



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 FEBRUARY 1996

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The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair 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 **Ms McRae**, from 281 residents, requesting that the Assembly take immediate action to provide after-school care for all children throughout the year.

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

After-School Care

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 draws to the attention of the Assembly that children up to 18 years of age with a disability require After-School Care supported by an adequate number of qualified support workers throughout the year, particularly during school holiday periods.

Your petitioners therefore request the Assembly to take immediate action to stop this discrimination and provide care for all children.

Petition received.

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PAPER

MR MOORE: Mr Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly nor contain a request. I also seek leave to say a couple of words on that petition.

Leave granted.

MR MOORE: I present an out-of-order petition from 80 residents concerning education funding. In this case, the petition is from a number of students at Hughes Primary School, who are petitioning on behalf of their teachers, seeking a fair pay rise for their teachers. The students consider that the present situation is not fair. One of the reasons why it is out of order is that the wording is clearly in the hand of primary school students. It gives me great pleasure to table this petition, because it shows a genuine recognition of what the students want and means that the students themselves are involved in a small way in a political process. I think the education of our children is enhanced when they are involved in the political process in a sensible way.

FAIR TRADING (AMENDMENT) BILL 1996

MS FOLLETT (Leader of the Opposition) (10.34): Mr Speaker, I present the Fair Trading (Amendment) Bill 1996.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

This Bill aims to protect the privacy of smart card databases by making it an offence to disclose the data compiled on individual spending patterns in any way that would identify the consumer without that person's consent. Smart cards may soon revolutionise the way that we pay for things. Instead of carrying cash or credit cards, we will pay for things with smart cards. These are plastic cards which contain computer chips encoded with electronic cash. They are often referred to as "stored value cards". In fact, the Government in Singapore hopes to have a cashless society in place by the turn of the century. Much closer to home, MasterCard, I believe, are proposing a major trial of the technology in Canberra; in fact, in Belconnen, early this year.

I am very concerned that we do not yet know the terms and conditions of that trial and that there is as yet no code of practice governing the use of smart cards. It does seem that the EFT code of practice does not apply to smart cards. I am also concerned that the consumer representatives appear to have been locked out of the decision-making on this new technology. I believe that, before we plunge into this brave new world, we should carefully consider the implications of this new technology. What are the possible drawbacks to smart cards? In consultation with consumer representatives, I have been advised that there are considerable drawbacks for low income earners in our community.

One drawback, of course, is the possible loss of privacy of the consumer; that is a drawback that does immediately spring to mind. There is some concern in the community that there is some ACT Government involvement in the trial that is to be held; and I would very much appreciate the Government advising the Assembly of what, if any, involvement it has in the trial.

The issue that the Bill addresses is the possible loss of privacy, and we must bear in mind that encoded in each smart card will be a record of the purchases made with that card; thus the card provider will have access to information about where a person shops and detail on their spending habits. What is there to stop smart card providers giving out this information to third parties, for instance, direct mail companies? It may be something even worse than that. For instance, if you are purchasing health care, the detail of the health care provided may well be provided, say, to an employer. It is essential that there be some privacy protection; and, under the current law, there is no such protection. The Fair Trading (Amendment) Bill, which is an amendment to the Fair Trading Act, would make it an offence for the cash card provider, without an individual's consent, to release to a third party information on how that individual uses their smart card. The Bill does seek to impose severe penalties for any breach; in fact, fines of \$20,000 for an individual, and \$100,000 for a company in breach of these privacy provisions.

The New South Wales Privacy Committee, the Federal Bureau of Consumer Affairs and the Privacy Commissioner issued reports in 1995 which warned of the privacy implications of smart cards. I believe that citizens have a right to expect privacy when paying with smart cards. You must acknowledge that there is not even a code of practice in place for these cards as yet. I think that citizens have a right to expect that banks will not release to third parties information on their spending patterns. I ask: Are we going to wait until problems arise before we enact privacy legislation because smart card information has been released without consent? I believe that we should act now, before the information from smart cards is misused.

To conclude, I would say to the Assembly that this Bill is only an interim solution. Clearly, a uniform national law regarding the use of smart card information is needed and would be totally supported by the Labor Opposition in this Assembly. In the meantime, we have the trial about to go on. I believe that it is incumbent upon the Assembly to protect the consumers and the privacy of our citizens now. Everybody in this Assembly would acknowledge that there is a grave risk if smart cards are allowed to become the currency in our community, without all of the implications having been thoroughly examined and without the necessary consumer protection being put in place. This Bill does attempt to at least protect the privacy of citizens in the ACT. It is an interim measure; I do expect that there will be national law enacted, a national code of practice put in place; but it has not been yet. I commend the Bill to the Assembly.

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

UNION DUES - PAYROLL DEDUCTIONS

MR BERRY (10.40): Mr Speaker, I move:

That this Assembly:

- (1) notes that all union members currently using payroll deductions for union dues have provided the ACT Government with a signed authorisation for the deduction of such dues from their pay;
- (2) notes that the threat by the Chief Executive of the Chief Minister's Department contained in his Staff Circulars of 2 and 12 February 1996 means that, if staff do not complete a duplicate authority by 23 February 1996, their payroll deductions will be cancelled on 7 March 1996;
- (3) therefore calls on the Government to immediately withdraw this threat to the payroll deductions of union dues; and
- (4) requires the Chief Minister to convey that withdrawal to all staff in writing before the proposed deadline of 23 February 1996.

This motion is about discrimination of the worst kind. It is about thuggery from the Carnell-led Government. It is about creating industrial chaos. We have the early part of that chaos, which has been created by this Government, occurring outside now. Let us look at the situation. I have quoted these circumstances before. We have a government which tries to impose upon workers in the ACT forced redundancies - read "strikes", read "sackings" - and we have Mr De Domenico threatening lockouts.

Mr De Domenico: That is not true; that is a lie.

MR BERRY: Mr De Domenico calls me a liar. He might withdraw that first.

Mr De Domenico: I said, "That is a lie". I did not call you a liar.

MR BERRY: I think the imputation is clear, Mr Speaker.

MR SPEAKER: Would you like to have that withdrawn?

MR BERRY: I would like it withdrawn. If you do not care to intervene on my behalf, I would ask you to.

MR SPEAKER: Did you call Mr Berry a liar, Mr De Domenico?

Mr De Domenico: I did not call Mr Berry a liar at all, Mr Speaker. Had I done so I would have withdrawn it. I said that what he said was a lie.

MR SPEAKER: Would you like it to be withdrawn, Mr Berry?

MR BERRY: I would like him to stand up when he addresses the Chair like the rest of us have to.

MR SPEAKER: Mr De Domenico, would you mind standing up and withdrawing it, just for the peace of the Assembly.

MR BERRY: A bit of sullen discontent is not going to help in this case.

Mr De Domenico: Mr Speaker, out of deference to you and to the Chair, I withdraw.

MR BERRY: I am glad that he holds the Chair in high regard.

Then we had the threat of lockouts, which was circulated throughout the Public Service by cc:mail - "This is what is going to happen when you are locked out. You will not be allowed to come back until the boss decides that you should come back". We have the great rates hoax. All these provocative measures have been taken. Mrs Carnell was saying that the unions' pay claim was going to be hypothecated from the rates of the people of the ACT. For the first time in the history of the ACT, it was now incumbent on the Government to put it all in the rates bill. What a lot of rot! None of the people out there believe that sort of hogwash. Those sorts of claims are absolutely ridiculous, and you know it. You know that the rates proportion of our revenue is only 13 per cent, and you know that you have already hit the ratepayers of the ACT 4 per cent for nothing. The value of houses has gone down. Do not talk to us about what the workers would do to rates; just look at what you have done.

Then there was the attempted buy-off of one of the trade unions, which was followed by the more recent events which seemed to have failed. It was made by people who do not understand the business of dealing with the trade union movement. Then we had the outrageous discounting of the Government's pay offer by the cost of the dispute, which Mrs Carnell caused by all this provocation. How on earth would you ever hope to settle an industrial dispute against that background of provocation? But there is more. To use Mrs Carnell's words, the list goes on. She called workers "stupid". Mr De Domenico called them "greedy". Mrs Carnell accused them of thuggery.

Then Mrs Carnell claimed - a false claim, I might add - that workers in the health system were putting patients' lives at risk.

MR SPEAKER: Order! Mr Berry, what does this have to do with payroll deductions?

MR BERRY: Mr Speaker, it has a lot to do with it. The attack on payroll deductions is one of the most provocative actions, amongst a list of others, to have been taken by this Government. We have this situation which has developed in relation to payroll deductions because workers disagree with the Government. Mrs Carnell, with her spiteful repertoire of attacks on the union movement, adds this one. She says, "I am going to attack the revenue base of the trade union movement in order that you, as a collective, will find it much harder to fight me. How dare you disagree with me!". That is the message that Mrs Carnell is sending to the unions.

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Mr Connolly produced an advice in relation to this matter which makes it clear that this is discriminatory. I quote from the advice:

The Discrimination Act 1991 renders unlawful discrimination on the ground of a list of enumerated attributes, including “membership or non membership of an association or organisation of employers or employees” (s7(1)(ia)) in a range of circumstances, including employment ... For the purposes of the Act, a person discriminates against another person if:

“(a) the person treats or proposes to treat the other person unfavourably because the other person has an attribute referred to in section 7 -

that is, membership of a trade union -

(b) the person imposes or proposes to impose a condition or requirement that has, or is likely to have, the effect of disadvantaging persons because they have an attribute referred to in s7 ...”.

Section 7 refers to membership of a trade union. We have the situation where it is clear that this has been a discriminatory act; it has been an industrially provocative act; and it is something that ought not happen.

Mrs Carnell: It is about choice; it is what the CPSU said that they wanted to have.

MR BERRY: Mrs Carnell says “choice”; she says, “This is choice”. I am glad that she interjected and used the old Liberal mantra. Chant the mantra and maybe somebody will agree with you. It is not an issue of choice; it is about creating more onerous circumstances for one group of people in relation to trade union membership than apply in relation to, say, membership of a health fund. Mrs Carnell, if you believe so much in choice, why did you not apply the same rules to the membership of a health fund? You did not think of it; it was not topical at the time - “The health funds were not disagreeing with me, so I did not need to punish them”. That is the nonsense in the old mantra about choice. How dare you pretend that it was anything other than a spiteful attack on people who disagreed with you! How dare you even pretend it!

We have a situation which has led to industrial unrest in the community and a situation which is being driven by the likes of this attack on payroll deductions for union fees. I have mentioned all of those other factors as well. In the course of the dispute, Mr Walker issued a letter to all staff saying that they had waived the requirement for annual renewal for payroll deductions. He did this on 12 February.

Ms Follett: That was very big of him. What requirement?

MR BERRY: That was very big of him. There is no requirement for annual renewal; there never was. Everybody out there has made one. The unions are paying, probably more than other people who are having payroll deductions made. The unions are paying 2½ per cent for the pleasure, thank you very much. Of course, Mrs Carnell says, “We have waived the requirement for an annual renewal;” - how arrogant! - “instead it will be sufficient for the initial election to be indicated by 23 February this year”.

Let me put this to you, Mrs Carnell: I happen to have made an election in relation to my union fees - I am a member of the LHMWU - and I do not want to change it. I will not be putting in a letter. You will hear more about it if you try to stop my payroll deductions. If you think you are going to get away with this lightly, you have another think coming. Many of the people in the gallery here made the choice a long time ago that they wanted their payroll deductions taken from their wages. They do not want you to interfere with it.

The arrogance of this Government is unbelievable. Of course, the workers will not sit idly by while you do this sort of thing. The gathering that you have created out there today is a result of all of the confrontation which has flowed from your actions in this industrial dispute. I go through them again: Forced redundancies - read “sackings” - lockouts clearly threatened by Mr De Domenico - - -

Mr Humphries: Rubbish!

MR BERRY: Mr Humphries says, “Rubbish”. Mr Humphries, you want to read your cc:mail. It came through to your office, the same as it came through to mine and the same as it came through to the workplaces of all of these workers who are sitting in the gallery today.

Mr De Domenico: Who has been locked out?

MR BERRY: Withdraw the threat. Stand up and say, “I will not lock workers out. I promise that I will never lock workers out”.

Mr De Domenico: Why did you put up the 170? Take that out; put the umpire back in. You frightened the umpire.

MR BERRY: No, we have just - - -

MR SPEAKER: Order!

MR BERRY: You will not say that, because the threat is still alive. There was the great rates hoax.

Mr De Domenico: It is not a threat; it is in the Act. Change the Act; get your Federal boys to change the Act.

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MR BERRY: You are the one that made the threat. You said, "I will lock you out. If you take industrial action, I will lock you out".

Mr De Domenico: No. I am not blockading the street, mate.

MR SPEAKER: Order!

MR BERRY: Either withdraw the threat or carry on with it; but do not deny that you made it, because you did make it. As I said, you called the workers stupid; you called them greedy; you accused them of acts of thuggery; you threatened to buy off trade unions; you tried the stupid approach of discounting the Government's wage offer because workers disagreed with you. What we intend to do is stop you from committing this other provocation of trying to attack the financial base of the trade union movement.

Mrs Carnell: Does giving people choice do that?

MR BERRY: Mrs Carnell chants "choice". The workers who have decided to join trade unions have made their choice; they have made the election to have the money taken out of their pay. When they want it changed they will write and tell you. In the meantime, drop off it because it is discriminatory. You are looking stupid.

Mrs Carnell: You are looking stupider. Just keep going and check your cc:mail.

Mr De Domenico: He has not read his cc:mail.

MR BERRY: Are we saying now that we have withdrawn it? Have we backed right down? Are we not going to do it anymore? Have we withdrawn it? She has backed off. Isn't it wonderful! When did you do that - last night?

Mr Whitecross: You had not done it at 10.30 this morning. It was not on my cc:mail at 10.30 this morning.

MR BERRY: All of a sudden we have had a swift backdown.

MR SPEAKER: Order!

MR BERRY: I would have to say that I welcome that; but the motion deserves to be passed. I smell a backdown in the air. I think that it is a response to the reaction of members of this Assembly. As I said on 6 February, the Independents and the Greens will be supporting the ALP on this matter.

Mrs Carnell: Are you taking them for granted?

MR BERRY: No. That was their public position.

Mr De Domenico: The press release has already gone out, has it?

MR BERRY: That was their public position. It went out on 6 February. The Government, acting in response to the fact that there was Independent and Green support for this approach, backed off a little and said, "Oh, well, we will not require annual elections; you will have to do it only once". Now that they have found out that they do not have support for that either, they have backed right off. Why do you not negotiate with the unions now? That would be nice. Why do you not negotiate with them? Forget about all of the grandstanding and negotiate with the lot of them, instead of trying to beat them into submission by trying to buy off sectors of the trade union movement and just fooling around. What you have created by your misbehaviour in the industrial arena is a range of confrontation that we do not need. If you have backed off on this issue, I welcome it; but I will still press to have the motion passed, because I think we need to have on the Assembly record a motion which says, "Mrs Carnell, you cannot do this to workers; this is discriminatory".

One thing that was most disappointing was that when you made this decision you were driven by your ideology, not your brain. Had you been using your commonsense, what you would have done was consult your own laws - the laws that you are responsible for. Mr Humphries may well have advised you, had you asked him. Maybe he would have been prepared to give you another Christmas speech about your frailties.

MR SPEAKER: Relevance, Mr Berry!

MR BERRY: Mr Humphries might have advised Mrs Carnell, had he had his eye on the ball, that what she was doing was discriminatory. Perhaps Mrs Carnell should have consulted him before she made the decision. Mr Humphries is now the senior lawyer in the Territory and should be consulted on matters which may offend the law; and you have not done that. If you did, then you have ignored the advice. You have to accept this motion. It deserves the support of this Assembly.

MRS CARNELL (Chief Minister) (10.55): Mr Speaker, yesterday the Assembly wasted hours debating an abortive attempt to censure this Government on its approach to industrial relations, which is fine. It is the right of this Assembly. But it seems clear that the debate today on options available to staff to pay their union dues will lead, if we do not do something now, to similarly lengthy debate based upon no particular logic and based upon nothing whatsoever.

Ms Follett: It is based on the rights of trade union members. Wake up to yourself!

MRS CARNELL: You are playing to the crowd, Ms Follett. From the outset, at no time has this Government or its officials attempted to deny the right of unionists to pay their dues through the payroll; in fact, quite the opposite.

An incident having occurred in the gallery -

Mr De Domenico: On a point of order, Mr Speaker: Earlier this morning I was asked to withdraw the comment "That is a lie".

MR SPEAKER: If there is any further noise of that nature from the gallery, I shall be obliged to clear the gallery. You are welcome to come in and listen to the debate.

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An incident having occurred in the gallery -

MR SPEAKER: Clear the gallery.

Mr Moore: On a point of order, Mr Speaker: I suggest that it would be far more appropriate to suspend the sitting for some time.

MR SPEAKER: I think that is probably the best thing that I can do. The sitting will be suspended until further notice.

Sitting suspended from 10.58 to 11.30 am

MRS CARNELL: Mr Speaker, before the suspension of the sitting I was making the point that this particular policy of the ACT Government is something that has been in place for a very long time. In fact, I would like to table a letter from me to Cath Garvan of 19 December 1994 - a long time before we took government - stating exactly this policy and that the Liberal Party was about choice and was about giving unionists an opportunity to determine whether or not they wanted payroll deductions. Any indication from Mr Berry or any innuendo from Mr Berry suggesting for one moment that this was something to do with the current industrial dispute is simply wrong. It is very much an approach that this Government and the Liberal Party have taken for a very long period of time.

One of the most interesting things about this situation is that it seems that there is a clear convergence of views between Government policy and the CPSU. The CPSU has been trying for a quite long period of time now to put in place new arrangements for deductions of union fees from payroll or different ways for unionists to pay their union fees. I would also like to table a CPSU letter - it is a Northern Territory letter - which does exactly that; it suggests to its members that there is a need for them to go to direct deductions or to use other forms of payment of union fees such as EFTPOS. It is interesting that even in the ACT the CPSU has been trying to encourage members to move away from direct deduction - as I said, for a long time before this current dispute started. To suggest for one moment that this had anything to do with the current dispute is simply wrong.

We, as a government, are always willing to take what we believe is a prudent approach to industrial democracy, and I think that is a real hallmark of this Government. Our view is simple and is very clear. We believe that unionists should have a choice in this area; we believe that we should go to an opt-in approach rather than an opt-out approach. But in the interests of industrial democracy, in the interests of attempting to come to a solution to this whole industrial situation, we determined that we would withdraw this requirement. That was done. If members do not already have the memo that went out, I table the memo, for everybody's interest. Again, the Liberal Party believes strongly that union fees should be an opt-in approach rather than an opt-out approach. But to show our good faith in this whole dispute we initially withdrew the requirement for 12-monthly - - -

An incident having occurred in the gallery -

MR SPEAKER: Order!

MRS CARNELL: What we have said the whole way through is that we are looking for ways to solve this industrial situation. As a sign of good faith, we have this morning withdrawn our requirement for union members to opt into union deductions. I think that does show that the Government is willing to find and is really interested in finding a solution to this whole situation. There we are, Mr Speaker. I believe that it does show that there is really no benefit in going on with this debate this morning. Let us get on with other business. It really does show that we are interested in complying with the views of this Assembly and in coming up with a solution to this industrial mess.

MR SPEAKER: I would like to address some remarks to the gallery. You are most welcome to come in and listen to the debate that is taking place; but I ask you to listen in silence. It would be appreciated. This is your Assembly. We are your representatives. We cannot carry out our duties properly if we cannot be heard in this place. I do appeal to you. As you are probably aware, there are certain standing orders which can be used, but I am reluctant to use them because I do not wish to interrupt what I regard as an important debate in this place. I would ask you to listen and allow us to continue the debate. Mr Berry, do you want to move your amendment? It would open up the debate.

MR BERRY (11.36): I seek leave to move an amendment. It would then be available for people to consider.

MR SPEAKER: It would then open up the debate.

MR BERRY: It might make the debate a little more efficient.

MR SPEAKER: Yes, I agree.

Leave granted.

MR BERRY: I move:

Omit paragraphs (3) and (4), substitute the following new paragraphs:

- “(3) notes that the Government has withdrawn this threat in a CC Mail message received on 21 February at 10.56 a.m.; and
- (4) expresses the view that the Government’s action on payroll deduction is unacceptable particularly during the course of an industrial dispute.”.

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The words speak for themselves; but I would like to dwell on the first replacement paragraph, which notes the withdrawal of the threat in a cc:mail message received on 21 February at 10.56 am. I am told that that cc:mail message was sent at 10.46 am. I am told also that I rose to my feet in this place at 10.40 am.

Mrs Carnell: And I signed it off at 9.15 am.

MR BERRY: Mrs Carnell admits that she signed it at 9.15 am, with a view to playing smart alec games on this particular issue. If Mrs Carnell were serious about her so-called good faith, this should never have happened. This was a provocative move in the first place, aimed to elevate the dispute. It achieved its aim, but it is disgraceful incompetence in terms of the management of industrial disputation. It leads us nowhere but into further conflict.

So far as this debate is concerned, I would seek members' support for this amendment. I think it is a worthy amendment. It notes the funny business behind the Government's backdown. The fact is that the cc:mail message was sent after the member responsible for the motion was on his feet. The amendment also expresses the very firm view of this Assembly that this should never happen again. It is unacceptable. It does not do anything in terms of the settlement of industrial disputes; it elevates them. The Government ought to be ashamed of themselves. This amendment makes that clear.

MR MOORE (11.39): Mr Speaker, I think it is important to settle the history of how this motion came about. In fact, I was phoned by a member of a union - a leader of a union - who asked me what I thought about this payroll deduction of union dues business. I immediately responded that I thought it was appalling, entirely inappropriate and confrontationist. I then set about putting out a media release to say just that, saying that I would ensure that it went to the Assembly. I took time out to speak to Mr Osborne's office and the office of the Greens - although I did not speak to either member - who indicated that probably they would support it.

I showed the press release to Mr Berry later that day. He had gone past my office, and I said, "I want to catch up with you on something". He said that he was late for a meeting and that he had to keep going. I said, "I do not think it matters", knowing full well that the Labor Party would oppose this. I did not feel that was a problem. I showed Mr Berry the press release later that day. The following morning Mr Berry circulated the motion. It is not the normal process. Once a member is up and running something in here, we tend to allow them to put the motion and so on. However, the process is not particularly important. Mr Berry and I in fact discussed this. I said, "It is no big deal; put the motion".

The reason why I wanted to mention this is to demonstrate that I was certainly prepared to listen to the unions, as indeed I have been for seven years. It just emphasises to me the disappointment that I felt today when, after seven years of listening to them, I was denied the opportunity to have them listen to me.

Ms McRae: You interrupted.

MR MOORE: I have an interjection from Ms McRae, "You interrupted". There have been many times when I have interrupted meetings, when I have made special arrangements to meet with union leaders over the last seven years on very short notice; and I will continue to do so. I hope that, when I request the opportunity for them to listen to me, it will be granted. I will continue to do so, because I respect each union member and will continue to do so. I was a member of a union until the time I was elected, and I believe that that says a great deal about my position.

The debate today is particularly interesting, in light of Mr Berry's amendment. There will be some who would argue that there is no need to debate this issue - and we heard the Chief Minister argue that way - because, after all, the payroll deduction of union dues is now off the agenda. I had a fax to this effect this morning. The time on the fax is 9.42 am. Obviously, it took some time to get to cc:mail. But the point is that there are some who would say that the issue is now off the agenda. I do not believe that that is enough.

What we have is a situation where the Government took some quite inflammatory action. I responded immediately, and I will continue to respond and say to the Government that this is simply not good enough.

Ms Follett: You did not say that yesterday, though, did you? You would not censure them.

MR MOORE: Ms Follett interjects, "You did not say that yesterday. You would not censure them". A short while ago she went out and spoke to the unions, who listened to her, and she totally misrepresented the arguments that I had put yesterday. It is the depth that she is dropping to at the moment because she knows that her leadership is under challenge. It will be, because she is doing such a bloody hopeless job - a totally hopeless job.

MR SPEAKER: Order! Relevance, Mr Moore.

MR MOORE: The amendment that Mr Berry has put certainly makes it clear that the Government ought not participate in this sort of union bashing. It can be construed in no other way. It was an attack directed specifically at unions. I wondered whether it was even able to be carried out under our Discrimination Act, because I believe that discrimination on the grounds of employer or employee status is part of the Discrimination Act. I certainly perceived it as an act of discrimination. I think it was Ms Follett who circulated an opinion that her former colleague Terry Connolly had written that certainly there would be a fair case to answer. I think that is a fair interpretation of that opinion.

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What we had was a situation which was designed specifically to inflame an industrial conflict. As far as I am concerned, the actions that I have taken over the last few days have been specifically designed to do the opposite - to try to ensure that what is likely to become more inflamed because of the Federal election is a situation that should be less inflamed and that we should be able to get to a situation where the Government can sensibly negotiate with unions and provide a fair outcome for all unions.

I began negotiating as far as the teachers union was concerned, because that is the union I know and that is the area I know. I have some understanding of what is likely to be acceptable and what is not likely to be acceptable to teachers, although the reality is that the members themselves are going to have to either accept or reject that Government offer as a whole or in part and wear the consequences themselves. But I hope that it was a first step towards a good faith negotiation by the Government with the unions - not just that union, but all unions. That was what I wanted to say outside, but I was denied the opportunity. I felt very disappointed. The reality is that I will continue to take action which protects union rights, as I did as far as the payroll deductions of union dues goes. I will continue to do the same.

MS FOLLETT (Leader of the Opposition) (11.46): What we have heard in this debate is a totally fraudulent and very shallow defence from the Chief Minister.

An incident having occurred in the gallery -

MR SPEAKER: Order! If that happens again I shall suspend the Assembly again.

MS FOLLETT: As I say, it was an extremely fraudulent and shallow defence of actions that were designed to be provocative and confrontational, taken in the midst of an industrial dispute which this Chief Minister sought to worsen, not resolve; and there is no doubt about that. That is absolutely the fact of the matter.

An incident having occurred in the gallery -

MR SPEAKER: The sitting is suspended.

Sitting suspended from 11.48 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Public Service - Enterprise Bargaining

MS FOLLETT: Mr Speaker, I direct a question to the Chief Minister. Chief Minister, now that you have taken the first conciliatory step in three weeks and admitted your mistake on the payroll deduction of union dues, will you show good faith by dropping all other conditions on negotiations and get on with urgent talks with the unions - talks that are aimed at resolving, not exacerbating, the current industrial crisis?

MRS CARNELL: The position the Government has taken the whole way through this dispute has been a conciliatory approach. The Government has moved from an initial position in the budget of 1.3 per cent per year to an offer that is now on the table of 4.1 per cent over 18 months, and a total willingness to negotiate above that on the basis of enterprise-specific bargaining. We believe strongly that negotiations should go ahead, but they certainly cannot go ahead while there is a gun at the head of the Government, while the unions are not even willing to lift six of 106-plus bans. Goodwill has to be something that comes from both sides in any set of negotiations. If you have a situation where one side is not willing to do anything and the other side has moved on a number of occasions, you are not going to get anything really decent around a negotiating table. A negotiating table is where both sides are willing to give and come up with a position in the middle. At this stage, I have seen no willingness at all to give from the TLC. Mind you, there may be some other options.

Public Service - Enterprise Bargaining

MR MOORE: Mr Speaker, my question also has to do with the union disputes. I ask the Chief Minister: Now that you have made an offer in an attempt to negotiate with the Australian Education Union, will you demonstrate good faith in extending the same sort of negotiations to other unions as well?

MRS CARNELL: Thank you very much for that question. Yes is the simple answer. We believe strongly that negotiating with individual unions is something that we will do tomorrow. It is the TLC that has refused to lift the six bans that are in place. We are more than willing to, as we did last night, come up with offers to various unions. It is really interesting that Jeremy Pyner and the TLC seem to be preventing us from talking particularly to lower paid workers in the ACT Government. A 9 per cent fully budget funded increase certainly has huge benefits to those on higher incomes, but it really does not address a lot of the problems of people on lower incomes. There are a number of options, such as potentially a flat rate offer to people on lower incomes, and we will be very willing to have those sorts of discussions.

It is interesting that a number of unions have already approached the Government with the view that they may like to have discussions with us individually, which is certainly a very positive outcome. We are very willing to have discussions with individual unions. We are very willing to come up with pay offers that suit the membership of those particular unions. In other words, as I said, for lower paid workers maybe we should be looking at flat rate increases. Maybe that suits lower paid workers better than a percentage, particularly a fully budget funded 9 per cent that would cost the people of Canberra \$27m a year. That sort of approach is simply unacceptable.

What we showed last night by the 7 per cent offer to teachers was that you can come up with offers of quite definite increases to people out there who are working for the ACT Government by looking at productivity increases that do not affect services.

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We will be very happy, Mr Moore, to have the same sort of discussions as we had last night to come up with offers that are specific to individual unions.

Mr Berry: Even if they do not lift the bans? So the bans do not matter now?

MRS CARNELL: Yes, they do.

Public Service - Enterprise Bargaining

MR KAINE: I have a question for the Chief Minister. I noted in this morning's press that a revised enterprise bargaining offer had been put to Canberra's teachers, and the Chief Minister referred to that in her answer to the last question. Can the Chief Minister inform the Assembly how this revised offer came about - it seems a big step from yesterday - and also provide the details of the offer that has now been made?

MRS CARNELL: Thank you very much, Mr Kaine. Members will be aware that, during that incredibly time-wasting and, I think, abortive debate on a censure motion yesterday, I made the point that the Government was willing to negotiate with any union looking for agency-specific enterprise agreements. Members will also recall that during that debate Mr Moore challenged me to make good on that offer and meet with him to discuss a way forward with regard to teachers. Fairly obviously, from press reports this morning and other things, that meeting took place last night. It involved me, Mr Moore, Mr Stefaniak and senior officials.

At that meeting it was resolved that a revised offer would be put to Canberra's teachers. The offer is for a 3.2 per cent pay increase based on productivity improvements within the Education Department, plus the 4.3 per cent already offered to government employees. The reason we went to 4.3 per cent rather than 4.1 per cent was that at this stage teaching bans have not actually cost the taxpayer directly in dollar terms. That makes a total of 7.5 per cent, or roughly \$60 a week, for Canberra teachers. The productivity measures on which the 3.2 per cent component is based include undertaking professional development activities during the paid stand-down time, discontinuing pupil-free days - - -

Mr Berry: You still have to pay them.

MRS CARNELL: Adjusting pay rates for casual relief teachers, and requiring teachers - - -

Mr Berry: What a joke!

Mr Kaine: It is feeding time at the zoo again, Mr Speaker.

MRS CARNELL: Requiring teachers to supervise student teachers as part of their duties.

Mr Berry: We are safe. It is only the gallery that gets the house closed now.

MR SPEAKER: Order! That may not always be the case.

MRS CARNELL: Mr Speaker, this offer was made in very good faith and I hope that it will be considered by all the teachers and, of course, by the teachers union. It is an example of what can be achieved on an agency-specific basis, which was the Government's original approach to enterprise bargaining. By contrast, the approach demanded by the Trades and Labour Council involving government-wide negotiations has only led up blind alleys. I think you only had to look outside this building this morning to see what happens when you go down that path.

I would like to acknowledge the role played by Mr Moore in acting as a circuit-breaker with regard to this revised offer to teachers. I note that Mr Moore has been vilified this morning by many senior union officials. It is worth noting that these are the same union officials who publicly claim that they want to negotiate, yet when somebody puts forward a proposal that could lead to progress they are condemned. It is yet again proof that there is very little willingness on behalf of the Trades and Labour Council to enter into good faith negotiations. They are unable to deliver just six of the over 100 bans that are in place for talks to be able to go ahead on Monday.

Having reached a deadlock with the TLC, the Government will be pursuing negotiations with individual unions. With regard to the teachers, the offer put last night is a significant offer. It is worth \$60 a week on average and involves no increases in class sizes and no reduction in teacher numbers. I would urge the Australian Education Union to consider what is best for their members, the teachers, rather than being dictated to by the Trades and Labour Council. I was fascinated this morning to hear Mr Pyner knock back this offer on behalf of the teachers. The reality is that an offer of \$60 a week is a major offer. Mr Haggar has said quite definitely in a note to all teachers today that it is a significant offer, that it is worth considering, and that the decision will be made by teachers, and that is exactly what should happen - unlike what Jeremy Pyner tried to do this morning, knocking it back on behalf of other people.

The problem we have had all the way through this dispute is the domination of the TLC, it being unwilling to allow the people down on the ground, the people who will be affected by this, to make decisions about their own workplace. That is what we are after here.

Mr Berry: This is the good old Liberal rhetoric. This is the old H.R. Nicholls Society.

Mr De Domenico: It is called commonsense.

MRS CARNELL: It is called looking after workers and letting them have a say in their workplace.

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Minister for Urban Services - Legal Fees

MR SPEAKER: Have you any further questions about bans, Mr Berry?

MR BERRY: There is no room for unions in this equation. The good old H.R. Nicholls Society!

MR SPEAKER: You have been interjecting about them all the time. I thought you might be interested.

MR BERRY: Mr Speaker, I feel pretty sure that the house will not be closed down because of it, but if I were in the gallery it might be different.

MR SPEAKER: We will see.

Mr Moore: No; it is easy. We just send Mr Berry out.

MR BERRY: Pardon?

Mr Moore: It is easier than closing the house down. We just send you out.

MR SPEAKER: Ask your question, Mr Berry.

MR BERRY: I will come back to that later. My question is to Mrs Carnell in her capacity as Chief Minister. I refer the Chief Minister to the *Canberra Times* of 30 December last year, where it was reported:

Mrs Carnell told the *Canberra Times* last night that the taxpayers of Canberra would not have to pick up the tab for the legal fees.

That was referring to Mr De Domenico's legal fees. The article continued:

“I have made it clear the whole way through this case that Tony De Domenico's decision to be legally represented in the way that he has was his decision”, Mrs Carnell said.

Will you now confirm, Mrs Carnell, that this is the Government's position on the question of the payment of Mr De Domenico's legal fees and that “not one cent of taxpayers' money will go to pay those fees”.

MRS CARNELL: I made exactly that comment - that it was my position that legal fees should not be paid for - - -

Mr Berry: Mr Speaker, on a point of order: I am not interested in Mrs Carnell's personal position. I want to know what the Government's position is.

MR SPEAKER: I think the Chief Minister heard the question.

MRS CARNELL: The Government's position is the same as the Assembly's position, as it hopefully will always be when a decision is made on the floor of this house, and that is that this issue will go to the Legal Affairs Committee. It is my position quite strongly, as I said in the house yesterday and as I have said on the media today, that legal fees for Human Rights Commission-type proceedings should not be paid by government. As in all circumstances, when this Assembly makes a decision, if it makes a decision down a different course, then I will go along with that. My position is quite strong.

MR BERRY: I have a supplementary question. It is true, then, Mrs Carnell, that great pressure has been brought to bear on you to ensure that you change your mind and you get a decision which ensures that Mr De Domenico's fees are paid? It is also true, then, that you are trying to weasel word your way out of your decision when you said that the Government will not pay, the taxpayer will not pay.

Mr De Domenico: What about your fees? Are you going to give them back?

MR BERRY: The difference is, Mr De Domenico, that we never said that; you said it.

MRS CARNELL: I am interested that Mr Berry is quite willing to go against a decision that was made yesterday on the floor of this house. We will not be doing that. I have made it quite clear - - -

Mr Berry: What about relevance, Mr Speaker? The question was about Mrs Carnell's weasel words and the way she is trying to weasel her way out of her decision that the taxpayer would not pay.

MRS CARNELL: I have made it extremely clear what my position on this is. Other members of this Assembly have suggested that that approach may not have been appropriate. Taking that into account, I am more than willing, as was this Assembly as a whole, to refer this issue to an Assembly committee. On that Assembly committee we have a member of the Opposition, Ms Follett, as it turns out now; we have a member of the crossbenches, Mr Osborne; and we have a member of the Government, Trevor Kaine. That would seem to me to be a very fair, equitable sort of approach. Whatever that committee recommends I will go along with - it is that simple - as would be the case in most other circumstances along these lines.

Small Business - Retail Space

MS HORODNY: My question is to the Minister for the Environment, Land and Planning, Mr Humphries. Yesterday, Minister, in your reply to my question on the sale of the Conder shops, you stated that you had done everything you could within the available gears and levers to ensure the best outcome for Tuggeranong. It appears that land will soon be made available by auction in Manuka for an expansion of retail space there. As the Minister no doubt knows, Woolworths is very interested in that site as well and, as the Minister should be aware, three-quarters of the retail trade in the ACT is conducted by Coles, Woolworths and Franklins. When will the Government finish its many studies

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of the problems faced by small retailers in the ACT and actually move to make the gears and levers fairer? What will the Government do in the meantime to ensure that any expansion of retail space in Manuka and Tuggeranong does not cause further and possibly irreparable damage to small retailers?

MR HUMPHRIES: Mr Speaker, I thank Ms Horodny for the question. It is actually a good question. There is a very real question about the impact on shops in South Canberra as a result of the proposals to expand retailing at Manuka. As Ms Horodny would know, the Government did announce early last year that it was going to proceed to call for expressions of interest for section 41 at Manuka. It subsequently withdrew that process for a number of reasons, primarily the Government's intent that there should be a retailing strategy in place in the Territory before such time as we proceed to release that land.

That strategy may have a number of elements. We will include in that strategy information about trading hours in the Territory, about the social impact of small shops particularly on the communities of this Territory, information of a technical nature from bodies such as the Ibecon report, and other information coming to hand to the Government to allow us, for the first time in this Territory's history, to start to plan a strategy that will make viable those small businesses that have been so badly battered about in recent days. Most of us would live in or near a suburb that has had a shop or shops close recently, and this Government is not intent on letting that continue if it can design a better way of managing the process of change in the community to allow people access, where possible, to local retailing facilities, particularly for those basic things that people who might not be particularly mobile, who might have no access to ready transport, would need - basic foodstuffs and so on.

The decision about section 41 at Manuka is not imminent. It will await the development of that strategy. The pieces I spoke of are now falling into place. I hope to be releasing in the next couple of days the social impact study of retailing and smaller shops in the Territory, and I hope that well before the middle of this year there will be that strategy in place, and decisions on major expansion of centres like Manuka and town centres will then be able to flow based on that strategy.

MS HORODNY: I ask a supplementary question. When will all these retail studies be available and how will they be pulled together? What are you going to do to ensure that small businesses are protected in the meantime, while these studies are being conducted?

MR HUMPHRIES: When will they be available? I think the answer is that it should be in the next two or three months. I have asked, for example, for further work on some areas of these proposals for expansion of various areas. I want to make sure that the information is comprehensive and complete before I, as Minister for Planning, agree to any changes. What will we do in the meantime? The simple answer is that we will not allow significant expansion of any of these town centres or group centres to occur until that takes place. That is a very simple response to that. I forget the third component of that question, but I think I have probably covered it in answering the first two.

Compulsory Third-Party Insurance

MR HIRD: My question is to Mr De Domenico in his capacity as Minister for Urban Services, and it was triggered by a radio report earlier this day. Could the Minister inform the parliament as to the future of the Territory's compulsory third-party insurance scheme?

MR DE DOMENICO: I thank Mr Hird for his question. In June last year, the Government announced the establishment of a working party as a first step towards introducing real competition into ACT compulsory third-party insurance. This was in response to a review of community ideas on compulsory third-party insurance carried out in 1993-94 by my predecessors, Mr Connolly and Mr Lamont, where it was found that there was a need for competition. As I said, that was done as early as 1993-94. The committee report into third-party insurance in the ACT, which I have released today, recommends the introduction of competition into third-party insurance. It is as simple as that.

The steering committee on a review into motor vehicle third-party insurance in the ACT has found that there is great need to attract competition into third-party insurance in order to provide more options than the current single insurer, which is the NRMA. This Government will consider amending legislation to encourage a competitive market. It is important to note that the basis of the scheme will remain unchanged. For example, third parties will continue to be compensated for the negligence of another person. Under the revised scheme, motorists will be required to have a green slip in order to choose their insurer. There will be some variation allowed in an insurer's premiums - - -

Mr Whitecross: I raise a point of order, Mr Speaker. I fail to see how this is not an announcement of Government policy. He is announcing green slips and all sorts of other things. That is not the role of question time.

MR DE DOMENICO: It has been announced before.

Mr Whitecross: When?

MR DE DOMENICO: When you were away on holidays, probably.

Mr Humphries: On the point of order: The standing orders say that Ministers shall not be asked to announce Government policy. The question did not ask that. The question asked what is the view of the Government about it and what is the future of third-party insurance. That is not a request to announce Government policy.

Mr Whitecross: Mr Speaker, on the point of order: I do not think Mr Humphries can avoid the import of the point of order by paraphrasing the words "Will you announce Government policy?" as "What is the Government's view on this subject?", which is the subject of Government policy. He is announcing Government policy.

MR SPEAKER: It is a very long bow. Mr De Domenico has already indicated that the matter has been promulgated and that he is clarifying it for Mr Hird. I do not uphold the point of order, Mr Whitecross. Continue, Mr De Domenico.

MR DE DOMENICO: I will say it once again, so that the community might be aware of the wonderful benefits of the Government's decision to take on board something that has been around since 1993-94 and which this mob opposite were too frightened of. They were frightened because of the word "competition". This report recommended competition, and we know that that is anathema to the people opposite, which is why they sat on their hands and did nothing.

Under the revised scheme, motorists will be required to have a green slip in order to choose their insurer - once again, choice. There will be some variation allowed in an insurer's premium of plus or minus 10 per cent to allow groups with a better claims history to be rewarded. Once again, it is a basic scheme, a basic system, that the people opposite were against. I expect that competition will be in place by 1 January next year. In the meantime, the Department of Urban Services will be seeking input from affected organisations - that is, community consultation, which the people opposite talked about often but never did themselves - in the development of some of the finer details of the implementation. This will include organisations such as the ACT Law Society and the Insurance Council of Australia.

The Government will be amending legislation to encourage a competitive market, and I hope to see other insurers writing third-party insurance as soon as possible after the middle of the year. While we will continue to review the scheme, at this stage the Government has rejected the more severe restrictions on access benefits that apply in New South Wales. The aim is to ensure that the CTP insurance scheme operating in the ACT is fair and effective and provides speedy compensation at an affordable price.

Canberra Region Campaign

MS McRAE: Mr Speaker, my question is to Mr De Domenico in his capacity as Minister for Business, Employment and Tourism. Mr De Domenico, my question relates to the responsibility of company directors for debts. I refer specifically to what has happened to the debts of the Canberra Region Campaign, especially those to local firms? What is your policy in regard to the directors of organisations such as this? Are they responsible for the debts of the organisation in the same way as company directors in circumstances where directors' actions or inactions have caused the financial difficulty?

MR DE DOMENICO: I thank Ms McRae for the question. The Government has been in constant discussion with the appointed liquidators, Ferrier Hodgson, who have coordinated the sale of the Canberra Region Campaign assets. I can announce that the Confederation of Australian Industry, Confact, have emerged as the industry association who will take over the Canberra region logo and continue some of the activities of the campaign. The Government fully endorses Confact's commitment to developing the region. I know that they are presently determining the details of future activities, and I wish them well in their endeavours.

In direct answer to Ms McRae's question, this Government said from the outset that we are not in the business of bailing out failed private companies. I suggest to Ms McRae that whatever needs to happen to those directors under the law, both Federal and ACT law, will happen.

MS McRAE: My question related specifically to the responsibility of the directors of the company, and you did not answer that at all. Would you please provide for this Assembly, before it rises today, the details of the directors of the Canberra Region Campaign and the periods for which they held office?

MR DE DOMENICO: In answer to Ms McRae's question, those directors, because they are directors of a private company, will be treated under the Federal Companies Act and any other Federal and State pieces of legislation that they must adhere to. In terms of supplying Ms McRae with the names of the directors and the period for which they were directors, I will make sure that that happens by the close of business today.

250 Club Ltd - Donations to Liberal Party

MR WOOD: My question is to Mr Humphries in his capacity as Attorney-General with responsibility for electoral matters. I refer to the annual return of the ACT Liberal Party on income receipt. This shows that an organisation shown as the 250 Club Ltd provided the ACT Liberal Party with almost \$100,000 in the 1994-95 financial year. The third party return by the 250 Club Ltd shows that they gave a total of \$183,436 in assistance, some of which was paid to printers and research companies. Mr Speaker, I ask for leave to table the relevant pages, for the information of members.

Leave granted.

MR WOOD: Mr Humphries, since the purpose of our electoral disclosure laws is to ensure that the public are informed of those making contributions to political parties, will you, as Minister responsible for the Electoral Act, amend that Act to require the disclosure of the names and addresses of the members of the 250 Club Ltd who actually contributed the money? To emphasise the point, will you change the mechanism which allows the actual contributors to be hidden?

MR HUMPHRIES: Mr Speaker, they are really grasping for a good question today. I am no more willing to make available details of members of the 250 Club than presumably they are - - -

Mr Berry: No, no; will you change the law?

MR HUMPHRIES: I have said no. I am no more willing to make available details of members of the 250 Club than you are to make available details of members of trade unions who give money, often involuntarily, I might point out, to assist - - -

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Ms McRae: They are already on the public record.

MR HUMPHRIES: Members of trade unions?

Ms McRae: Yes.

MR HUMPHRIES: Are they really?

Mr Berry: Name and address.

Ms McRae: Yes.

MR HUMPHRIES: All of the members of the trade unions?

Ms McRae: Yes.

Mr Berry: On the public record. You can go down and get it yourself.

MR HUMPHRIES: So I can research who are members of the Australian Workers Union, can I?

Ms McRae: Yes.

MR HUMPHRIES: No, I do not think so. Mr Speaker, these people opposite have no sense of shame. They are prepared to have an arrangement that exposes people who might be donating to the Liberal Party but are not prepared to do the same thing as far as donors to the Labor Party are concerned. The hypocrisy is just breathtaking. The electoral laws of this Territory, although they are my responsibility at present, were not introduced by me; they were introduced by one R. Follett, who is sitting over there. The rules that are laid down in those laws are contained in the view of the Labor Party in enacting those laws. If she did not think that was a good idea at the time she should get up here and say, "I have made a mistake".

Ms Follett: We did not think you were going to cheat.

MR HUMPHRIES: If you want to change the law, by all means bring forward legislation. You are entitled to do that. I have no doubt that you will want to do that if you have that opportunity. I point out, Mr Speaker, that there are already a number of proposals in the pipeline to change electoral disclosure laws in accordance with the representations made to me by all the major parties in the ACT - the Labor Party, the Liberal Party, and, I think, the Greens as well - that our laws in the Territory should conform with disclosure and funding laws enacted at the Commonwealth level.

You people cannot have it both ways. You cannot ask me to have a special rule in the ACT if it is not the same as the laws you have now requested me to impose in respect of bringing our laws closer to those of the Commonwealth. What do you want? Make up your mind. Do you want laws that echo the Commonwealth's laws or do you want your own special variation? Just make up your mind. One or the other will do.

Mr Moore: The more open the better. We want to know who donates.

MR HUMPHRIES: That is right. Mr Speaker, I had the secretary of the Australian Labor Party in the ACT in my office with the then president of the Liberal Party, saying to me, "For goodness sake, let us do something about this ridiculous state of affairs with disclosure laws. We have a separate return to give to the ACT in respect of ACT electoral laws, and another return to give at much the same time, with entirely different rules for disclosure, in respect of the Commonwealth Electoral Act". They say, "Can you please do something about it? We want to have the same disclosure arrangements as per the Commonwealth Electoral Act". Tell me, does the Commonwealth Electoral Act have the sort of disclosure you are now asking for? No, it does not, Ms Follett.

Ms Follett: It does not mean that it will not, though. Neither does the ACT.

Ms McRae: You are the Attorney-General. You are the one responsible.

MR HUMPHRIES: Mr Speaker, these people opposite are a joke. They are an absolute pack of hypocrites. They are a joke. They say one thing in private and they say another thing in public. No wonder they have no credibility left.

MR WOOD: I have a supplementary question, Mr Speaker. Mr Humphries made my point for me when he said, "Do the trade unions, through the Labor Club, for example, have to show these records?". They do, Mr Speaker. What I am asking is whether your backers will give the same disclosure that the Labor Party backers have to give? Will you do the same as our backers, or some of them, already do?

MR HUMPHRIES: Mr Speaker, I will provide the disclosure requirements that are (a) in the present electoral legislation and (b) what has been urged upon me in private by the Australian Labor Party.

Ms McRae: That is not true. They are not good enough.

MR HUMPHRIES: What do you want? Your public face or your private face?

ACTION Services

MR WHITECROSS: Mr Speaker, my question without notice is to Mr De Domenico in his capacity as Minister for Urban Services. Mr De Domenico, on 2 May 1995 Mrs Carnell said in this Assembly, when talking about the future of ACTION buses:

We can give this guarantee: There will be no reduction in the level of services to Canberra's commuters.

Minister, how do you reconcile that statement by your Chief Minister with the proposed ACTION timetable for 1996, where it is patently obvious that services have been cut? Will you concede that Mrs Carnell has not kept her promise?

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MR DE DOMENICO: Mr Speaker, I will answer the second question first. Of course Mrs Carnell has kept her promise. Unlike members opposite, Mr Speaker, what this Government promises, even though we have been in government for only about 12 months, we deliver, and we deliver at about four times the rate of the mob on the other side. Mr Whitecross, as is the usual bent of members of the Opposition, sees one side of the story and not the other. It is true that, whilst some services in some areas will be different from what they are now and some areas will even have fewer services, Mr Whitecross, areas like Gungahlin will have more. What happens, Mr Whitecross, is that we provide extra services when we have people who want to use them. There is no use in providing buses with no-one on them. When we have the automatic ticketing system, Mr Whitecross, you would also realise that we have had to rationalise some services. For example, there is one bus service at 6.39 in the morning from North Canberra that over about a two-week period had no-one on it. Is it not commonsense, Mr Whitecross, to get rid of that service because no-one wants to use it and provide a service in an area that does not have one? The answer to that, Mr Speaker, is that of course it is.

This Government, Mr Whitecross, will continue to do the right thing by the commuters of the ACT, unlike some of the ACTION bus drivers who park them in the middle of the street. We do not want that. It is very hard to get onto a bus if it is not running. We will make sure that we make them run, and we will make them run at the times that people want them to run and go to the places that people want them to go to.

MR WHITECROSS: Mr Speaker, I am sure the residents of Tuggeranong will be relieved that their services have not been reduced.

Ms Follett: They have just gone to Gungahlin.

MR WHITECROSS: They just have to move to Gungahlin to catch the bus now. Mr Speaker, my supplementary question is this: Following on from the Minister's bold boast about magnetic ticketing, will the Minister table in the Assembly the information gathered from the magnetic ticketing system on the usage of ACTION bus services that led to the new timetable?

Mrs Carnell: No; because they are not bloody-well taking the tickets.

MR SPEAKER: Order!

MR DE DOMENICO: Can I answer the question, Mr Speaker?

Mr Berry: Mr Speaker, Mrs Carnell just said, "No, they are not because they are not bloody-well taking the tickets".

MR SPEAKER: Do you withdraw, Mrs Carnell?

Mrs Carnell: I withdraw.

Mr Berry: I thought that ought to be withdrawn.

MR SPEAKER: Yes, it has been withdrawn.

MR DE DOMENICO: Whilst Mrs Carnell has quite sensibly answered the question, Mr Speaker, if Mr Whitecross can assure me that the bus drivers take fares and use the magnetic ticketing system, I will make sure that I give him the detailed information that that magnetic ticketing system provides.

Mr Whitecross: I raise a point of order, Mr Speaker. That is an outrageous answer. I am a member of this Assembly, Mr Speaker, and I have a right to ask a question. I am not negotiating for Mr De Domenico with the unions. If he cannot get his Chief Minister to negotiate with the unions, I am not going to do it for him. I asked him a question. I asked him for information and you should tell him to answer the question.

Mr Humphries: I take a point of order, Mr Speaker. If Mr Whitecross wants to blow a gasket on the floor of the Assembly, he is quite entitled to; but it is not a point of order and he should not be making it.

MR DE DOMENICO: He is after the leadership. He has to have personality for that. Someone injected him with personality at lunchtime.

MR SPEAKER: Order! Settle down.

Mr Berry: Mr Speaker, personal shots at Mr Whitecross by Mr Humphries are not very helpful in this debate. A question has been asked and the Deputy Chief Minister over there has refused to supply information to this Assembly.

Mrs Carnell: It does not exist, because the magnetic tickets are not being used.

Mr Whitecross: He just said that it did exist.

Mr Berry: He has already said that it does exist and he will not provide it. The question has been asked; he ought to agree to answer it. If he does not have the information on him he should agree to provide it as quickly as possible.

MR SPEAKER: Mr De Domenico, in the event that the industrial dispute is ultimately settled, would that information be available to Mr Whitecross?

Mr Whitecross: This has nothing to do with the industrial dispute.

Mr Berry: Mr Speaker, may I - - -

MR SPEAKER: Just a moment. I am trying to get to the bottom of this question.

Ms Follett: We are trying to speak to the point of order, Mr Speaker.

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Mr Berry: Mr Speaker, you might advise Mr De Domenico to provide us with the information that was collected before the industrial dispute. That will do.

MR DE DOMENICO: He has already had a question, Mr Speaker. How many questions does he get? Is that a point of order, or what?

Ms Follett: Mr Speaker, on the point of order: Mr De Domenico said in the main part of his answer to Mr Whitecross's question that the bus services had been reduced in one area because of reduced patronage in order to provide them in another area. When Mr Whitecross said, "May we see the evidence of that reduced patronage?", we just got a mouthful of rubbish from this man.

Mrs Carnell: That is not a point of order.

Ms Follett: I am debating Mr Humphries's point of order. As a member of this Assembly, Mr Whitecross has every reason to ask for and be given the information on which Mr De Domenico said he had based his decision.

Mr Humphries: Mr Speaker, on the point of order: If Ms Follett has access to a standing order which will support her view that a particular question should be answered in a particular way, she should point to that standing order. As the person who led for four years a government that never answered a question, particularly to its former deputy leader, I think it is a considerable insult to this place to now demand that a certain answer be given in a certain way.

MR DE DOMENICO: Mr Speaker, may I pour some oil over these troubled waters with, once again, a commonsense answer? If Mr Whitecross - - -

Ms Follett: Once again?

MR SPEAKER: Order!

MR DE DOMENICO: If Mr Whitecross cares to explain to me exactly what he wants, I will make sure, as always, that I give him a full and proper briefing to his heart's content.

Mr Berry: No; I want the answer.

MR SPEAKER: I think the undertaking - - -

Ms Follett: Can he repeat the supplementary question?

MR SPEAKER: Would you like to clarify your question, Mr Whitecross?

MR WHITECROSS: Mr Speaker, to clarify it for the Deputy Chief Minister, my question was: Will the Minister table in this Assembly the information gathered from the magnetic ticketing machines on ACTION buses in relation to individual services, on which he based his decision in relation to the new timetable?

MR DE DOMENICO: Mr Speaker, once the information is available, once the unions start making use of the ticketing system, I will make sure that that information is provided to Mr Whitecross.

Mr Berry: Mr Speaker, there seems to be an area of confusion here that the Liberals do not seem to be able to get around. Mr De Domenico has made the decision. He made the decision on the basis of information collected. What we want is a copy of the information upon which he made the decision.

Mr Humphries: Mr Speaker, on the point of order: Mr Berry is trying to ask the same question in a fifth different way, or ask a fifth supplementary question.

Ms Follett: No, it is the same question.

Mr Humphries: It is not. With respect, the question has been answered. If you do not like the answer, that is your problem. They have no right to continue asking this question. Ms Tucker wishes to ask a question and she should have the opportunity.

MR SPEAKER: Under the guise of points of order. I call Ms Tucker.

Transport Reform Advisory Committee

MS TUCKER: My question is also to the Minister for Urban Services, Mr De Domenico, and it is in relation to the Transport Reform Advisory Committee. Last year it was recommended in the Estimates Committee report that representatives with expertise in health and the environment should be added to this group. Can you inform the Assembly whether this has happened, and when we are likely to see some recommendations or a report from this group?

MR DE DOMENICO: I thank Ms Tucker for the question. I will provide Ms Tucker with the names of the people on the Transport Reform Advisory Committee. As soon as that group makes recommendations I will make sure that she has access to their recommendations as well.

Ms Tucker: Could you actually answer the question? Do you have an idea of a timeframe? Was there specifically a person representing the environment and health interests on the group? If you cannot answer that question I have a supplementary question.

MR DE DOMENICO: I can answer that question. There are people on the group like June Healy, who represents the elderly community of the ACT. There are other people with expertise in public transport, including environmental public transport, from interstate as well on that group, Ms Tucker. As I said, we believe that there will be some recommendations flowing through as that group meets from time to time. No specific recommendation has been made by that group to the Government as yet.

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They are looking at the overall transport strategy for the ACT, including light rail and very fast trains between Canberra and Sydney - that has to occur as well - and public transport for the future development of other areas of the ACT as well. Once that group makes any recommendations whatsoever I will make sure that they are before you as well.

MS TUCKER: I have a supplementary question, Mr Speaker. If that is the case, you do not have an obvious strategy for when they will make reports or recommendations, but you are already making quite significant decisions in relation to transport issues, including Gungahlin, such as putting aside money in capital works for the widening of Mouat Street. Why do you feel that you can make these sorts of significant decisions before you have had any input from that group? What is the function of that group if you continue to make these sorts of significant decisions without the benefit of their input?

MR DE DOMENICO: I suggest to you, Ms Tucker, that this group will also take on board any recommendations and any input made by the people in the Mouat Street area of Lyneham that you refer to, as they will take into account any other inputs made by any of the other groups. There is one in Civic. Others are going to be set up in Manuka and other places in the ACT. They are part of the overall metropolitan strategy and, as you are aware, will be making some recommendations by September this year. All those views will be taken into account.

Mrs Carnell: I ask that all further questions be placed on the notice paper.

PERSONAL EXPLANATIONS AND MISREPRESENTATIONS

Statement by Speaker

MR SPEAKER: Members, I wish to address the Assembly on a matter that I undertook to consider during consideration of the detail stage of the Public Sector Management (Amendment) Bill on 12 December 1995. At the conclusion of the consideration of clause 4 of the Bill Ms Follett sought to address the Assembly concerning comments made earlier by the Chief Minister. She initially sought to do so pursuant to standing order 46, and later pursuant to standing order 47. Points of order were raised concerning the applicability of standing orders 46 and 47 to the course proposed.

Standing orders give members a number of opportunities to speak in the Assembly. Two provisions are that members can explain matters of a personal nature, having first obtained leave from the Chair, and can speak again in a debate where a material part of the member's speech has been misquoted or misunderstood.

Personal explanations are made pursuant to standing order 46. Provided no other member is addressing the Assembly, the member wishing to make a personal explanation obtains the leave of the Chair, not the Assembly, to explain a matter of a personal nature. The member must not debate the matter and there need not be a question before the Assembly. At pages 470 and 471, *House of Representatives Practice* sets out the practice relating to personal explanations in that house.

During debate a member who has already spoken to the question before the Assembly may again be heard to explain a material part of his or her speech that has been misquoted or misunderstood. Standing order 47 provides also that the member must not introduce any new matter, or interrupt a member speaking, and no debatable matter may be brought forward, nor may any debate arise out of such a matter. That is a right members have to correct misquotations, misunderstandings and misrepresentations. It may be used only where a member has spoken in the debate and must be used during that debate and prior to the conclusion of the debate.

On 12 December the Assembly was debating clause 4 of the Public Sector Management (Amendment) Bill. Ms Follett sought to make a statement under standing order 46. I allowed her to proceed. Points of order having been raised, Ms Follett then sought to address the Assembly under standing order 47 if that were more appropriate. I refer members to Ms Follett's comments at page 2850 of *Hansard*, her earlier comments on part-time employment at page 2845, and the Chief Minister's response at 2848. Ms Follett concluded her initial remarks made under standing order 46 by offering the Chief Minister the chance to apologise to the Assembly for having given misleading information. Points of order were then raised concerning the applicability of standing order 46 and, when Ms Follett offered to make the statement under standing order 47, whether standing order 47 was available to Ms Follett.

I undertook to examine *Hansard* in order to resolve the matter. Having examined *Hansard* and the provisions of the standing orders and practice elsewhere, I have concluded that the substance of the matter raised by Ms Follett did fall within the provisions of standing order 47 in that, in moving her second amendment to clause 4, Ms Follett addressed the matter of part-time employment - that is at page 2845 - and the Government's removal of the provision, and that Mrs Carnell later responded to the matter on page 2848. Ms Follett had the right to be heard again pursuant to the provisions of standing order 47, not standing order 46. She could explain where her earlier speech had been misquoted or misunderstood. In doing so, though, she could not bring forward debatable matter, nor could debate arise out of the explanation.

In view of the confusion, I remind members of the provisions of standing orders 46 and 47. Standing order 46 is restricted to matters of a personal nature, leave of the Chair is required, and matters may not be debated. Members may utilise standing order 47 during debate on an issue and, as I mentioned earlier, must utilise it prior to the conclusion of the debate. They may explain where a material part of their speech has been misquoted or misunderstood. Under the provisions of standing order 47 there are restrictions, however, in that members cannot introduce new or debatable matter or interrupt a member speaking, nor may debate arise upon such explanation. I trust that that clarifies the matter.

ANSWERS TO QUESTIONS ON NOTICE

MS McRAE: Mr Speaker, I refer to standing order 118A. I again ask Mr Stefaniak the reason why question No. 136 still has not been responded to. An explanation was given yesterday. I was led to believe that I would get the answer yesterday and it is still not with us.

MR STEFANIAK: I certainly did not indicate that I would give you an answer yesterday. I think my colleague Mr De Domenico said that in relation to another question. I indicated that I would endeavour to get you an answer by the end of these sittings, which is next week, Ms McRae. It is a very detailed answer. I have indicated that there is a problem in the department which I will endeavour to see does not happen again.

Mr Humphries: Work bans.

MR STEFANIAK: It could be something to do with work bans. I am endeavouring to see what went wrong there, but it is a detailed question which I will get an answer to.

Ms Follett: You have had over a month to do it - two months.

MR STEFANIAK: Yes, I know, Ms Follett. We have had over a month. I might mention that in the six months that I was in the last Assembly I think I had about four questions on notice, three of which took about three months to answer. This is a pretty - - -

Ms McRae: That is why we changed the standing orders, Mr Stefaniak.

MR STEFANIAK: No. It is a bit longer than that, Ms McRae. When I sought answers as to why they had not been answered I got some fairly rude replies. In this one instance, Ms McRae, something has gone wrong in the department. It could well have something to do with these union bans. In answer to your very lengthy request, I have indicated that I will endeavour to have that answer to you by close of business of these sittings, which will be next Thursday.

REMUNERATION TRIBUNAL Paper

MRS CARNELL (Chief Minister): Mr Speaker, in question time yesterday, in response to a question without notice from the Leader of the Opposition, I undertook to table the interim determination in relation to the remuneration of chief executives and executives. Provision for such determination was provided for under section 14 of the ACT Remuneration Tribunal Act, which commenced on 21 December 1995. In tabling this determination in the Assembly, I would like to take the opportunity to clarify the provisions of the Remuneration Tribunal Act. The Act does not require the tabling of

interim determinations, although determinations made by the Remuneration Tribunal must be tabled. As indicated yesterday, I am prepared to table this interim determination to avoid speculation about chief executive or executive salaries. The interim determination will only remain in place pending further consideration by the new ACT Remuneration Tribunal. I table the determination. I inform members that the Remuneration Tribunal membership has been announced.

LEASEHOLD ADMINISTRATION

MRS CARNELL (Chief Minister): Mr Speaker, on 28 December 1995 I wrote to Mr Wood, providing him with further information relating to an answer concerning question on notice No. 97. The question sought information on the cost of the Stein inquiry. I seek leave to incorporate the letter in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

A.C.T.I.O.N. RECORDS

MR WHITECROSS (3.22): Mr Speaker, I seek leave to move a motion that is being circulated in my name relating to information to be tabled by the Minister for Urban Services.

Leave granted.

MR WHITECROSS: Mr Speaker, I move:

That this Assembly directs the Minister for Urban Services to table in the Assembly by the close of business today the records of usage of individual ACTION bus services which were collected using the new magnetic ticketing machines.

The motion requires the Minister to do what I asked him to do in question time and what he steadfastly refused to do, choosing instead to make amusing political points about the transport workers having bans on ACTION buses, including bans on the collection of fares. The Government can do things the easy way or they can do things the hard way. In this case Mr De Domenico has chosen to do things the hard way. A member who asks for information is entitled to get that information. If Mr De Domenico wishes to treat members with contempt and to treat question time with disrespect, I think it falls to the Assembly to take charge of its own affairs and to direct the Minister to provide the information that has been requested.

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This is information which the Minister's department was boasting about at the estimates hearings last year. By his own admission a moment ago, this is information which his department had access to when it determined the new timetables. The information is there. It is in his executives' offices. It is not being carried around in Trevor Santi's briefcase. It is in the offices of executives of the Department of Urban Services. We are saying that we want a copy. I urge members to support the motion, and I hope that in future the Minister will pay more attention to the procedures of the house and less attention to scoring cheap political points.

MR DE DOMENICO (Minister for Urban Services) (3.24): Mr Speaker, I cannot leave that sort of nonsense unanswered. Mr Whitecross has been here for about a year. For him to suggest that other members have disdain for the processes of this house is absolutely nonsensical. I am aware that Mr Whitecross is out to get an injection of personality in order to take over the leadership of the Labor Party. That is fine. He can carry on as much as he likes on that basis. That is his business. I said to Mr Whitecross this afternoon quite clearly that he can have a full and proper briefing as long as he tells me specifically what it is that he wants. If he wants all records that we have in hand on magnetic ticketing systems, that might be four or five tonnes of paper. If that is what you want, you can have that. If you tell me specifically what it is that you want, I will - - -

Ms Follett: He has. It is in the motion.

MR DE DOMENICO: Mr Speaker, with the greatest of respect, Ms Follett should sit down and listen or contribute to the debate at a future time.

Ms Follett: I have. I am trying to tell you what your job is.

MR DE DOMENICO: You would not know what yours was. You are trying desperately to save yours. You are like a lame duck, for heaven's sake. You are lucky you have only five in your caucus.

Ms Follett: You hope.

MR DE DOMENICO: You just watch what happens to you, Ms Follett. I would look behind me if I were you. Mr Speaker, if Mr Whitecross tells me specifically what it is that he wants, I will make sure that he gets that information and, if he wants it, a full and proper briefing.

MR MOORE (3.25): Mr Speaker, I think the request that Mr Whitecross has made is a perfectly reasonable request, and he should expect a reasonable answer. If when the request goes to Mr De Domenico's department there is some doubt about whether Mr Whitecross wants information for the past six months or the past eight months or about how he wants the information set out, then I am sure that they can come back to Mr Whitecross this afternoon and the information can be provided in a sensible way. Sometimes when members seek information, they want the information in a particular form; they do not want a briefing. Members may have a particular reason for wanting information rather than a briefing. I think this is a perfectly reasonable request, and I am quite happy to support the motion.

MRS CARNELL (Chief Minister) (3.26): Mr Speaker, the information that has been requested is certainly not confidential in any way. The reason that Mr De Domenico suggested a briefing is that we have information on every single ticket issued. It is on a big database. We have information on when every ticket was issued and what sort of ticket it was. All of that sort of information exists, but it is jolly difficult to table. We are very happy for Mr Whitecross to go and look at it, to check out the computer system and so on; but it is information that is extremely difficult to table. We will do it if that is what everybody wants us to do, but every member of this Assembly is more than welcome to see the information and to see how we have accessed it. Mr Whitecross has not asked for statistics on route usage or for anything specific. He has asked for all of the information relating to magnetic ticketing.

Mr Whitecross: No, I have not. You are showing your ignorance, as usual.

Ms Follett: No, they are not. They are just fudging.

MRS CARNELL: No, absolutely not. If the only information that is required is the information that we have with regard to changing some routes, it is not a problem, although it will be a lot of information. I just hope that the Assembly understands that. I would have thought that Assembly members would gain more from going and looking at the database.

MS HORODNY (3.27): The question that Mr Whitecross asked seems pretty reasonable to me. Mr De Domenico, you made a decision on changing some routes from one area to another in certain places around the ACT. It seems that you must have based that decision on certain data. That data must have been available to you and your department. Why is that information not available to us? It seems to be a very simple question.

Mr De Domenico: It is available. Go and have a look at it.

MS HORODNY: Could you make that available to the Assembly? That is what we are asking.

Mr De Domenico: We have, but we have not tabled it. If you want me to table the computer program, that is a bit nonsensical.

Mr Whitecross: Mr Speaker, I do not know what Mr De Domenico thinks he is doing.

Mr De Domenico: I have been asked a question by Ms Horodny.

Mr Whitecross: We are in a debate, Mr De Domenico.

Mr Moore: He can seek leave to speak if he wants to.

MR SPEAKER: Yes, he can. It is perfectly in order.

Mr Whitecross: If everyone wants him to.

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MR SPEAKER: He was asked a question by Ms Horodny. Do you seek leave to speak again, Mr De Domenico?

Mr De Domenico: Yes, I do.

MR SPEAKER: Is leave granted?

Mr Berry: Mr Speaker, I trust that you will let other people ask questions as they feel it necessary.

Mr De Domenico: With respect, I have sought leave from this Assembly to speak.

Leave granted.

MR DE DOMENICO (Minister for Urban Services) (3.28): I thank members of the Assembly for agreeing to allow me to speak again, which is proper. Ms Horodny asked a question. All the information that Mr Whitecross wants made available to him and that can be made available to him on paper I shall give him today if it is humanly possible. If it is not possible to do that, I shall let you know why not, and we will provide it tomorrow or the next day. Is that okay?

MR WHITECROSS (3.28), in reply: Mr Speaker, the performance of Mrs Carnell and Mr De Domenico is absolutely extraordinary.

Mrs Carnell: Don't be a smart arse, Andrew.

MR WHITECROSS: They must think we are the biggest bunch of mugs in the history of the universe. My motion asks for the records of usage of individual services; that is, how many people caught the 120 bus at 6.00 am? How many caught the 120 at 6.15 am? How many people caught the 120 at 6.30 am? It is not a very complicated request. Mr Speaker, Mrs Carnell would have us believe that she has a huge mass of information which her senior advisers, her senior bureaucrats, are wallowing around in and have no summaries of or distillation of. She would have us believe that this information has not been reduced to a form that can tell us, for instance, how many people caught the 6.07 am service of the 120.

I am not talking about five tonnes of paper. I have seen the A4 version of the *Bus Book '96*. The amount of information I am talking about would easily fit on the amount of paper in that book. It is not an extraordinary amount of information. If they knew enough about the bus services to be able to put together *Bus Book '96*, they have that information to table in this Assembly. Mrs Carnell is just showing her ignorance by talking the way she has talked, and Mr De Domenico has done nothing to help.

Mr De Domenico: Mr Speaker, I seek leave to speak again.

MR SPEAKER: Order! Mr Whitecross has just closed the debate.

Question resolved in the affirmative.

Mr Berry: Mr Speaker, I raise a point of order. During the debate I heard Mrs Carnell interject something that I am worried might find its way into the public record. Mrs Carnell interjected, "Don't be a smart arse, Andrew". I wonder whether she would be happy to withdraw that so that it does not appear on the public record.

MR SPEAKER: I did not hear the interjection.

Mr De Domenico: On that point of order, Mr Speaker: Let me pour oil on troubled waters. We want to know what specific information Mr Whitecross wants. Mr Speaker, the database containing the information that Mr Whitecross wants - - -

Ms Follett: I raise a point of order, Mr Speaker.

MR SPEAKER: I have a point of order before me.

Ms Follett: On a point of order: Under what standing order is Mr De Domenico addressing the Assembly?

MR SPEAKER: He is not addressing it on anything, because I have before me a point of order from your colleague Mr Berry about a remark that Mrs Carnell allegedly made during the debate, a remark that I did not hear. I apologise to members. I did not hear it. What was the wording, Mr Berry, according to you?

Mr Berry: "Don't be a smart arse, Andrew". I wonder whether she would withdraw that.

MR SPEAKER: Mrs Carnell, if you did make the statement, would you withdraw it.

Mrs Carnell: I am very happy to withdraw that, but I am sure that nobody except Mr Berry heard it.

Mr Humphries: I raise a point of order, Mr Speaker. If we are in the business of withdrawals, I mention that I heard Mr Berry earlier this afternoon describe something Mrs Carnell was saying as "lies, damned lies and statistics". I ask that he withdraw that.

Mr Berry: Immediately.

GOVERNING CANBERRA Paper

MRS CARNELL (Chief Minister) (3.34): Mr Speaker, for the information of members, I present a report from the government reform advisory group entitled "Governing Canberra" and move:

That the Assembly takes note of the paper.

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Today I formally table the report of the government reform advisory group. Last week I released the report for a period of public comment. I intend that it be a discussion paper, and I am keen to hear what the community has to say about the ideas presented in it. The government reform advisory group was chaired by the head of my department, John Walker, and drew on the expertise of a broad cross-section of skilled individuals. The membership included well-known academics Peter Coaldrake, David Hughes, Philip Selth and Patrick Weller, consultants John Mant and Annie Austin, public servant Stephen Hunter, and community representatives Elizabeth Morgan and Bob Sutherland. I thank them all for their contribution.

The group's terms of reference were to investigate, and recommend improvements to, our system of government in the ACT so that it was more participatory and accessible to the community. The group were not given resources for research and consultancies. They have drawn on the broad range of skills and local and national experience within the group and have come up with a range of recommendations that should be very easy for everyone to understand. I do not measure content by the kilogram.

I am pleased that the group has come up with practical recommendations rather than ideas requiring legislative change and that they have presented complex ideas with great simplicity. You will recall that at the end of the first year of self-government a select committee from the Assembly inquired into the most appropriate form of government, the electoral system and the Commonwealth's reserve powers. The most significant outcome from this process was the entrenchment of the Hare-Clark electoral system with Robson rotation. Seven years after the ACT was given self-government it is time to look at whether there are changes that can be implemented to improve the system. The report is a discussion document aimed at sparking debate within both the community and the ACT Assembly. It provides a useful summary of the unique nature of ACT self-government and its combination of State and local responsibilities.

It suggests changes, including a greater role for all Assembly members in the decision-making processes of the Government through a revised Assembly committee system; direct input from the community in the revised committee process to increase the participation of the community in decision-making; streamlining administrative arrangements and ministerial portfolio responsibilities so that each department head reports to only one Minister; involving expert advisers in Cabinet discussions in order to allow Ministers to draw on outside expertise; and greater recognition of Canberra's role in the region, especially as a service provider to a large number of New South Wales residents. The advisory group's approach has been to build on the current system rather than to dismantle it. The group's report seeks to enhance our capacity to engage the community in the process of decision-making, recognising the reality of how the system has evolved since self-government.

Many changes have occurred in the ACT since self-government. I believe that the advisory group was right in its assessment of the Assembly's strengths - that it is a single layer of government combining State and municipal functions - and its weaknesses, particularly that it is difficult to run a full-scale parliament with just 17 members, even if there were a majority party of eight. There is just not a huge pool of talent to draw on and it demands much of government members.

Research for the Leaders Forum - Australia's Premiers and Chief Ministers - last year identified high levels of alienation from governments generally, strong positive feelings towards increased decision-making at community level, and general low esteem for State level governments. That was not from us, of course. That was at a national level. The reform group has proposed a model of operation for the Assembly and the Executive that recognises that minority government is likely to be here for the foreseeable future and that any Executive has an enormous task, given its size. However, it will be a challenge for us to change our modus operandi. I am sure that some of us prefer the adversarial system we have now. Absolutely everything is negated. It is all care, no responsibility. When hard decisions have to be taken, more points can be scored with narrow interest groups when obstacles are put in the way of the Government's decision-making process.

What is the cost of this? The reform group has again pointed out to us the reality of our situation. The money tree has been cut down. We can look forward to less and less subsidy from the Commonwealth. After six years some argue that the transition is complete. Work done by the National Capital Planning Authority during the recent central national area study showed that Australians who live outside the ACT do not consider that they should have to spend any more on Canberra. They believe that Canberrans should be responsible for paying for Canberra's future needs. They also expect high standards to be maintained, as we all know.

Successive minority governments have been hamstrung in the adversarial atmosphere of this Assembly. I believe that everybody here in this Assembly would agree that the adversarial nature of government has not been necessarily a positive to this place.

Mr Berry: You are a master at it. How dare you say that!

Mr Moore: Start with the budget, Kate.

MRS CARNELL: If everyone in this Assembly were willing to look at this document and come up with real input into improving the way this Assembly works we would all benefit.

Ms McRae: Who does not want to answer questions?

MRS CARNELL: I am interested in the response around this Assembly already. It is a straight negative approach. We have put on the table an attempt to have a community consultation period about how, as an Assembly, we can become more focused on what the community wants and allow the community to have direct input into this place. All we are seeing, particularly from Mr Berry opposite, is a negative approach. Mr Speaker, that spells out why we desperately need to take this document on board and look at it.

Mr Moore has indicated that there are areas of it that he does not like. That is fine. Let us put forward proposals that Mr Moore does like. Let us put forward proposals that this Assembly can live with and that give the community direct input into this place. That is what the Government is about. That is the fundamental basis of Hare-Clark with Robson rotation - a system of government that is participatory, that allows the community

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to have direct input and that is truly democratic. Everyone in this place supported that - except, of course, for the Labor Party, so I do not suppose we will get anything too positive from them. But we mean this quite seriously. We want input on this document. If members do not like parts of it, tell us how we can improve it. That is the basis of community consultation.

Mr Berry: Tear it up. Rip it up.

MRS CARNELL: It is interesting that Mr Berry says, "Tear it up".

Mr Berry: That is right. I am on the record.

MRS CARNELL: Fine, Mr Berry. Put forward other proposals on how we can allow the community to have direct input into decision-making in this Territory.

Mr Berry: They have direct input.

MRS CARNELL: That is not what the community are saying. As Canberrans and as an Assembly, let us do the right thing by the people of Canberra and take this on seriously. We need a better approach to self-government in this Territory.

Mr Berry: I will tell you how you can serve the members of the community: Put it straight in the shredder.

MR MOORE (3.44): Mr Speaker, I think that one of the most notable things about this document is that not too long after it was launched to the public last week the Government started to distance itself from the document, saying, "Well, it is only a discussion paper". That happened when some of our comments hit home. Mr Berry said that the best thing for this document is to put it in the garbage bin. It is not that we do not recognise that a certain amount of work has been done. The document is fundamentally flawed. It shows a total misunderstanding of how this Assembly operates.

Mr Speaker, I would like to draw your attention and the attention of members to the editorial in the *Canberra Times* on Sunday, 18 February, which talks about this document. I will read just a couple of paragraphs from it. The editorial soundly deals with this document. It states:

The report of the ACT Government Reform Advisory Group on better ways of governing the ACT probably has sunk without trace already.

Unfortunately, the Chief Minister did not read the editorial, realise that that is what should have happened to it and let it go. Instead, she has decided to table it here - with a ridiculous speech, which I will also take apart in a minute. The editorial goes on to say:

This is probably a good thing, because though the report contains a few useful observations and recommendations, its analysis seems to be fundamentally flawed by a lack of distinction between problems of executive and of parliamentary government of the ACT, and the

committee's task was - in any event - flawed from the beginning by the notion that what Canberra needed was a more city-council style of government.

In other words, this was just a sop given as an electoral ploy, and the report ought to have been thrown away. We all knew last year that the talk about a city council style of government was an electoral ploy. It sounded great, but really that is what it was. We all knew it. You should have just let it go. The editorial continues:

Mercifully, that idea scarcely got a mention -

at least some sense prevailed -

by the time the committee got to drafting its report: the focus, rather, is on making the ACT Government more accessible to the community and more participatory in style.

The first question about this draft is: Who was involved and who was consulted? The Chief Minister has shared with us the names of the people who were involved. I find it particularly interesting that the report reveals that none of them have a good understanding of how the Assembly actually operates and how the committees actually operate. They recommend that to allow the community to come and talk to committees the committees should do something they have been doing for seven years. If there were something new in the report, we might achieve something. However, it reflects a fundamental lack of understanding of how this Assembly operates. That is no clearer, Mr Speaker, than on page 13, where there is a very confused diagram about where the Cabinet fits into government and the Assembly and where the committees operate. Quite clearly, the role of the Legislative Assembly pales into the background.

The report is fundamentally flawed. It proposes that Assembly committees match agencies. That recommendation may be worth looking at. I think that it will not achieve what people are trying to achieve. It will just make the committees reactive to government rather than proactive. The report is fundamentally flawed, as was the speech just made by Mrs Carnell. The best part - and thank you for distributing it to us so that we have it in writing - is the sentence that reads:

... it is difficult to run a full-scale parliament with just 17 members, even if there were a majority party of eight.

Eight and eight make 16. That does not quite make a majority. Mrs Carnell, I would have thought that you, of all people, would understand the numbers. That typifies the fundamental flaws in this document. Whoever drafted it not only had a very poor understanding of the relationship between the legislature and the Executive but also failed to come and ask us about it. It is an issue that I am delighted to talk about. It is an issue that many of us are delighted to talk about. I spend a great deal of time talking to academics and students about it, yet this high-flying group were not prepared to talk to us.

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I was particularly disappointed in the community representative I heard on radio saying, “We have to make improvements so that people can actually come and appear before the committees”. People appear before committees day after day. An example that immediately springs to my mind is an individual who requested her third appearance before the Planning and Environment Committee, which of course we facilitated. That was on a single issue. The Chief Minister claimed in her speech that this report was compiled by a broad cross-section of skilled individuals. When I read the names and the qualifications of those people, I accept that. What went wrong with this group of people who sat down to do this task? I would suggest to you, Chief Minister, that the task that it was asked to do, as set out on page 3 under the heading “The Task”, may have been part of the problem; but perhaps the real goals, the real underlying issue about making it look that we were doing something about council-style government, may well have been part of the problem also.

Another issue needs to be settled. Often when people talk about non-adversarial systems in which people work together, they use as examples American-style systems and the fact that although people may be Republicans or Democrats they vote according to their own wishes and therefore do not work in an adversarial system. In fact, although an adversarial system may not develop across the floor of the house as it does in the Westminster system, an adversarial system develops between the Executive - in that case, the directly elected government - and the representatives. There is a significant adversarial system, as we certainly saw with President Clinton and his budget a little while ago. This whole concept of council-style government, this whole concept of “Let us not have an adversarial system”, is nonsense. It is just a little bit of toadying to the community to get them on side by making the right noises. That is all it is. It is a pretence.

Then we go to the notion of a greater role for all Assembly members in the decision-making processes of government through a revised Assembly committee system. The proposal, as far as I am concerned, diminishes the role of the Assembly committees, diminishes the roles of members of the backbenches and crossbenches and increases the role of the Executive. It centralises power. This document is all about the centralisation of power, not about spreading power and involving other people in decisions. I mentioned the direct input of the community. Mr Speaker, the Chief Minister in reading her speech said:

I am sure that some of us prefer the adversarial system we have now.

She then made a Freudian slip. She said that absolutely everything is “negated”, when the word written in her speech is “negotiated”. We all make slips like that. I am not having a shot at her for making a slip. However, this one was particularly interesting because, for her, exactly the opposite has happened. Although there has been an adversarial system, many issues that she has brought to the Assembly have been negotiated; they have not been negated, although some of them have been. I think it is very important for us to say that in our adversarial system here everything is negotiated. In other words, everything before this Assembly is up for grabs. Every single decision of the Executive is reviewed through the Assembly committees and through the Assembly itself.

The speech went on:

Successive minority governments have been hamstrung in the adversarial atmosphere of this Assembly.

Rubbish! Successive minority governments have been held accountable in the adversarial system of this Assembly. They have had to answer to this Assembly. Under the other system we would lose the checks and balances, particularly because we work in a unicameral legislature and with minority governments. Mr Speaker, wherever we find ways to improve the working of this Assembly to the benefit of Canberra, I have found members always willing to listen. That applied even in the First Assembly. I find that members are willing to listen; but I imagine that most members, on reading this document, will be absolutely scathing about its shallowness and its inadequacy. I do not think it should even rate as the starting point for a discussion paper.

Debate (on motion by **Ms Follett**) adjourned.

RED TAPE TASK FORCE Report and Papers

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (3.54): For the information of members, I present the red tape task force report, entitled "From Red Tape to a Blue Print for Regulatory Reform", together with the Government's response, and I move:

That the Assembly takes note of the papers.

Mr Speaker, last year I had much pleasure in publicly releasing the report of the red tape task force. The report is entitled "From Red Tape to a Blue Print for Regulatory Reform". Following consideration of the task force's findings and recommendations, the Government has now agreed upon an appropriate program of action to combat red tape problems in the ACT. I would like to take this opportunity to acquaint the Assembly both with the findings of the task force and with the Government's response. Together with the report, I am tabling a summary of the Government's response to each task force recommendation.

Members may recall that in May last year the Government announced our intention to establish the task force as part of a comprehensive program of regulatory reform with respect to business. The program included three key initiatives based upon our election commitments: The establishment of the red tape task force; a systematic review of all government regulation and legislation; and the endorsement of regulatory review guidelines, including a business impact statement.

Mr Speaker, the Government has a strong commitment to regulatory reform, a commitment it has demonstrated by the range of initiatives it has introduced since taking up government. Establishing the red tape task force was a very important part of these initiatives. The primary purpose of the task force was to inquire into, and report to

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government on, regulatory processes where red tape appeared to impose unnecessary cost or disadvantage on the Canberra business sector. The task force was chaired by Elizabeth Whitelaw of solicitors Deacons Graham and James and comprised representatives from both the public and private sectors.

The task force went to considerable effort to ensure that the business community was made aware of its review and its terms of reference, and the task force consulted widely with business representatives and with other relevant agencies and individuals. In addition to placing advertisements in the *Canberra Times* and other local papers, the task force wrote to government agencies, business associations and professional organisations seeking submissions and widely distributed amongst the community a leaflet outlining details about the background to the review, its scope and its terms of reference.

The task force held discussions with the heads of relevant government agencies and representatives from peak organisations and, through a consultant, undertook extensive consultations within a number of industries and interviews with individual businesses. The task force also met with two members of this Assembly, Ms Tucker and Mr Moore, to hear their views on regulatory issues related to the review. The task force received 32 submissions. Listings of the organisations interviewed by the task force's consultant, persons and organisations who met with the task force and submissions received by the task force form attachments to the task force report and clearly demonstrate the extensive nature of the consultations undertaken by the task force in arriving at its conclusions.

Before detailing those conclusions I would like to draw the Assembly's attention to the introduction to the report, which states that, with only two tiers of government - the Commonwealth and this Legislative Assembly - the ACT is well placed to achieve a regulatory system that is more efficient than that of any other State and one that can provide the most favourable environment to foster economic growth and community wellbeing. Mr Speaker, these words ring true and provide a challenge to the Government and to the Assembly to take advantage of the opportunities that the ACT's unique position offers.

Given the regulatory reform initiatives being implemented by other States, there is an urgent need for the ACT to address regulatory problems and to put in place comprehensive processes to ensure that the ACT can establish and maintain an efficient regulatory infrastructure. Unless the ACT provides an attractive regulatory environment in comparison to the other States, there is a real likelihood that business investment will be attracted elsewhere.

In its report the task force has observed that most government legislation does have an impact on business, although this is not always immediately evident, and that many areas of business activity are subject to what appears to be unnecessary red tape. As well as identifying specific instances and areas of concern, the report identifies a number of generic problem areas, including unnecessary delays, lack of integration between government agencies, and uncertainty about requirements.

The report proposes a package of systematic or structural reforms - the blueprint referred to in its title - that will assist in removing government procedural and regulatory impediments to business development and will improve the design and operation of regulations in the future. However, the task force was also pleased to discover that in a considerable number of areas government agencies are already implementing reviews of their regulatory processes. In general, the task force found a very positive attitude among agencies about the need to reform processes which were complex or overly bureaucratic.

One of the main areas of business concern about red tape raised by the report relates to planning and land development approval processes. For example, the task force found that under the Land (Planning and Environment) Act a single application may require up to five separate public notifications relating to a policy proposal, change of lease purpose, design and siting, environment, and heritage. The task force recommended that the Act undergo significant revision to reduce its complexity and that consideration be given to a single public notification and consultation process. Mr Speaker, the task force also made a number of other related recommendations concerning notification and consultation procedures, transparency and approval, and on changes to distribution of functions between the ACT Planning Authority and the Department of Urban Services. Mr Speaker, the Government has already announced that a full response to these recommendations will be undertaken in the context of reforms to the planning and land administration system in response to the task force report, the Stein Report into the Administration of the ACT Leasehold and the Mant/Collins Review of ACT Planning Functions and Structures. In broad terms, the report also advocated that more emphasis be put on obtaining voluntary compliance and gaining the understanding and commitment of the business sector.

The task force considered that a multifaceted approach based on good regulatory design principles was more effective than central agency review and challenge of individual proposals. This approach needs to be bolstered by continuing to develop a culture of service within the agencies as well as a culture of regulatory reform. The task force rejected the legislative approach to regulatory reform that has been implemented in a number of States. As I mentioned earlier, the task force recommended a package of reforms - a blueprint - that will assist in removing government procedural and regulatory impediments and will improve the design and operation of regulations in the future. It should be emphasised that these measures will not result in public interest concerns such as environmental, community or consumer protection receiving less attention. They are directed at improved public policy decision-making and a more efficient public administration. Put simply, they are part and parcel of good practice in government and are intended to benefit all members of the community, not just the business sector.

The 10-point program recommended by the task force comprises the following: A Minister responsible for regulatory reform; a panel of business representatives to provide advice on regulatory reform issues; developing the Business Regulation Review Unit with a central focus of coordinating and fostering best practice in regulatory reform on a whole-of-government basis; a regulatory needs analysis process and a business impact assessment process; a staged review of existing regulations; agency regulatory plans; consultative mechanisms between the private and public sectors; effective enforcement of regulations; developing a culture of service; and developing a culture of regulatory reform.

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I am pleased to advise that the Government has accepted each and every one of these recommendations. The task force considered it essential, as part of the regulatory reform process, to formally identify a Minister within Cabinet as holding responsibility for regulatory reform. The task force believed that the appointment of a Minister will send a strong message to both the public and private sectors that the Government places regulatory reform as a high priority on its agenda and that it recognises that a leadership role is required from within government. The Government agrees with the task force and has agreed to designate a single Minister as holding responsibility for regulatory reform. The task force proposed that the Business Regulation Review Unit within the Department of Business, the Arts, Sport and Tourism be tasked with providing a central focus for coordinating and furthering best practice in regulatory reform on a whole-of-government basis. The Government agrees. The Business Regulation Review Unit will report to the Minister for Regulatory Reform, and that Minister will prepare an annual report to the Assembly on progress in this area.

It should be noted that the report's proposals relating to regulatory needs analysis and business impact assessment, which proposals the Government has accepted, represent an extension and refinement of what the Government has already agreed to in the form of business impact statements. Similarly, the Government has already agreed to a staged review of existing regulations as part of its commitment to the national competition policy agreements.

When I first received the task force report, I was interested to see that the report contains as an attachment details of laws that affect business in the ACT, and surprised when told that this is the first time that such a listing has been undertaken. This information will be invaluable in the coming two years as the Government sets about reducing the volume and burden of regulation on business in the ACT. I note that the report identifies that many businesses have expressed concern at the number and range of licences needed for particular tasks and that many businesses are not even aware of what licences they require, unless and until they are being inspected and found in breach. To address some of those concerns, the task force has recommended that the ACT Government develop a pilot scheme for a master licence system. Again, the Government agrees, and the feasibility of a pilot scheme will be examined this year.

A key recommendation of the task force is that the Government consider the implementation of management standards against which the regulatory performance of agencies can be assessed. These management standards would in practice codify the broad processes required for regulatory needs analyses and business impact assessments and could extend to issues such as information accessibility, client responsiveness and complaint resolution mechanisms. The Government is in agreement with the task force's view that the achievement of these management standards could conceivably become part of CEO performance agreements as one of the key accountabilities. This approach will be further explored during the year, with draft management standards to be developed by the Business Regulation Review Unit in conjunction with the Chief Minister's Department.

In this address I have concentrated on the task force's proposed blueprint for structural and systemic reforms for business regulation in the ACT. The task force also made many recommendations relating to individual programs or functions of government which I do not have time to canvass fully today. I can advise, however, that, with the exception of those recommendations relating to changes to the land and planning system in the ACT, which must be considered concurrently with the findings of the Stein and Mant/Collins inquiries, and one other recommendation, all of the task force's recommendations have been agreed to either fully or in principle. That one other recommendation that the Government has not agreed to at this time relates to a proposal that the regulations governing auditing of solicitors' trust accounts be harmonised with those in New South Wales. The Government understands that the Law Council is currently developing proposals for uniform solicitors' trust account requirements, and it would not be efficient to move in advance of these proposals.

The establishment of the red tape task force exercise was a high-priority and high-profile commitment on the part of this Government, and I believe that the implementation of its recommendations will be treated in a similar manner. The Government has therefore agreed that the Minister for Regulatory Reform should report to the Legislative Assembly in a year's time on the progress of the implementation of the red tape task force report. I also wish to assure the Assembly that social, consumer and environmental matters will not be overlooked in the implementation of this report. It is not the intention of the Government to erode the protections afforded in the areas where they are warranted.

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

PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 56 of the Betting (Totalisator Administration) Act 1964, I present the Australian Capital Territory Totalisator Administration Board report for 1994-95, including the financial statements and the Auditor-General's report. Pursuant to section 12 of the Occupational Health and Safety Act 1989, I present the ACT Occupational Health and Safety Council report for 1994-95. For the information of members, I also present the ministerial travel schedule for the period 1 October 1995 to 31 December 1995. Finally, pursuant to standing order 83A, I present two petitions of similar wording which do not conform to standing orders, lodged by Mrs Carnell, from 249 citizens and 480 citizens, relating to education funding.

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UNION DUES - PAYROLL DEDUCTIONS
Suspension of Standing Orders

Motion (by **Mr Berry**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent Mr Berry from moving a motion relating to payroll deductions for union membership.

Motion

MR BERRY (4.07): Mr Speaker, I move:

That this Assembly:

- (1) notes that all union members currently using payroll deductions for union dues have provided the ACT Government with a signed authorisation for the deduction of such dues from their pay;
- (2) notes that the threat by the Chief Executive of the Chief Minister's Department contained in his Staff Circulars of 2 and 12 February 1996 means that, if staff do not complete a duplicate authority by 23 February 1996, their payroll deductions will be cancelled on 7 March 1996;
- (3) notes that the Government has withdrawn this threat in a CC Mail message received on 21 February at 10.56 a.m.; and
- (4) expresses the view that the Government's action on payroll deduction is unacceptable particularly during the course of an industrial dispute.

By way of explanation, this is a motion which was part considered in the course of private members business this morning. We were unable to debate the matter to a conclusion as a result of the sitting being suspended for some time. Therefore, I have moved that the matter be brought on again this afternoon.

MS FOLLETT (Leader of the Opposition) (4.08): Mr Speaker, there are some issues that I wanted to raise in relation to the comments made by Mrs Carnell in the earlier debate on payroll deductions for union membership. It is my view that many of the issues that were raised by Mrs Carnell were raised in a quite fraudulent fashion. Mrs Carnell would have the Assembly believe that the action that was taken by her in government and conveyed to the work force in the staff circulars of 2 February and 12 February 1996 was taken in the interests of choice.

Mr Humphries: Mr Speaker, I rise on a point of order. I am troubled by the phrase used by the Leader of the Opposition that the matter was being raised in a fraudulent fashion by the Chief Minister. In this place, to say that someone tells a lie is unparliamentary. To talk about someone being fraudulent or raising a matter in a fraudulent manner is to suggest not only an untruth but also a criminal untruth. Mr Speaker, fraud is a crime. It is a crime associated with the telling of a lie, and I think that is language which is excessive and ought not to be used.

MR SPEAKER: Mr Humphries, I will not uphold the point of order. I think the term used was "a fraudulent fashion". Had Ms Follett called the Chief Minister a fraud, she would most certainly have been asked to withdraw it. But I think the point that was made will give Mrs Carnell an opportunity to respond to the allegation of the presentation being in a fraudulent fashion. That is the way that I read it. I do not uphold the point of order at this point, but I do caution members to be careful with the words that they use.

MS FOLLETT: Mrs Carnell attempted to persuade the Assembly that the action which was taken by her in relation to payroll deduction of union dues was in some way the provision of a choice for the ACT work force. Nothing could be further from the truth. The fact of the matter is that those members of the ACT work force who choose to be unionists had already exercised their choice. They had already decided to join the union which they felt best represented their point of view and would best protect their rights in the work force. It was nothing to do with Mrs Carnell providing them with choice; the choice was always there, and they took it.

Not all of the work force took the same choice. In fact, we very often see, including in the ACT, that a minority of the work force are members of any given union. That is the case here. So there can be no question whatsoever that Mrs Carnell was offering a choice. She was attempting to reduce a choice; she was attempting to use the payroll deduction of union dues as a weapon in an industrial dispute. She was using it as a weapon because she knew that, were union members required to fill in another form, many of them would not do so; the union would therefore lose membership; and the union dispute which the Government is engaged in would therefore be easier for the Government to control. It is a fact that when union dues fall away unions may not be able to pay their organisers; they may not even be able to pay some of their elected officials; and their capacity to conduct an industrial dispute or indeed any of their business is vastly reduced. That was what Mrs Carnell was attempting to do by removing the payroll deductibility of union dues. So let us not be under any illusion that choice was anything to do with it. In fact, as I said, the union members had already exercised their choice.

If any member cares to look at the salary deduction authority for the union member electing to become a member of a union, they will see that the salary deduction authority contains the wording:

This authority shall remain in force until revoked by me in writing.

It is signed by the union member. It has nothing to do with the Government. Mrs Carnell cannot influence their choice. A contract exists between the union member and the union, and it cannot be altered unless the union member changes it in writing. I believe that that was a fraudulent argument put forward by the Government.

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A second fraudulent argument put forward by the Government was that in some fashion the CPSU had encouraged Mrs Carnell to take this action. This is untrue. The fact of the matter is that the CPSU was attempting to protect itself and its members from the typical actions of Liberal governments that they have seen previously to abolish payroll deductions and - - -

Mrs Carnell: We were not abolishing payroll deductions. That is a lie.

MS FOLLETT: That is what they thought this Government was about. The CPSU, unlike the Government, know their history.

Mr Berry: On a point of order, Mr Speaker: I think that statement by Mrs Carnell should be withdrawn.

Mrs Carnell: I will change it to “a fraudulent claim”.

MR SPEAKER: Thank you.

Mr Berry: She has to withdraw the other.

MS FOLLETT: Did I hear a withdrawal?

Mrs Carnell: I changed it to “a fraudulent claim”.

MS FOLLETT: You either withdraw it or you do not.

Mr Berry: I do not want to get into a debate about this, Mr Speaker.

MR SPEAKER: I do not either. Just withdraw it, Chief Minister. You did withdraw the word “lie”?

Mrs Carnell: Yes, I did, and I substituted - - -

Mr Berry: Most of us have to rise to our feet when we speak, Mr Speaker. It is hard to tell.

MR SPEAKER: Continue, Ms Follett.

MS FOLLETT: The CPSU know their history. They know what Liberal governments have tried to do to them in the past. They remember the Fraser days when the then Liberal Government, in confrontation with the former CPSU union, the ACOA, actually abolished payroll deductions. They remember the impact that had on their membership, on their union activities and on their capacity to protect their members.

In looking for a range of alternative methods to allow members to pay their union dues, the CPSU was attempting to avoid that situation occurring, because they thought it would occur under Mrs Carnell. They saw the circulars of 2 February and 12 February and thought, “We are gone; payroll deduction is gone. This is what happened to us under Fraser, under a previous Liberal government, in Canberra, in this town”. It was not until

there was a Federal Labor government in place, I think it was in 1983, that that was changed and payroll deductions were restored. Do not attempt to perpetrate the fraudulent claim that the CPSU somehow collaborated with you in attempting to remove payroll deductibility of union dues.

Mrs Carnell: I did not say that. I said that they were aiming at getting their members to change the way that they paid their union fees, which is true.

MS FOLLETT: We have only to remember back to this morning. My memory appears to be better than Mrs Carnell's and my hearing is certainly better than hers, because that is not what she said. She was attempting to blame the CPSU for her actions on payroll deductions.

Mrs Carnell: That is absolutely a fraudulent claim.

MR SPEAKER: Order! Interjections are out of order.

MS FOLLETT: The fact of the matter is that this was an action taken by the Government, unilaterally of course. You did not consult with anybody, let alone the unions affected. It was an action that, I would argue, was totally illegal, given that a contract clearly existed between the unionist and his or her union. That contract can be broken only by one of those parties - not by a third party, the Government.

That contract was threatened in a move that I believe was probably illegal. It was probably illegal; it was most certainly discriminatory. Mrs Carnell at no stage threatened people's health fund dues and at no stage threatened their payroll deductions for their housing trust payments, their mortgage or any of that. As we saw from the opinion offered by the former Attorney-General, Mr Connolly, the action taken by the Government was clearly discriminatory; it was in breach of the ACT Discrimination Act.

Mrs Carnell: It was one opinion.

MS FOLLETT: It was one opinion, from the member whom the Government has just appointed to the bench. I think it ill behoves them now to denigrate his views. In fact, I find that quite extraordinary. I really cannot believe that the Government, in its squirming, would reach such abysmal depths. I am sorry, it has thrown me off my speech; it really has. I find that extraordinary. There is no doubt that the action taken was discriminatory compared to any other form of payroll deductions. The Government sought to ban only payroll deduction of union dues.

Even in their correspondence with staff, the advice given was incorrect, misleading and totally irresponsible. They said at one stage that they would suspend the requirement for annual renewal. There is no requirement for annual renewal of that authority. It says on the salary deduction authority:

This authority shall remain in force until revoked by me in writing.

That is the union member. There is no requirement for that to be renewed annually. That was a totally false piece of information offered to the work force.

This has been a very sorry saga. There is no doubt whatsoever about the motivation of the Government in taking this action. I think it was intended to provoke the work force into industrial action; and it certainly succeeded. It was intended to frighten people about their union membership. It was delivered to the very desk of most of the work force. I believe that it had a reaction that possibly was not anticipated by this Government, ignorant as they are of all matters to do with industrial relations and, in fact, working conditions. The fact of the matter is that the unions and their members simply would not cop this kind of high-handed action from the Government. I think Mrs Carnell is still trying to perpetrate this myth that members do not have a choice as to whether or not they are in unions. Of course they have a choice. They have a choice now. They have a choice as to whether or not they sign this form. They have a choice as to whether or not they sign the union membership form. They can freely choose to opt in or opt out of either system.

Mrs Carnell continues to treat this Assembly with the same sort of contempt with which she treats her own work force. I believe that she really thinks we must be mugs to cop the kinds of fraudulent arguments that she has been putting forward and still is putting forward. Simple repetition will not change my mind, Mrs Carnell. I believe that, in everything to do with the action taken by the Government, the Government's motives were totally dishonourable and that the arguments put forward were fraudulent. I support the motion that has been put forward by Mr Berry because it is very important that we never see this sort of sorry saga repeated. This is about a right and a choice that people in our work force are currently free to make. Let no government interfere with that choice, particularly not when you are treating people with contempt by trying to persuade them that you are actually extending their choice.

In conclusion, I believe that I have an apology to make to Mr Moore. I had not understood that he would be supporting today's motion. I never at any stage said that he would not, but I was actually absent from Canberra when he said that he would; so I do apologise for that. This is the kind of government action that should be opposed by any right-thinking person in the community, and it is. Only a government that is so arrogant and so out of touch with its own work force and its own community standards could ever believe that this kind of action was acceptable. I urge the Assembly to support the motion.

MS TUCKER (4.23): The Greens will be supporting this motion also. I have listened to the debate, and I think some statements - I would not necessarily say that they were fraudulent - have not been as clear as they could have been. I was interested, too, in the statement regarding the CPSU. When I clarified it, I did understand, through the history, that the reasons - as Ms Follett has already described - were to do with a fear that the possible incoming Liberal government would cause a sudden ceasing of this arrangement. It was not really quite clear, from what you said, Mrs Carnell, that that was the reason. From what you said, there was an implication that it was in some way in sympathy with what you were doing. Another thing that was not made clear to us, certainly in any of the briefings or discussions - and maybe it was just taken for granted that we knew it - was that this was a service that was paid for; it was not a favour. It also was rather enlightening to find that out.

In terms of choice, Ms Follett said it. Obviously, there has been a choice, through the whole process, for people to sign that authorisation when they join a union. They have a choice to move out of it as well. The language in some of these notices that are going to employees is, I think, indicative of part of the problem in the negotiating style of the Liberal Government. I was quite intrigued to see "Variation to an instruction" as the title of what you could also call a change of mind or a backdown. "Variation to an instruction" does not sound particularly inclusive, empowering or anything else to the people receiving it. Actually, in a musical sense quite often there is a variation to the theme. In this case the theme seems to be orders: "You shall do this. This is a variation to an order". The point is that, if you take this sort of attitude, it is not good management. You talk about good management so much; but, if you look at the most recent literature on good management, it is related to industrial democracy, which is related to empowerment of workers. This is not what you are about. It is not what is coming across.

Mrs Carnell: That is why we want to deal with individual unions.

MS TUCKER: Yes, and the rest! I know that line; yes. I heard that line. I am sorry, it does not work, because what you are talking about is, "We will empower the workers by giving each of the unions the individual right to fight for their members themselves". It is the same argument as the level playing field for competition policy; as if there is a level playing field. It does not exist. There are people in this work force who are weaker than others. There is not a level playing field, so it is a farcical argument. It is the same as the one that we are hearing in relation to competition policy, and it is being rejected soundly by many thinking people in Australia and around the world. It is the same kind of doubletalk that does not lead anywhere and certainly does not end up in social justice.

The other overall concern that I have is that there is an implication that unions are somehow really just an add-on; that they are not really necessary in the dialogue anymore; and that you can have a choice whether or not you have an association with a union. That is correct. I support that; you do have a choice. However, where I see that unions have a role - and lots of people obviously believe this also - is in being allowed to be part of the dialogue. It is quite appropriate that they use e-mail and that they have a payroll deduction for their dues. It is a right that workers have fought hard for.

Mrs Carnell: We are not trying to take that away.

MS TUCKER: Okay, you are not trying to take it away. A minute ago Mrs Carnell kept interjecting, "What is the problem with asking again? What is the problem with asking the workers every year, 'Do you want to belong to a union?'". My question would have to be, "What is the point in asking them every year, 'Do you want to belong to a union?'".

Mr Moore: On the off-chance that they will say, "All right, I won't".

MS TUCKER: Exactly. You are implying that, perhaps. Then you get e-mails going to those same workers, saying, "If you have anything to do with industrial action you could possibly be locked out", or, "If you cause some kind of industrial action we might

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discount some kind of negotiation and take money away from your wages". The whole atmosphere, I must say, is not conciliatory or to do with good management. I am very concerned about what has happened as well. I support members who have voiced other concerns that I will not repeat. I hope that we do not see this kind of approach anymore.

MRS CARNELL (Chief Minister) (4.28): I was very interested to hear the comments made. I will state again that there was no effort by this Government, or no inclination for this Government, to ban payroll deductions by union members. What we are in the business of is giving choice. But we are also in the business of consultation. On that basis we were more than willing, as an act of good faith, to withdraw this approach this morning.

I am interested in the comments that Ms Tucker, Mr Berry and Ms Follett made about confrontation, good management style and all of those sorts of things. It would be useful to tell this Assembly about an incident that happened this morning. This is where you see true confrontation happening in this whole industrial dispute. This morning, as we would be aware, there was a rally outside. Various members of the HSUA who are on ward services - wardsmen, in other words - attended that meeting this morning. It was interesting to note that the hospital obviously did provide skeleton staff to cover while the HSUA - - -

Mr Berry: Relevance.

MR SPEAKER: It is a terrible choice of words, Chief Minister.

MRS CARNELL: They were alive. It is all right; they were not skeletons.

Mr Berry: Relevance.

MRS CARNELL: You were talking about confrontation. This is a very important issue. The hospital provided staff to get by while the HSUA members were at the stopwork meeting. Fine; but guess what happened. At 12 o'clock several of the staff did not report back to work. Several others who did put in place rolling bans immediately. Just to make sure that the confrontation was absolutely complete, when management relocated a wardsperson from one area to another to cover an area of the hospital that had no coverage at all and therefore had no capacity to cover the essential services that were needed to be covered, guess what happened. The union banned the relocation. They were quite happy to leave an area totally uncovered.

I am told now that the HSUA secretary has returned all the radio pagers to the director's office. For those that are the uninitiated here, wardsmen cannot work without radio pagers because that is how they are told where to go. We were told that they are on strike until 11 pm today. There was no information; no ideas; no warning; no capacity for management to actually put in place things that would protect patients - none of that. If we are talking about confrontation here, that is confrontation. If we are talking about bad management, that is bad management. If we cannot have decent, sensible negotiations when these sorts of things are in place, how can you possibly sit down and have sensible negotiations with a union that is allowing, right now, a whole ward of the hospital to go without staff?

MR WHITECROSS (4.31): Mrs Carnell talked at great length about confrontation. Of course, we all know that the reason why there was the industrial action that we saw this morning and industrial action across the ACT Government services was her confrontationalist attitude. What we have been debating here is a particular example of confrontationalism by this Government by threatening payroll deductions in order to put pressure on unions. Mrs Carnell tries to say that the fault for the confrontation lies with the unions, but the evidence has been again and again that the confrontation is on the Government's side.

In the last two days we had an extraordinary situation. On Monday night Mrs Carnell said, "I am not talking to you, because the AEU has a ban on voluntary out of school hours activities". On Tuesday night she was negotiating with the AEU. On Monday night she cannot talk to a union because there is a ban on, and on Tuesday she is talking to the very union which has the ban on and which she said that she could not talk to on Monday. She is not being consistent. She is not being confrontationalist! The thing is that she has fixed in her mind how she wants to resolve this dispute, and she will not address the first principle of negotiation, which is looking at what you want; looking at what the other side wants; and trying to bring the two together. That is what she will not do.

She inflames the situation all the time by insulting the intelligence of members of this Assembly and members of the community in relation to this matter. In relation to payroll deductions, we have a situation where she says, "We are going to cancel your payroll deductions - - -

Mrs Carnell: No, we did not say that. We said that you had to fill in the forms.

MR WHITECROSS: I have not finished my sentence, Mrs Carnell. Calm yourself. She says, "We are going to cancel your payroll deductions unless you sign a new form". Where is the choice in that? Without any action on my behalf, without any choice being exercised on my behalf, my payroll deductions will be cancelled. I have not chosen anything, but Mrs Carnell will cancel my payroll deductions. The fact is, as Labor members have said again and again, that we have chosen to have union fees deducted from our pay. All union members have chosen to have union fees deducted from their pay. We chose that when we joined the union. If we subsequently decide to get those fees paid in a different way, we can chose that. But, in the meantime, we have made a choice and we are entitled to have that choice honoured by the Government.

The Government is not fooling anyone when they say, "This is about choice". This is not about choice; this is about harassment of union members. One of the mantras of the Liberal Party is efficiency. Can you imagine anything more inefficient than asking people to fill out another piece of paper saying something that they have already said? Can you imagine anything more inefficient than having staff in the department processing 5,000, 4,000, 3,000 - who knows how many? - forms which say, "Yes, I still want my payroll deductions which I have already signed a form for."? What an inefficient procedure that is! There is no justification for that in terms of efficiency. There is no justification in terms of choice.

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We would not be having this debate now if Mrs Carnell had the dignity, the grace and the humility to admit that it was a dumb, provocative, stupid thing to do in the first place and to apologise to this Assembly, to the community and to the union members concerned for having tried this stunt on in the first place. The only reason why we are still talking about this is that Mrs Carnell sits over there completely unrepentant, completely unapologetic for ever having pulled this on in the first place. That is why we are here. There is an industrial dispute going on out there because Mrs Carnell does not know how to be humble; Mrs Carnell does not know how to admit that she has made a mistake; Mrs Carnell does not know how to compromise; Mrs Carnell does not know how to speak the truth.

Mr Humphries: Mr Speaker, on a point of order - - -

MR SPEAKER: Withdraw that. The inference is there.

MR WHITECROSS: Mr Speaker, I withdraw that. Mrs Carnell says that her withdrawal of this threat this morning was an act of good faith. That was what she said this morning. Let us examine this act of good faith. By her own admission, she decided this at 9.40 am. Mr Moore was lucky - - -

Mr Moore: I said that I got a copy at 9.42.

MR WHITECROSS: Last night?

Mr Moore: No; this morning.

Mrs Carnell: Didn't I tell you "last night"?

MR WHITECROSS: Mrs Carnell is now saying that she decided it last night. I thought I heard her say this morning that she decided at 9.40 this morning.

Mr Moore: She said that she signed it at 9.15 this morning.

MR WHITECROSS: There you go. We are playing with words. She decided it last night; she signed it this morning. Mr Moore was lucky enough to get a copy at 9.42 am. Members on this side of the house were not lucky enough to get a fax; we were lucky enough to get a cc:mail close enough to 11 o'clock, well after the debate had started. Mr Berry got to his feet, moved a motion and spoke to the motion. Mrs Carnell, knowing that this motion was on the paper and knowing that this motion was about to be debated, sat there dumb, saying nothing. Mr Berry got to his feet, moved the motion and spoke to the motion. At no stage did she say, "Just for the information of the house, I want to let you all know that I have withdrawn my threat and the threat no longer applies. This morning at 9.15 I signed a piece of paper. For the information of members, I am letting them know that I have done that". No. Such is the contempt with which Mrs Carnell holds the procedures of the house, such is her commitment to open and accountable government, that she sat there mute and let Mr Berry move this motion and speak to it.

Mr Kaine: On a point of order, Mr Speaker: I do not think Mr Whitecross should hold the Chief Minister accountable for Mr Berry's impetuosity this morning. Frankly, I think this is ludicrous.

MR SPEAKER: There is no point of order.

MR WHITECROSS: Exactly. But Mr Kaine obviously feels the need to come to Mrs Carnell's rescue. The contempt with which Mrs Carnell holds this place is apparent. On the face of it, she allowed us to debate a motion for half an hour when she knew that she had already withdrawn the threat. I do not think that reflects well on Mrs Carnell. That is something that she is going to have to live with. If she had any guts, apart from apologising for all the other things in relation to her handling of this, she also ought to apologise to the house for having wasted the house's time this morning by not getting up at 10.30 when the house resumed and saying, "I note that the second item on the business paper is a motion about payroll deductions. I want to advise the house that I have withdrawn the requirement". Mrs Carnell can apologise at any time she likes for not having informed the house of that at 10.30 this morning.

Mrs Carnell: I did.

Mr De Domenico: She did, straight after Mr Berry spoke.

MR WHITECROSS: She did not. We all know that she did not. It is on the record, and Mrs Carnell has really slipped up badly by not doing that.

There is a much overused word in commentary on politics at the moment in Australia. It is "arrogant". You hear it all the time. The Liberals in particular are rather prone to using this term; they throw it around like confetti. I cannot think of anything more arrogant than Mrs Carnell's performance in relation to this matter. She made a threat for the purpose of inflaming an industrial dispute, which had no justification, which was going to cost the Government money and which was going to achieve nothing. She made the threat purely for the purpose of harassing union members and unions with whom she was in dispute, as a way of getting back at them. That is a piece of arrogance.

She then withdrew that, without ever giving this house the courtesy of informing us, as she should have, as I have just described. That in itself is a piece of arrogance. She sits there even now and says that she has done nothing wrong; that what she was doing was a perfectly reasonable thing to do - something which no-one in this house agrees with, apart from she and her colleagues. That is a piece of arrogance. She says that she was doing the CPSU a favour, when the CPSU and all of us understand that she was not doing the CPSU a favour at all. That is a piece of arrogance. She says that she was offering people a choice, when what she was doing was imposing on them a withdrawal of their payroll deductions unless they took an action themselves. It was not a choice that they had made; it was a choice that she had made to withdraw their deductions unless they made an election again. That is a piece of arrogance.

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This whole episode is characterised by arrogance, and Mrs Carnell needs to accept that her handling of this has been shameful from beginning to end. She needs to take a good look at herself. She needs to reflect on the implications of the way that she has been conducting herself in this industrial dispute. She needs, most importantly, to pick up the phone, phone Jeremy Pyner and say, "This has gone on for long enough. Let us sit down and talk; no strings attached, no conditions. Let us sit down and talk and get this thing resolved". What she has shown is just blind arrogance.

MR MOORE (4.42): Mr Speaker, I will speak again on this issue for a few moments. I would also urge Mrs Carnell to pick up a phone, phone Jeremy Pyner and ask whether she can speak. I hope that she gets a much better reception than I got today when I asked. I genuinely urge the Chief Minister to continue her negotiations with the unions. I think the discussions that we had last night were particularly fruitful and were a starting point. I have always seen them as a starting point in terms of breaking the impasse between the Government and those unions in this conflict.

I will explain to the house that probably the reason that I had at 9.42 am a copy of this payroll deductions of union dues withdrawal that the Chief Minister signed off - as she says, at about 9.15 am - was that we had discussed this as part of the issue of showing good faith in dealing with the unions last night. I had said to the Chief Minister that I thought this would be a demonstration of good faith. I presume that she was quite conscious of the fact that, even if she had not done so, it would have been forced on her. It was a rather easy demonstration of good faith in that sense. Nevertheless, it was still a small move to proceed with it as an attempt to show the unions that she was prepared to back off; that, rather than be taken to a point kicking and screaming, she was prepared to back off and was prepared to leave some room to improve the negotiations. I think that is what we all seek.

As I sat in this Assembly, I assumed that other members had a copy of this as well. As Mr Berry's speech went on, it became obvious to me that he did not become aware of it until after he had begun to speak - in fact, it was after he had finished speaking. I could well have said to Mr Berry, "It is not necessary to move this motion now, because the Chief Minister is taking action". I thought it was a good idea that the issue be debated anyway. I looked at the motion and felt that, even if the Chief Minister had said that she was withdrawing it, being told to withdraw it anyway was not such a bad thing because it would express the opinion of the Assembly that this was an entirely inappropriate action and would give us the opportunity to make the sorts of points that have been made here today in both debates.

I think the improved motion which Mr Berry has put up and which expresses the view that this is an inappropriate way of dealing with an unacceptable action on payroll deductions is an improvement on the original motion; so, I am quite happy to speak to it. I did think it was worth making those couple of points.

I conclude in the same way as I started. I urge the Chief Minister to continue to offer the unions negotiation; to get to the negotiating table as soon as possible; and try to sort out this mess, because that is exactly what it is. I believe that you have made an entirely appropriate demonstration with the teachers union, the Australian Education Union, in an area that I have always felt was the most difficult in this style of negotiation.

I think one of the reasons why the Australian Education Union was prepared to go in with the TLC was that they saw that they were in the most awkward of all positions. That is also as I see it, and it is also one of the reasons why I was prepared to see what I could do to assist in finding a way through as far as the Education Union was concerned. In turn, that means that it is probably possible to find a decent outcome for all union members in the Territory. I urge you to make the same sort of offer to the full range of unions as soon as possible.

MR BERRY (4.46), in reply: A little while ago Mrs Carnell went on a bit about confrontation in the health area. It is interesting how the health workers see her. They see Mrs Carnell as failing to negotiate; intimidating and threatening staff; attempting to reduce the hours of casual employees; moving employees unilaterally from one work area to another; calling them stupid, heartless and irresponsible; threatening payroll deductions; making unfounded claims that members were threatening the lives of the public; and wasting time in the Industrial Relations Commission trying to justify untrue claims. That is how health workers see her, and they see it in a climate that has been created by Mrs Carnell.

Mrs Carnell has created this climate of intimidation and confrontation. She denies that this is an attack on the unions. Yet in a circular sent to all public servants, she was advising them how to resign from their union. Why would not unionists believe that this was an attack on the union? You just cannot keep glibly smiling it away. It just cannot be brushed aside. This was an ideological attack on unions, and you have to accept that. You have to accept that you have created an environment in which workers feel intimidated and threatened. It is your job to fix it. Certainly, there is no sign that you have learnt anything from this exercise. I say that that is the height of arrogance and is something that we in this Assembly will have to keep our eye on. It has demonstrated that this Government is incapable of dealing with its work force.

I am glad that this motion has the support of members of the Assembly. I think it sends a strong message to the Government, in particular the Chief Minister, in the hope that it will reduce the level of arrogance that she displays in her dealings with the community. I think the overwhelming support of the direction of this motion shown by members of this Assembly gave rise to the, if you like, watering down of her original decision until it meant nothing, rather than any particular sign of good faith that Mrs Carnell had to show to the trade union movement. Mrs Carnell has to be dragged kicking and screaming when it comes to issues which affect her ego. There is an ego at stake here; and, yes, you may have to lose a bit of face. But that is life when you box yourself into a corner. That is what you have done in this exercise, and you are starting to look pretty foolish. I am pleased to see that, because it will come as a strong message to you that you have to conduct your business differently.

You are obviously a newcomer to the industrial relations game. You have demonstrated that you are unable to assess the impact of the right wing views of those people who are advising you. I am sure that Mr Houlihan would be giving you advice that would be provocative. He would know the views of the conservatives opposite and would be quite willing to echo them; he is paid the right price, and he would echo them.

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This is a motion that deserves and will get the support of members, and I am sure that it will send a strong message to the Carnell Government that the sort of arrogance that they have displayed in this industrial dispute should be a thing of the past. I see that last evening Mrs Carnell continued to negotiate with the Australian Education Union, despite her threat that she would not.

Mrs Carnell: No. I said that I would not negotiate with the TLC. I am happy to negotiate with individual unions.

MR BERRY: It is the peak union body that she is upset about. Mrs Carnell has been spitting venom at the TLC, the Trades and Labour Council of the ACT, today as if they were an identity all to themselves. Of course, they are not. They are an umbrella organisation for the trade union movement of the ACT. The Trades and Labour Council has been coordinating this dispute and, I have to say, has been doing a fine job. They have pulled the unions together and provided them with a mechanism to defend their wages and working conditions.

Mrs Carnell: Do you actually think they are doing a good job and this is good for Canberra?

MR BERRY: Mrs Carnell says, "Do you think they are doing a good job?". Do you think you have done a good job, Mrs Carnell? I do not think there are many people out there who think you have.

Mrs Carnell: I have not put in place one ban.

MR BERRY: Mrs Carnell says that she has not put in place one ban. She has banned negotiations with unions unless they drop all their industrial disputes.

Mrs Carnell: No; it was six of their 106.

MR BERRY: Six out of 106. Lies, lies and damned statistics! It is the old routine again. Before Mr Humphries drags himself to his feet, I withdraw that. Damned statistics; the misuse of statistics again; spitting venom. This is another example of how you do not deal with an industrial dispute: Climb up and put on the public record your venom about the person that you are supposed to be negotiating with. What a mug to do that! That is just asking for it.

Mrs Carnell: They have never said anything about me, have they?

MR BERRY: I am not surprised that they are responding. First of all, the Government demands that they accept compulsory redundancies, that is, sackings. Mr De Domenico follows it up with, "I will lock you out if you misbehave". What do you expect? Mrs Carnell says, "We are going to make it harder for you to belong to a union and to pay your union dues; and here is how you resign". The unions say, "Gee, she is being friendly today! What a jolly good Chief Minister we have here!". That is the craziness of the situation. You cannot create an environment like that.

Let me repeat the list of the things that are in the minds of health workers out there: Intimidation and threatening of staff. You have to stop that in the course of an industrial dispute; it does not get you anywhere. Attempting to reduce the hours of casual employees. You have to stop that in the course of an industrial dispute. Moving employees unilaterally from one work area to another. On the face of it, people will say, "Well, bosses have the right to move people around". Yes, but there are - - -

Mr De Domenico: It helps to look after patients.

MR BERRY: No, moving employees from one place to another, from one work area to another. But there are custom and practice issues that you have to follow in management. Threatening payroll deductions, which we have dealt with at length. Calling them stupid, heartless and irresponsible. I would suggest that you apologise for that; that would make a good start. Making unfounded claims. I do not think she is big enough to apologise. She will not climb down off the high horse. She is going to have to be dragged down, like this motion is going to do. Making unfounded claims that members were threatening the lives of the public. Wasting time in the Industrial - - -

Mr Humphries: Here is the man who has never apologised for VITAB saying that someone should apologise. Are you apologising for VITAB? It cost us \$3.3m, Mr Berry.

MR BERRY: It is an old cracked record, Mr Humphries, and it is going nowhere. Wasting time in the Industrial Relations Commission trying to justify the untrue claims. There are a few things there about which you could hop down off the high horse and make a few statements which are friendly statements rather than the antagonistic ones that you have been making to this point.

Mrs Carnell, you have been a complete flop in this industrial campaign. The people of the ACT know it. The arrogance has shown through. I have to say that the doublespeak has shown through as well; the honeyed words no longer work. It is time to face the reality of industrial relations management. You have to climb down; you have to cast aside your problems on the ego side; you have to deal with the unions and sort this problem out, otherwise it will keep coming back to haunt you. I welcome members' support for this motion.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.57 pm