electricity. This electricity will mean more money and jobs for Tasmanians.

This is an issue for the people of Tasmania to decide, **not** the Federal Parliament.

The Opposition think that the Federal Government should **not** stop the building of the dam.





Government PRIME MINISTER THE HONOURABLE ROBERT HAWKE

Mr Speaker

The Federal Government has a duty to protect the world's natural heritage.

We can't wait any longer.

The Franklin River is already being destroyed. Roads have been built cutting into the forest.

The Labor Government wants to make a law to protect the Franklin River for the future.







Opposition LEADER OF THE OPPOSITION THE HONOURABLE ANDREW PEACOCK

Mr Speaker

This Bill gives the Federal Government more power over the States.

Australia is a federation. **Federation** gave rights to **both State and Federal Governments**.

This Bill will **take power** from the States and give **more power** to the Federal Government.

The Federal Government is trying to take over the job of the States. It should be asking the Australian people first.



MUSEUM



Government MINISTER FOR SCIENCE AND TECHNOLOGY THE HONOURABLE BARRY JONES

Mr Speaker

The Franklin River dam is being built to make more electricity.

This is **not** a good reason to **destroy** a national treasure like the Franklin River.

It would be very sad if this river, a beautiful world heritage site, is destroyed to make extra electricity that is **not needed**.

If this river is saved it will bring tourism dollars to Tasmania.







Opposition MEMBER FOR BASS THE HONOURABLE KEVIN NEWMAN

Mr Speaker

People in the Labor Government who are against the damming of the Franklin River are just middle class trendies.

They **don't care** about the workers who won't have jobs if there is **no dam**.

Tasmanians need the dam to create jobs and develop industry.

Tasmanian people have debated this issue for four years.

We understand both sides of the debate.

Mainlanders only understand one side of the debate. The side of the Tasmanian Wilderness Society who want to save a worthless area of bush!







Government MINISTER FOR ABORIGINAL AFFAIRS THE HONOURABLE CLYDE HOLDING

Mr Speaker

Does the member for Bass know about the **world heritage value** of the area that **he said is worthless**?

Aboriginal caves have been discovered on the lower Franklin River. There are the remains of camp fires, stone tools and animal bones dating back to **24 000 years ago**.

There are also **rare and very old rain forests** and Huon pine trees. These caves and rainforests will be **flooded** if the dam is built.





Opposition MEMBER FOR BEROWRA DR HAROLD EDWARDS

Mr Speaker

The Labor Government keeps talking about saving world heritage **but** what about **the ordinary people of Tasmania**?

They will suffer if this Bill is passed.

Will the Government pay back the workers who have already spent time and money on this dam?

Are there plans for new jobs?

How much money is the Government willing to give to Tasmanians?





Government MEMBER FOR HENTY MRS JOAN CHILD

Mr Speaker

The Labor Government will make sure the people of Tasmania **do not** suffer. They will be given money and help to create jobs.

This Bill will protect an important world heritage site. The Australian people support this Bill.

The Federal Government **must** have the power to protect world heritage.

I ask you all to support this Bill and save the Franklin River forever.



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MUSEUM



Opposition MEMBER FOR FRANKLIN MR BRUCE GOODLUCK

Mr Speaker

A fight between the Federal Parliament and the States is **not the way to save our natural heritage**.

The Tasmanian Premier has said that the Franklin River dam **will** be built.

The Opposition believes **he** has the right to build it.

The Federal Labor Government should work with the Tasmanian State Government **to build** this dam.





The issue

The Franklin River

• The Franklin River is in the south-west of Tasmania. This area has a high rainfall (2500mm per annum) and rugged, deep gorges with fast flowing rivers.

IND YOUR O

- It is an important ecosystem with many rare and endangered species, such as Antarctic beech and the orange-bellied parrot. It is also an area of significant natural beauty.
- The Kutikina cave, an archaeological site near the Franklin River, shows evidence of more than 20 000 years of Aboriginal occupation.
- In 1978, the Tasmanian Hydro-Electric Commission announced their intention to build a dam on the Gordon River below its junction with the Franklin River.

Hydro electricity

- Both Labor (1977–81) and Liberal (1982–9) Tasmanian Governments accepted the need for the continued expansion of hydro-electricity to provide cheap electricity as a way of attracting industrial development, creating jobs and winning State elections.
- The Hydro-Electric Commission was the largest employer in Tasmania at the time of the Franklin River dispute.

World Heritage

- December 1980: The Tasmanian Labor State Government suggested to the Prime Minister, Malcolm Fraser, that the Wild Rivers National Park be proposed for world heritage listing with UNESCO.
- November 1981: The Fraser Liberal Federal Government lodged an application to the United Nations for the Franklin River to be granted world heritage status.
- December 1982: The World Heritage Committee met to decide whether the Franklin–Gordon Wild Rivers National Park would be given world heritage status by the United Nations. The Tasmanian State Government attempted to stop the nomination but because Tasmania is not a nation its representative could not be heard by the Committee. The World Heritage Committee accepted the nomination and expressed concern at the effect of a dam.
- The Commonwealth Government as a signatory to this United Nation's agreement is obliged to protect world heritage sites in Australia.

A Tasmanian matter

 In 1981, the Tasmanian Labor State Government initiated a State referendum to decide between two options for dam sites within the Wild Rivers National Park. The referendum caused disarray within the party. Premier Lowe supported an option to vote for 'no dams' in the referendum. He was forced to withdraw the option. The referendum asked Tasmanians to choice between two dam sites both within the World Heritage Area in Tasmania. Soon after Premier Lowe lost the leadership of the Labor Party. He severed his connection with the State Labor Government and moved to the cross benches.



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- 12 December 1981: State referendum was held. The referendum results were unclear in that:
 - 53% preferred the Hydro-Electric Commission's lower Gordon below Franklin River location
 - 9% preferred the Labor Government's upper Gordon compromise dam location

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- The referendum did not have an option for 'NO DAMS' on the ballot. The Tasmanian Wilderness Society campaigned for people to write 'NO DAMS' on the ballot paper as a protest. 38% wrote 'NO DAMS'. This large informal vote indicated the extent of opposition to having any dams in the world heritage wilderness area.
- May 1982: At the Tasmanian State election the pro-Franklin dam Liberal Party won office.
- December 1982: Bulldozers began work on the dam site. Premier Robin Gray decided to construct the dam and ignore the world heritage listing of the dam area.

A Federal matter

- October 1982: The Democrats introduced the World Heritage Properties Protection Bill into the Senate. The Bill passed with the support of the ALP senators and four Liberal Party senators—Robert Hill, Alan Missen, Neville Bonner and Peter Rae. Ayes 31, Noes 23, a majority of eight. It did not pass in the House of Representatives and did not become a law.
- The Fraser Federal Government tried to persuade the Tasmanian Government to abandon the dam proposal. Malcolm Fraser was reluctant to trample on the right of Tasmania to determine the use of resources in their state and was not prepared to legislate to stop the dam.
- January 1983: Prime Minister Fraser offered \$500 million compensation to stop the building of the dam. The offer was rejected.
- December 1982 February 1983: The Tasmanian Wilderness Society began a range of tactics to gain support across the nation and internationally. One tactic was to form a human blockade of the dam site. Hundreds of protesters blockaded the Franklin River trying to attract media attention. Thousands demonstrated on the mainland and federal Labor and Liberal politicians were lobbied in the lead-up to the 1983 federal election.
- During the 1983 federal election campaign, the Labor Party promised to save the Franklin River. The Fraser Liberal/National Coalition Government was defeated. Tasmanians voted against the Labor Party with a strong swing to the Liberal Party.
- Malcolm Fraser resigned leadership of his party as soon as the election results were known. He resigned from parliament five days later, on 11 March 1983. Andrew Peacock was elected as the new Leader of the Opposition by the Liberal Party.
- April 1983: The newly elected Hawke Labor Government introduced legislation to protect the world heritage site. The legislation—Act No.5, 1983 (*World Heritage Properties Conservation Act 1983*)—was passed 5 May 1983; assented to 19 May 1983; assent reported 24 May 1983.





High Court Challenge

- The Tasmanian Government challenged the Federal Government's law in the High Court saying that the Australian Constitution did not give the Federal Government the power to make such a law.
- 1 July 1983: The High Court upheld the Federal Labor Government's World Heritage Properties Conservation Act and stopped the Franklin dam project.
- The High Court voted four to three in favour of the Commonwealth. Chief Justice Gibbs said in his judgement:

No lawyer will need to be told that in these proceedings the court is not called upon to decide whether the Gordon below Franklin Scheme ought to proceed. It is not for the court to weigh the economic needs of Tasmania against the possible damage that will be caused to the archaeological sites and the wilderness area if the construction of the dam proceeds. The wisdom and expediency of the two competing courses are matters of policy for the Governments to consider, and not for the court. We are concerned with the strictly legal questionówhether the Commonwealth regulations and the Commonwealth statute [law passed by parliament] are within constitutional power. 46 Australian Law Reports, 633–78

- The High Court ruled that the Commonwealth legislation was valid under the Commonwealth's Corporations power (Constitution Section 51 (xx)) and External Affairs power (Constitution Section 51 (xxix)).
- The Tasmanian Government conceded defeat and received \$277 million in compensation.

World Heritage List

World heritage sites belong to all the peoples of the world, regardless of the territory or country in which they are located. World heritage nomination and listing is rigorous, many nominations fail.

www.environment.gov.au/heritage/places/world/index.html

There are currently 17 Australian places listed as world heritage including:

- Tasmanian Wilderness, Tas
- Australian Fossil Mammal Sites at Naracoorte SA and Riversleigh, NW Qld
- Uluru-Kata National Park, NT
- The Greater Blue Mountain Area, NSW
- Royal Exhibition Building and Carlton Gardens, Vic.
- Sydney Opera House, NSW

Background to the role play

• The Franklin River dam dispute in Tasmania revolved around the issue of environmental protection versus development. As a national and international issue, the main focus was whether a State had control over its own territory, or whether the Commonwealth could make legislation on environmental issues of international significance.





 The role-play is a condensed version of the debates in the House of Representatives between 1982 and 1983. The main source is Hansard. The setting for this debate is the first, second and third readings of the Bill in House of Representatives in May 1983. The second reading of the Bill began in House of Representatives on 4 May. On 5 May it was referred to committee, amendments were made and agreed to and it was returned to the House for the third reading.

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- The members chosen to speak in this debate are some of the members who actually delivered speeches in late 1982 and April/May 1983 (eg members for Bass and Henty) or they played a significant public role (eg prime minister)
- In the role-play, the Speaker calls members by their title and name. This is not strictly parliamentary protocol. Individuals names have been included for the following reasons:
 - to reinforce the association of a person with a parliamentary position
 - to provide links with history and historical text
 - to link with living memory
 - to highlight significant politicians of the time.
- Although the focus is on the issues in the debate the following parliamentary protocol with regard to seating and speaking is adhered to:
 - the Prime Minister and Leader of the Opposition at the main table
 - ministers and shadow ministers on the front benches
 - the Prime Minister and Leader of the Opposition, ministers and shadow ministers speak from the despatch boxes; backbenchers address the House standing at their seats.
- In the role-play no one 'crosses the floor'. This is historically accurate in that:
 - At the third reading of the Bill in the House of Representatives on 5 May 1983 there were **no** members who crossed the floor.
 - At the third reading of the Bill in the Senate on 18 May 1983; the Bill passed with the support of the Democrat senators and Senator Alan Missen, a Liberal senator from Victoria.

Sources

- Discovering Democracy Middle Secondary Units, Dept of Employment, Education, Training & Youth Affairs under Discovering Democracy program, 1998, Curriculum Corporation www.curriculum.edu.au/democracy
 - The background information on the issue is from the unit, *Getting Things Done*.
- Questions & Answers on the Commonwealth Parliament, Dept of the Senate, 1997, AGPS Publication, Canberra
- The Macquarie Encyclopaedia of Australian Events, 1997(rev.ed.), Sydney and Macquarie Library
- House of Representatives, Votes and Proceedings, 33rd Parliament, Session 1983–84 Acts of Parliament, Vol. 1, 1983





Scripts and speeches

- Speaker: three sheets of scripted debate and one instructions sheet. Highlight Speaker's actions/dialogue
- Clerk: three sheets of scripted debate. Highlight Clerk's actions/dialogue
- Serjeant-at-Arms: three sheets of scripted debate and one instructions sheet. Highlight Serjeant-at-Arms actions/dialogue
- five Government speeches
- five Opposition speeches

Costumes

- Speaker's costume: jacket + shirt + tie
- · Clerk's costume: black gown/jacket + white shirt

Props

- · Bell for Clerk on the table
- Mace: make your own facsimile or use a broom handle or a blackboard ruler

Images

- House of Representatives at Old Parliament House: moad.gov.au
- Tasmanian State Parliament: www.parliament.tas.gov.au
- Photographs of Mr Hawke and Mr Peacock: www.pictureaustralia.org
- Protesters: www.wilderness.org.au

