



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 September 1998

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

CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 3) 1998

MR STANHOPE (Leader of the Opposition) (10.32): Mr Speaker, I present the Children's Services (Amendment) Bill (No. 3) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR STANHOPE: I move:

That this Bill be agreed to in principle.

Mr Speaker, this is the first of a package of three Bills that I propose to present this morning. The package of Bills is similar to amendments I moved in June when the principal legislation was amended at the instigation of the Attorney-General. At the time the amendments that I moved were withdrawn. There was some comment within the chamber that sufficient time had not been given for members to consider or debate the amendments that I proposed at the time. I indicated in the debate on that occasion that I would be presenting them later for the consideration of the Assembly, and I do that now.

My overriding concern, as expressed in that debate, is that people should be kept out of gaol if at all possible. This set of Bills requires the Magistrates Court to consider the option of a community service order before a fine defaulter is committed to prison. The current scheme compels the registrar to imprison a fine defaulter without the option of a community service order. In the case of a juvenile fine defaulter, the Children's Court is required to consider a report by the Community Advocate before the juvenile is committed to an institution. The Children's Court may also consider other options available under the Children's Services Act.

All alternatives to incarceration need to be explored, and these measures are real and reasonable alternatives. Community service orders will not be appropriate or available in every case. However, the court's discretion to use this option should be available if suitable circumstances arise. If the court does not choose to order community service work the fine defaulter goes to prison. A community service order is not a soft option. It is a safety net if a special case arises. If a community service order is revoked, then the fine defaulter goes to gaol.

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

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CRIMES (AMENDMENT) BILL (NO. 6) 1998

MR STANHOPE (Leader of the Opposition) (10.35): Mr Speaker, I present the Crimes (Amendment) Bill (No. 6) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR STANHOPE: I move:

That this Bill be agreed to in principle.

Mr Speaker, in my comments on the previous Bill I made comments relevant to this particular Bill. I have nothing to add at this stage.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 3) 1998

MR STANHOPE (Leader of the Opposition) (10.36): Mr Speaker, I present the Magistrates Court (Amendment) Bill (No. 3) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR STANHOPE: I move:

That this Bill be agreed to in principle.

Mr Speaker, in my comments on a previous Bill I alluded to the reasons for the introduction of this Bill. I have no further comments to make at this stage.

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

FINANCIAL MANAGEMENT (AMENDMENT) BILL 1998

MR OSBORNE (10.37): I present the Financial Management (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, I consider this Bill to be of great importance to the future wellbeing of the ACT. It is about financial responsibility, a subject which governments usually avoid speaking too much about if they possibly can. This Bill is about identifying certain financial goals and setting in train long-term plans to achieve them.

One thing I have learnt since coming into this place is that politicians in general only think in blocks of three years, and we all know why that is, Mr Speaker. I must admit that there have been times when I have done that. A more cynical view, Mr Speaker, is that the definition of a successful government is one that is still there on Friday night. I believe that as a parliament we need to break out of that perception and begin to take greater responsibility for the long-term consequences of our financial decisions. Instead of just concentrating on what the Territory's financial situation is likely to be at the time of the next election in three years' time, I believe that this Assembly should also be bound to financial principles which look ahead 15 to 20 years.

Mr Speaker, this Bill has arisen out of my concern that successive Territory governments have accumulated debt. It has been very easy for them to do so, and I have mentioned my concern on numerous occasions over the past three years about the fact that a legacy of debt for the next generation of Canberrans has already been established. It is fairly obvious that the track record of the financial management of the ACT has been fairly poor so far and it is the next generation who will be paying. Mr Speaker, I do not consider that situation to be good enough.

This Bill seeks to establish in law four underlying principles of responsible financial management which the government of the day and the rest of the Assembly must adhere to when preparing and considering the Territory's annual budget. The application of these principles would first of all see strategies developed and followed to deal with government debt, and then will ensure that our debts are always kept at a manageable level.

Consider how easy it has been for successive ACT governments to have racked up debt. At the time of self-government just nine years ago the first ACT Government was handed the reins of the city with how much debt, Mr Speaker? Zero. And there was about \$180m in cash reserves. After five years, when I was elected to this place, the cash was all gone and the Follett Government had already been borrowing for two years to fund its annual deficits. The cash deficit for that particular financial year, 1994-95, was \$82m. The unfunded superannuation entitlement for government employees was growing by over \$100m a year and had already accumulated to over half a billion dollars. While the Territory had assets of around \$9 billion, our total liabilities were approaching \$1.5 billion and growing at the rate of nearly \$200m a year. That is hardly what you would call a glowing endorsement for whatever economic plan was being followed at the time, assuming, of course, that they had one.

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Since then, Mr Speaker, over the past four years, the Territory's total liabilities have blown out to nearly \$2 billion, and the present Government is still running an annual deficit of around \$150m. In reality, it is actually closer to \$250m, except that the Government has been selling things then leasing them back and milking extra cash out of ACTEW. In spite of this, the Government is still borrowing money to cover the yearly cash shortfalls, and the superannuation situation does not even bear thinking about.

Mr Speaker, I have tried not to make this sound too much like doom and gloom, but the question that needs to be asked again is just how this appalling state of affairs was allowed to happen. Debt has been accumulated at an alarming rate and, as I have already mentioned, a legacy of debt for our children has already been established. How has that happened, Mr Speaker? The answer is quite simple. Right from the very beginning no ACT government has been prepared to live within its means. Indeed, during the first five years of self-government there does not appear to have been any intention to even go close to such a feat. This has been so blatantly obvious that in this traditional Labor city people have preferred the Liberals in the past two ACT elections. Mr Speaker, every family in Canberra knows that you cannot continually spend more than you earn; that you cannot keep putting groceries onto the credit card. Yet it is a lesson that successive ACT governments have failed to put into practice, with what I consider to be disastrous potential results. This Bill, however, will take care of that situation.

As outlined in this Bill, the four principles of responsible financial management for each proposed ACT budget would be, first, reducing the total liabilities of the Territory to prudent levels. This is to be achieved by ensuring that in each financial year the total operating expenses are not greater than the total revenue earned. In other words, gradually getting our debt under control by simply living within our means. Over an acceptable period of time this action would bring our debt down to a manageable level and in due course allow us to build a buffer against any outside factors which can negatively affect our somewhat fragile economy.

Secondly, once our level of debt is manageable we need to keep it under control. This would be achieved by ensuring that over a reasonable period of time we do not spend more each year than is earned. This principle recognises that at times a certain level of debt is both appropriate and necessary for good government but does not allow the amount of debt to get out of control.

Mr Berry: Who has he copied this off? New South Wales?

MR OSBORNE: I hear Mr Berry mumbling over there, Mr Speaker.

MR SPEAKER: Just ignore him.

MR OSBORNE: I understand the embarrassment this Bill is causing him, he having been part of the Labor Government which set up this terrible situation that we are in. Thirdly, we should be achieving and maintaining levels of Territory net worth that provide a buffer against factors that may impact negatively on that net worth in the future. Fourthly, we should be prudently managing the financial risk to the Territory.

Mr Speaker, in case members feel that the first two principles are a bit severe, I would like to point out that also included in the Bill are the two circumstances in which one or more of these principles can be ignored by the Executive. Firstly, the departure from these principles must be temporary. Secondly, at the same time as the budget is tabled the Treasurer must also table a document outlining the reasons for the departure, the approach the Executive intends to take to return to the principles, and the length of time that that approach is expected to take. All things considered, Mr Speaker, I believe that these principles are sensible and should serve the people of Canberra and the future of the Territory very well.

I also would like to take a few minutes to explain what these four principles do not mean. Firstly, they do not constitute a recipe for economic rationalism or the radical withdrawal or reduction of social services. There is no mandate in this Bill for a slash and burn approach to government spending. Any claim that there is would be an unfortunate display of ignorance and an unwillingness to try to understand the general concept of government fiscal responsibility.

Members may have already noted that there are no specific timeframes or amounts of money mentioned in the Bill. This will allow for long-term strategies of any political persuasion to be set in train, given that they have a hope of achieving the right goals.

Secondly, the Bill is not an excuse for the privatisation of publicly owned assets. I especially wanted to mention that just in case the Government was getting excited. I would remind them that there are many ways of maintaining the net worth of an asset without resorting to selling it, although that is one option, Mr Speaker.

Thirdly, this is not an endorsement of one party ideology over another. Any of the parties represented in this Assembly could easily operate successfully within the framework that I have outlined. What is not endorsed, however, is a fiscal approach that allows continual self-indulgent spending and then borrowing to cover the shortfalls. I believe that the voters have made it very clear that they do not want that. That is a lesson which I am not yet convinced some members of the Labor Party have learnt. If they are to have any hope of getting back into government in the near future, I believe that the people of Canberra would expect the Labor Party to support this Bill enthusiastically.

Mr Speaker, while the Bill does focus on the bottom line, I believe it does so only in a way that is socially responsible and with the good of the next generation of Canberrans at heart. It will be much easier for us to get the Territory's finances under control now while we still can than for a future government to have to make one courageous decision. We all know how much politicians are loath to make those. Mr Speaker, I commend this Bill to the Assembly.

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

**NUCLEAR TESTING - CONDEMNATION OF ACTIONS
OF THE PAKISTAN GOVERNMENT**

MR HIRD (10.46): Mr Speaker, I move:

That this Assembly:

- (1) strongly condemns the actions of the Pakistan Government in conducting nuclear tests in response to India's testing;
- (2) calls on the Pakistan Government to heed international opinion and announce the end of nuclear testing by signing the Nuclear Non-proliferation treaty;
- (3) views the actions of the Pakistan Government as divisive as they further impact on the maintenance of harmonious relations between the Pakistan and Indian communities in Canberra; and
- (4) urges Pakistan's neighbours not to be drawn into a dangerous escalation of nuclear brinkmanship and encourages them to renew their commitment to world peace.

Further, the Assembly urges the Chief Minister to write to the Prime Minister requesting that he inform, in the strongest possible terms, Pakistan's High Commissioner in Australia of this resolution.

It has taken some time for this motion to come on because of the busy schedule of the house, but I am delighted to have the opportunity to move it this morning. Mr Speaker, you will recall that on 19 May this year the parliament passed a motion strongly condemning the Indian Government for its recent nuclear testing program. The Chief Minister subsequently wrote to the Prime Minister requesting that he inform the Indian High Commissioner of that resolution. Regrettably, I have to inform members that since then there has been further nuclear testing on the Indian subcontinent.

On 28 May and 30 May this year the Government of Pakistan conducted underground nuclear explosions in south-western Pakistan in reply to earlier Indian tests. Like the Indian tests, the Pakistani explosions have attracted international criticism, and the Australian Government has applied a series of measures against Pakistan, similar to those applied to India. The recent Pakistani action ignores international non-proliferation norms and raises serious concerns about world security and peace in our region. I find it disappointing that Pakistan has seen fit to turn its back on the pleas of Australia and others who had urged restraint by Pakistan in face of India's action. Pakistan, like India, is now being condemned by the rest of the international community because of these tests.

All members are aware that tensions on the Indian subcontinent are longstanding and complex. On several occasions they have erupted into war. We acknowledge the concerns of both countries for their security, but generating a nuclear arms race in south Asia provides no solution, Mr Speaker. Nuclear testing will exacerbate, not solve, regional tensions. It is sad to think that two countries with good relationships with Australia in recent years are now slipping into a state of high tension.

Mr Speaker, I think that the Canberra community fully supports the Australian Government's action in unreservedly condemning the Pakistani Government for these tests, and we endorse the efforts of the international community in seeking ways to resolve tensions between India and Pakistan. While members will note that Pakistan and India have declared a moratorium on testing, we believe that both should sign the comprehensive nuclear test ban treaty immediately and unconditionally. Additionally, both should throw their weight behind international efforts to achieve a fissile material cut-off treaty and as soon as possible enter into bilateral dialogue to address the issues which separate them. The ACT community is committed to multicultural unity, and I am pleased to inform the parliament that Canberra's Indian and Pakistani communities live side by side in harmony, Mr Speaker. We are all aware that both contribute significantly to our community, and I am sure that both would be disturbed by these recent developments.

Mr Speaker, when we considered India's nuclear testing the Chief Minister indicated that the parliament had three clear duties. In light of Pakistani developments, these duties remain the same. Firstly, we must clearly state that we strongly oppose the Pakistani tests because nuclear testing on the subcontinent can only destabilise the region. Secondly, we call upon Pakistan to immediately stop further testing. Lastly, we want to inform others who may consider moving over the nuclear threshold that the people of Canberra, along with other Australians, deplore any move, anywhere, by anyone to enter or escalate the nuclear arms race.

With the parliament's approval, the ACT Government will continue to consult with the Commonwealth Government and closely monitor the situation in India and Pakistan. I believe that the Chief Minister should also contact the Prime Minister to inform him of the strength of feelings in Canberra about the Pakistani tests, and ask him to communicate these to the Pakistani High Commissioner.

MR CORBELL (10.52): Mr Speaker, the Labor Party will be supporting this motion. It is somewhat belated, nevertheless it is an important motion and one that we believe should be spoken to briefly. Clearly, nuclear testing in Pakistan, and earlier on in India, is a cause for concern for anyone in the world, but particularly for anyone who lives in the Indian/Pacific area, as we do. Any country that perpetuates the proliferation of nuclear weapons in such an aggressive and potentially hostile way causes us concern. Just as we have indicated our concern at the behaviour of the Indian Government in initiating what is effectively an arms race on the subcontinent, we equally condemn the Pakistan Government for being drawn into that race.

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Mr Speaker, it is appropriate at this stage, however, to draw one other comment to members' attention, and that is Australia's own participation in the nuclear arms cycle, particularly the Federal Government's recent decision to open the Jabiluka mine in Kakadu. This mine could potentially end up supplying uranium in an enriched form to countries that build and test nuclear weapons, like Pakistan.

Mr Humphries: But you guys sold uranium as well.

Mr Hird: You were going to do it too.

Mr Humphries: You had three uranium mines operating.

MR CORBELL: It is regrettable that our Federal Government is participating in a nuclear arms cycle by continuing to open up new mines in the Northern Territory. The Labor Party has put very clearly on the record that if elected we will not go ahead with the opening of that new Jabiluka mine in Kakadu. I hear the taunts opposite, and I am sure that Ms Tucker will stand up shortly and beat me around the head for the Labor Party's position on nuclear weapons. I am very proud to say, Mr Speaker, that the position of the ACT branch of the Australian Labor Party has always been to oppose absolutely and completely uranium mining in the Northern Territory, particularly in areas of world heritage. That remains our position and the position of the rank and file members of our branch. It is a position I am proud to support - - -

Mr Humphries: Well, criticise the Federal Labor Government as well. Do not just criticise the Liberal Government.

MR CORBELL: Mr Humphries says I should criticise the Federal Labor Government. Yes, I will. They made the wrong decision. It was wrong, Mr Humphries, and I stand by that because uranium mining, to perpetuate the nuclear arms cycle, is immoral. It should be a process which Australia has no part of. On that, Mr Speaker, I commend the motion to the Assembly.

MS TUCKER (10.56): This motion has been on the notice paper for a long time, but I am always happy to speak on these matters. It is very important that we continue to raise the issues. There is a Federal election campaign at the moment so it is obviously a good topic of debate. The motion is about Pakistan, but any nuclear tests have to be condemned. We condemned India as well. We have condemned China. The Greens certainly have condemned China and France. I know we condemned France in this place as well.

One of the really important issues that also have to be raised in these discussions is that, while the nuclear states have not moved to establish a timetable to eliminate their existing arsenal, other countries will demand the right to have their own weapons. I remind members that, of the 2,040 nuclear tests which have been conducted since 1945, the United States has conducted 1,030 and the Soviet Union has conducted 715. That does not leave a lot more that other countries have undertaken. It is understandable why these countries do not take the protestations of countries such as the United States seriously when they continue to demand the right to keep their arsenals.

Members will probably remember that in the last debate on this issue, when we were condemning India for its tests, I amended that motion to call on the Federal Government to sign up to Abolition 2000, which is the worldwide campaign to force the nuclear states to take on a timetable. I will repeat again for the record the three parts of that resolution. It calls upon the governments of all nuclear weapons states to begin negotiations immediately on a nuclear weapons convention to prohibit and eliminate all nuclear weapons early in the next century, and to complete these negotiations by the year 2000. Secondly, it calls for all nuclear weapons to be immediately taken off alert status, for all nuclear warheads to be parted from their delivery vehicles, and for the nuclear weapons states to agree to unconditional no-first-use of these weapons. Thirdly, it calls on them to declare support for the further development of legally binding national and international nuclear weapon free zones throughout the world.

The other issue that always has to come up in this, as Mr Corbell said, is the question of uranium mining. Yes, I agree that the Labor Party's policy on uranium mining is not good, but the Liberal Party's policy is much, much worse. We cannot possibly allow 26 more uranium mines, which is what is planned by the Liberal Government. Of course we cannot allow it to continue in Jabiluka. I sincerely hope that John Howard's Government loses, if only on that issue, but I hope he loses on other issues as well.

Basically, the Government and the people of Australia cannot claim that there is a separation between these horrors of nuclear testing and nuclear war and uranium mining. The post-mining stages of the nuclear fuel cycle are dependent on that mining, and we do not know where our uranium ends up. There are serious adverse human health and social, economic and environmental impacts which adoption of the nuclear path will impose. The safety of nuclear power plants is very uncertain. Grand claims that the technology now is safe are disputed. While Western reactors are much safer than Chernobyl, that is not good enough. There are still no reassuring answers to reactor decommissioning, and the long-term effects, especially the genetic effects of radiation, are not understood. There are no real solutions to the problem of radioactive waste disposal. Forty years after tests at Maralinga, it is still not safe for the original inhabitants to return there. It has to stop.

MR HIRD (11.00), in reply: Mr Speaker, I will be very brief and just say that I thank members for their support for my motion.

Question resolved in the affirmative.

ACTION - PRIVATISATION

[COGNATE MOTION:

ACTION - TENDER PROCESS]

MR SPEAKER: Is it the wish of the Assembly to debate this motion concurrently with the motion on the notice paper in Mr Hargreaves's name relating to the tender process for ACTION? There being no objection, that course will be followed. I remind members that in debating notice No. 6 they may also address their remarks to notice No. 7.

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MS TUCKER (11.01): I move:

That the Government receive the support of the Assembly before taking any measures towards privatisation of ACTION, the tendering of any part of ACTION services, or before giving approval to any other operators for the provision of regular scheduled public transport services in the ACT.

This motion of the Greens is very similar to a motion that my colleague, Lucy Horodny, moved in the last Assembly in 1995. We were concerned then that the Liberal Government wanted to corporatise, or privatise, ACTION and that they actually had little understanding of the benefits of having a well-patronised public transport system. They complain about the subsidisation of public transport but are always happy to talk about investment in roads. The rhetoric is always fine, but the practice is an unimaginative and conservative approach to transport planning and it is without any integrated strategic context.

While I acknowledge the work of Mr Thurston in implementing the new network and responding to the Graham report, the reforms to ACTION have been hampered by the Government's approach and lack of long-term vision and planning. The introduction of the unsuitable zone system is a symptom of that narrow approach. The Greens believe that the existence of a strong, efficient and affordable public transport system is a basic and fundamental community service which the Government has an obligation to provide. We know, of course, that this Government believes that the private sector can provide this service equally well. That is the debate we need to have in this Assembly before the Government takes any steps to privatise, or corporatise, or outsource the public transport of the ACT.

I would like to remind members that when we moved a similar motion in the Assembly in May 1995 it was supported. Mr Humphries said:

We know that we cannot proceed to make these changes without extensive consultation with staff, with unions and with management in these areas, and we must work towards building a consensus about where we go with this kind of service.

I assume that Mr Humphries does not think industrial negotiation is a process of consultation on the issue of privatisation of services, and I also assume that he thinks the community might be interested in the issue. Mr Moore said:

What we want to do is understand what those benefits will be and ensure that that is explained in this Assembly before the process is taken up by the Government. That is why I will be supporting this motion.

And Mrs Carnell, talking about corporatisation, said:

The Assembly will be able to see it every step of the way.

This motion today is calling on the Government to work in the spirit of the commitments they made in that debate in 1995. They have sought expressions of interest to provide bus services in Canberra. This did not come before the Assembly. I would say that calling for expressions of interest from private providers is a significant step along the way, as Mrs Carnell put it, and it is quite unacceptable for a minority government to operate in this way.

I would like to remind members that this is a minority government. I know that it does not seem like it sometimes. The Government does not respond to Assembly or committee directions as if it were a minority government. Take, for example, the directions and requests regarding Floriade. We have moved two requests. We are being very nice about asking, but it does not seem to make any difference. Basically, the request was ignored, as was the recommendation from the committee. There is a real worry in the community about this trend in this minority Government. I will continue to raise it as a concern in debates in this place and draw it to the attention particularly of Mr Rugendyke and Mr Osborne. I do not believe that Mr Osborne, in particular, should be taken for granted on this issue of ACTION.

This motion is directing the Government not to pursue any further the privatisation or contracting out of fundamental public transport services unless this Assembly gives support for these measures, as these measures are very significant for the ACT community. The community has a right to be involved in the decision, as do Assembly members. I noticed that Mr Smyth responded to the media on my motion and said that 14 months is enough consultation. Mr Smyth was obviously confused about negotiations with the union and consulting with the community. Industrial negotiations with the Transport Workers Union on behalf of bus drivers is not community consultation. The industrial process and dispute are different issues from how the community will fare if bus routes are tendered out. I am unaware of anyone who actually bought Mr Smyth's line, except perhaps Mr Rugendyke. This motion is to ensure that we and the Canberra community are consulted on the vital issue of public transport. I think this Government is so removed from the community that it does not even comprehend how users could be affected.

If one looks at the record of this Government and other Liberal governments, one sees that they do not have a good record when it comes to being able to ensure that community service obligations are factored into their "small government, big private sector provider" model. They have demonstrated clearly that even describing these obligations and putting them into contracts is difficult. This, in combination with their obsession with the bottom line and reducing budget expenditure, does not augur well, particularly for the disadvantaged in our community, but also for the ecological sustainability of our region. There is a real fear that services will decrease further and that those most vulnerable in our community who are totally reliant on public transport will be further disadvantaged.

As this is a cognate debate with Mr Hargreaves's motion, I will also refer to that. The main part of his motion, of course, as well as stating the importance of public transport, is in respect of industrial processes and the necessity to continue negotiating with the union in good faith and to cease any further actions related to working with

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expressions of interest from the private sector. We have agreed that the two motions can be debated cognately as they are, obviously, closely related. The industrial process is not just something that should be followed. It is a legislative requirement - a framework that was developed by the current Federal Liberal Government no less. It is appalling that we are forced to call on the Government to abide by legislation.

I am sure that there are many improvements that can be made to the ACTION network, and I understand that ACTION and the Government may have differing views from drivers and the Transport Workers Union. But what concerns me is the willingness of Mr Smyth to give up, citing privatisation as the only option. I believe that the Transport Workers Union were willing to sign an agreement but were not willing to endorse different, and reduced, conditions for new staff. This would create a de facto work force. ACTION members found it unfair that they were voting for conditions for workers to be employed in the future, which conditions currently did not exist. Any reading of the literature on industrial relations within workplaces proves that the relationships between workers in a particular facility or organisation are very adversely affected if people are doing the same work for different rates of pay. It is a pretty obvious problem in a workplace. I do understand that the union is interested in continuing negotiations and I definitely support this motion of Mr Hargreaves that the Government should work with the union in good faith.

The community of Canberra needs a strong, well-serviced bus service. This, I believe, would result in increased patronage by people who currently use their cars for their full journey or part of it. As I have stated in this Assembly on a number of occasions, public transport is not about profit; it is an investment in our future as well as in our society now. I find it interesting that this Government still believes that privatising public assets such as ACTION and ACTEW is going to increase the efficiency and at the same time maintain and even improve the level of service to the community.

It would be far more productive for the Government to develop an integrated transport strategy to increase patronage rather than to look to the private sector as a panacea. We are still waiting for the land use and transport study. Once again we see initiatives made in a policy vacuum. Restructuring the current network so that it is appealing to consumers and results in greater patronage will not happen overnight. It will require careful planning and, very importantly, community consultation. It will also require courage and vision from government, which I am afraid is not there.

Transport is a major cause of greenhouse emissions in the ACT. Transport is also a critical factor for government if it is interested in equity of access for all its citizens. That is why we believe that any major decisions in this area must come through the Assembly.

MR HARGREAVES (11.10): Mr Speaker, I would like to speak initially in support of Ms Tucker's motion. Some of the things in it actually struck a very big chord with me, and I would just like to see the Government pick up the same chord. What Ms Tucker said was that our public bus system is not an asset for sale; it is an investment in our community, and we should be attacking our deliberations from that perspective.

The decision to seek expressions of interest before the ACTION network was given statutory authority status was a sneaky way to bypass this Assembly's wish to be involved with the sale of Territory-owned corporations. That is the truth of it. What happened was that the Government decided to sell it off before we had to debate the issue here in the Assembly. The way it did that was to put the acceptability of ACTION being a statutory authority - which is one half-step away from Territory-owned corporation status - onto the list of its ambit claims in the EBA discussions with the Transport Workers Union. The Government wanted those guys up there - I am pointing to the gallery - to make a government decision. It is a government decision whether to have it as a statutory authority, part of a department or a Territory-owned corporation. So they said to the bus drivers, "You decide". When they knocked it back, they thought, "Beauty; there is one of the triggers. We can flog it off". It was a set-up. It was a three-card trick. There was not anything that anybody could do about it. But we reject that particular perspective of it.

Mr Speaker, when we talk about the ACTION bus service, we have to think about what it actually provides. We do not have any trams or trains in this town. It has been built for vehicular travel. Because of that layout, a public transport system with bus services is essential for those people who are not fortunate enough to own \$93,000 four-wheel-drives or second cars with which they can take advantage of the cheap registration.

Mr Corbell: Battler-mobiles.

MR HARGREAVES: Thank you very much, Mr Corbell. The people who do not have those battler-mobiles are the elderly, who are actually stranded within their homes if the bus service is not provided to them, and schoolkids. I do not know how many schoolchildren battlers actually have their own battler-mobiles. In fact, the schoolkids who have their own cars or who use dad's car, mum's car, or whoever's car to go to school are not in the majority. We have a responsibility to make sure that those kids get to school, and not just by paying somebody else to deliver them.

Disabled people cannot get around without an adequate transport system. All too often we make these dollar-driven decisions, forgetting about those people. Families on low incomes can only afford the one car; so the breadwinner is usually the one that takes the car to work. What happens to the family that is left behind? John Howard's big thing is: "Let's put women back in the home". He sure as hell wants to do it. If I am correct, not only does he want to put them in the home, but he wants to keep them there, because they have no access to public transport to get out and about.

What about the isolated areas of Canberra? We talk long and deeply about social isolation and about the pioneers in my colleague's part of the world, Gungahlin, the pioneers of South Tuggeranong and the pioneers of Reid. People in Reid can walk to wherever they like, but we cannot. Social isolation sets in there, and often the only way people can get relief from that social isolation is by use of the public transport system.

What we are talking about here, Mr Speaker, is equality of access. We have already seen the pricing structure attack equality of access. The introduction of the zonal system has been an abysmal failure. It does not provide equality at all; it provides inequity. It also savagely increases the cost. I would like to give an example, Mr Speaker, of how equality of access does not work in the private sector. This example was provided to me by one of our Federal members. A newly developed area in the western Melbourne suburbs was a couple of kilometres from the main part of the metropolitan area. It had a population of about 15,000. The Government down in Victoria pulled out of the public bus system. They said that they had a crash-hot system and that the private sector would pick it all up. Indeed, they did.

In they went to this new area with 15,000 people. People bought their houses out there - not because they wanted to but because they had to, because they were cheap - and they thought, "We will go out and do some more pioneering". Inside three weeks, that bus company realised that that particular bunch of houses was not going to provide them with the profit margin they expected, and they yanked out the service, just like that - he said, clicking his fingers. The people in that particular part of the world had no transport to the medical facilities that they needed, to ordinary support facilities or to go shopping in the middle of the day. That was disgusting. And it happened because it was a private organisation, profit driven. Mr Speaker, the Government is responsible for ensuring that access to public transport is available to everybody who needs it. Private companies do not do that because they are profit driven.

I would like to address our community service obligations. Governments need to provide resources to ensure that the disadvantaged have access to transport services, to provide opportunities for these people to get out of the social traps of isolation that I mentioned before. Lack of transport often generates that social isolation. I want to underscore that through repetition. Mr Speaker, bottom line financial results ought not to be the sole determinant of successful performance. This philosophy is born out of economic rationalism. It is dollar driven. It puts costs above people. When financial performance is the sole determinant it allows the service no room to move. Mr Speaker, the balance sheet has no regard whatever for suffering and it has no soul - and, I suspect, neither have the drivers of this particular blind rush to privatise a service.

Mr Speaker, I now turn to the industrial relations aspect of this matter. We have heard much from the architect of sweet and sensitive industrial relations, Peter Reith. He seems to be giving these people very good tuition, although I sometimes wonder whether this Government is teaching him or he is teaching them. I do not know. We will just have to sit and wait. They have ignored the reasonable conventions of industrial relations. They were dragged, kicking and screaming, to the Industrial Relations Commission, but they have actually got a predetermined position. Would you like me to stop and wait for you, Chief Minister?

MR SPEAKER: No. We would like you to address the Chair, however, Mr Hargreaves, please.

Ms Carnell: Mr Speaker, I am happy to take that point of order. I just did not want to interrupt Mr Hargreaves. My point of order is that Mr Hargreaves is supposed to be addressing the Chair.

MR SPEAKER: I thank you and I uphold the point of order.

MR HARGREAVES: Thank you very much, Madam Speaker, and indeed Mr Speaker. I would just ask the Chief Minister to go back to *Hansard* and count the times I did, in fact, address the Chair.

Mr Speaker, this Government has made an offer to the workers - the drivers, the mechanics, the upholsterers and a host of other tradespeople connected with ACTION - an offer that nobody in their right mind could accept. They sat back and waited until this happened and they said, "No. This is not fair". They advertised for expressions of interest. The coincidence of timing is absolutely amazing.

What we are seeing here is the destruction of a public service through the use of Patrick-style body companies to manage our "waterfront". But who are going to be the big casualties in this? It will not only be the bus drivers, the upholsterers, the mechanics, the electricians and all those guys; it will also be ACTION management. In any industrial arena, management and unions bash heads occasionally. That is fine, because that is part of the deal. But there is no reason why the ACTION management ought to be sacrificed on the altar of expediency, as this Government is doing. If they have, in fact, been able to negotiate a little bit closer to settlement with the union, why should they be hung out to dry for it? I do not accept that they should be.

This Government had already made up its mind. It was going to flick the ACTION service. This is the bit that absolutely floored me, Mr Speaker. I could not believe it when I saw this in the press. The Government intends to compare the expressions of interest with the negotiated settlement that ACTION management and the Transport Workers Union actually arrived at - with, I might say, Mr Speaker, the blessing of the Industrial Relations Commission. I cannot believe the duplicity in this.

Mr Speaker, I am calling on the Government to cease the process of evaluation of the tender and expressions of interest and accept that this is contrary action in an industrial dispute. It is, in fact, like waving a sword around and saying, "We are going to get the best deal out of this. We do not really care what you do". I think, if they want to create a decent industrial environment where we can have confidence in the outcome, they ought to stop this evaluation of the expressions of interest dead in its tracks and be honest about it. They should forget the expressions of interest and negotiate in good faith.

The Government needs to acknowledge that, in any industrial bargaining situation, ambit claims are put. Everybody does it, Mr Speaker. This is no different. The Government should not say, "Oh, well, we got an ambit claim from the Transport Workers Union. We are not going to accept that. We will sell you". Mr Speaker, when they do not get what they want, they should refer the matter to the IRC; not be dragged, kicking and screaming, to it. Mr Speaker, the Government has just bullyboyed its way through this. I think that it needs to stop, go back and be reasonable about it.

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MR SMYTH (Minister for Urban Services) (11.23): Mr Speaker, thank you for the opportunity to address the house on these two motions. It is quite clear that we can talk about the truth and what has actually happened or we can just stand here and posture. It is curious to describe the industrial relations process as a series of ambit claims. There is an initial stage in the industrial relations process where, I think, sides do posture. Perhaps you do start with some ambit claims. You then get down to the serious business of trying to resolve where the issue goes.

The serious business of trying to resolve where ACTION goes began many months ago - indeed, 14 months ago, Mr Speaker. I think it would be fair to say that it began under the former Minister, Mr Kaine, with his appointment of Guy Thurston. Guy Thurston is the officer in charge of ACTION. It is acknowledged by many in this place that he has done a great job in working towards a better bus service for all Canberrans. That is what ACTION is there for. It is there to provide a better bus service for all Canberrans. I think it is fair to say that for 14 months Guy Thurston has worked towards that.

Ms Tucker started by saying that I am confused about the public consultation process on the network and EBA negotiations. The two go hand in hand, Mr Speaker. Mr Thurston has been working on both sides of this issue for about 14 months. I have seen the documents he has and the folder he has that lists all his meetings and all his negotiations. Yes, there was a public process. There was the Graham report; there were the other reports; there was public consultation. There was public consultation over about nine months, and the new network proposal was put out, modified and discussed. But that whole new network depended upon some changes. They are not even best-practice changes, Mr Speaker. This is about implementing some standard practices in the bus industry around the country.

Mr Speaker, in rising to speak to this motion I would like to outline what has happened in these last 14 months of negotiations. The reform sought by the Government in the negotiations would have achieved changes to work practices needed to implement the new network and to meet the budget which this Assembly has voted to me to spend on ACTION. The Government is obligated to deliver these reforms within the budget. To delay the introduction of the new network from October to February will cost in the vicinity of a million dollars. It will cost in the vicinity of a million dollars simply because we have not been allowed to implement what the Graham report called for. I must say, Mr Speaker, that Labor has continually urged us to implement the Graham report. Graham said that the issues were pay, restrictive work practices, bus routes and timetables. We have, Mr Speaker, worked very surely towards working out the issues that cover pay, restrictive practices, bus routes and timetables.

These reforms are not unreasonable. They are in line with the costs of other public transport operators around the country and reflect just standard practice - not even best practice - in the industry at large. The enterprise agreement offered by the Government would have allowed the new network to be implemented and services to be extended at no additional cost to the ratepayers. The Government has spent 14 months negotiating with the union to formulate the new network so that ACTION could run that service, Mr Speaker. This is the Government's preferred option.

Mr Speaker, it is quite curious that Mr Santi told Graham Downie of the *Canberra Times* that he had told the meeting that, should the members of the union reject the EBA that the Government had offered, it would leave them with no option but to tender out for the services. So, indeed, in going to an expression of interest, Mr Speaker, one could say that we are simply following Trevor Santi's advice that the Government had no further option. The TWU has rejected the EBA offer. That included pay rises and introducing the new network. Clearly, the union does not want the outcome that we have all been working so hard to achieve, Mr Speaker; that is, 20 per cent extra services for the people of Canberra.

Mr Hargreaves said that the Government is the one posturing here, the Government set this up and the Government did not want this to go ahead. But it is curious, Mr Speaker, that on 6 August Mr Hargreaves himself said in a press release:

Industrial action is looking imminent any time from 14 October, if the Government do not reach an agreement with the TWU within the next couple of weeks.

So it is quite clear that as far back as early August, Mr Speaker, they were not really genuine about this when it came to negotiations. The TWU was already gearing up, and they announced through their spokesperson, the shadow Minister for transport, that they were ready for industrial action after 14 October. Indeed, Mr Speaker, I have heard reports that at the AFL game played at Manuka Oval members of the union were saying that we would be in dispute before Christmas. This was even before a vote was taken, Mr Speaker.

The curious thing, Mr Speaker, is that on Monday a young lady phoned my office. She had attempted to buy a car on Saturday. She said that she went to purchase a car from a private vendor and, when she asked why the car was for sale, he said, "I am a bus driver. I am gearing up. I am cashing up for the big strike that is coming". We can talk about who is genuine here. Mr Speaker, the Government has been genuine. The Government, through Guy Thurston, has taken 14 months to come to an agreed position. Over that time we actually agreed to a number of points that the TWU wanted, which they rejected just over two weeks ago.

Mr Speaker, at the recent paid meeting - the second paid meeting - that they had to discuss these offers, the TWU rejected parts of the proposal that they themselves put forward. I think it is worth reading into the record some of Mr Santi's response to what has been put forward. It is quite interesting that three or four weeks ago I actually met with Guy Thurston and Mr Santi in my office, and Mr Santi shook my hand and said, "Basically you've got a deal". But let us have a look at what we put on the table and let us look at their reasons for rejecting it. It is quite interesting.

There were wage adjustments in the package, Mr Speaker. The reason for their rejection is curious. They said:

Members regard the wage increase as adequate, providing that there is a mechanism to re-negotiate further increases in the event of extraneous financial implications from the Asian monetary crisis - - -

Ms Carnell: Why? Are they planning to go to Malaysia on holiday?

MR SMYTH: Yes, they must all be off to Malaysia. They said:

... a Goods and Services Tax (if the Libs are re-elected) or inflationary movements of a substantial nature.

Mr Speaker, it absolutely stuns me. I am not sure what the union is after. I do not know whether they want to be paid in Swiss francs or American dollars. Maybe they just want to play the foreign exchange market. Mr Speaker, most Canberrans would love to have to be worried about the foreign exchange rate. What was offered, in effect, Mr Speaker, was more than \$45 a week in additional pay and, if the drivers volunteered to take up split shifts, an extra \$100 per week. That is almost \$150 a week, Mr Speaker, or \$7,500 a year. I think most Canberrans would love to be in a position to actually turn down a \$150 a week increase.

But let us keep going. We offered to pay them more to implement the new network, which the public wants. We know that because we talked to them. We had a mammoth amount of consultation over this. It is quite clear that the public is after more services. But Mr Santi said in his letter:

Members rejected the New Network for many reasons, including the inclusion of full time broken shifts, the fact that some 5 day, day shifts were finishing too late (i.e. after 7.00 pm) and that there was insufficient time to implement any new network by October 12.

After 14 months of negotiation we all knew it was coming. The people of Canberra want it. Yet suddenly, a month short of the introduction of the new network, it just cannot be done. Mr Speaker, the list goes on. Take leisure leave. Here the union is arguing that its members have the right to have an extra 2½ weeks a year on top of their annual leave - on top of the four weeks that most Canberrans get. They want this set in stone. They are not willing to be paid overtime, which is the standard practice. Mr Speaker, most Canberrans would love to have 6½ weeks' leave in a year.

Mr Speaker, the workshops issue is an interesting one. Essentially, what we have is an internal fight in the TWU. The drivers and the workshop staff are in conflict. ACTION has suggested that we transfer some of the workshop staff, those trained as multiskilled drivers, to become drivers. (*Extension of time granted*) This has led to a demarcation dispute within the TWU. So it goes on.

The curious one, Mr Speaker, is the ticket sales. Drivers currently accept cash fares. What we wanted was for them to actually sell people a ticket. Most of our tickets are purchased by pensioners, Mr Speaker. Pensioners' needs vary, and it would seem reasonable that you could get on the first bus of the day and buy your \$1 pensioner ticket.

The union simply said no; they could not do that; there was a security risk. They said, "It is okay to accept cash money, but we couldn't sell tickets as well and accept cash money because that would represent a grave security risk for us". I am quite sure that, if you get on a bus in Cairo or Bogota or even Sarajevo, you can buy a ticket; but a pensioner cannot buy a pensioner ticket in Canberra, Mr Speaker. The proposal was rejected by the union.

Mr Speaker, there is much more to be said here about the sign-on times and casual spares. For instance, in education, if a teacher rings in sick, they have a list of people they can ring and call in at short notice. We actually have a pool of casual spares who sit waiting just in case somebody happens not to turn up.

Mr Speaker, another issue is the statutory authority. I think it was in April that Mr Santi and I met to discuss matters and he again put forward his idea that we set up a transport statutory authority. They asked for a statutory authority, and we agreed. We said, "Okay, let's have a look at it. We will put it on the table". Then they rejected their own proposal. Mr Speaker, the litany just goes on and on.

If we look at the motions, Mr Speaker, it is quite clear that what they are about is just posturing - Mr Hargreaves has so kindly announced their intention for them - to get us to 12 October so that they can take protected industrial action. Mr Speaker, we have had 14 months of negotiation. We were working towards it. It started under the former Minister. Guy Thurston has carried that through. We have had two types of consultation with the public about the network. We have had EBA discussions at the same time, Mr Speaker. It led us to the second of the two paid meetings recently, where Mr Santi told his staff that, if they reject it, the Government really has no choice. Mr Speaker, I believe that. I believe that we do have little choice but to tender it out. But, as I have said from that day, Mr Speaker, I am happy to discuss it and come to some agreement if we can. I am still waiting to hear what they would like.

It strikes me as odd, Mr Speaker, that we have these motions and neither of them talks about achieving the extra 20 per cent of services that the people of Canberra deserve. Points 1 and 2 of Mr Hargreaves's motion the Government agrees with. We note that public transport is an essential basic service. We already pay CSO and an efficiency dividend far in excess of that paid by any government in this country. Most bus companies, private or public, pick up somewhere between 45 and 55 per cent of their funding through the fare box. Ours picks up 24 per cent. The people of Canberra already pay 76 per cent. That is fine. We understand that the bottom line is not the only consideration in public transport. That is correct, because we understand that pensioners, disabled people, single-car families, those that live in outlying areas and the unemployed rely on public transport, Mr Speaker. We understand that because we fund it. We know exactly how much it costs us. We are not talking about that. What we are talking about is getting the best deal for the people of Canberra.

I agree with points 1 and 2. I do not think anybody here would dare to disagree with them. But it does not mean that we have to strike a bad deal. It does not mean that we have to wait until 12 October so that industrial action will commence, in the hope that it will force us to cave in. I recall Trevor Santi's words on a 2CN program the other day when he said, "Yes, we do have the power, and we will be using that power".

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Mr Speaker, what I want is better transport for all the people of Canberra. What the people of Canberra want is a better transport system for themselves. It is what they deserve. The new EBA will give that. If the union cannot sign the EBA, then I will have to look for other ways in which to deliver that service, and I will find the best and the most economical way that I can.

It is quite curious, Mr Speaker, that recently services in Adelaide and Perth were tendered out after the TWU would not come to the party. The outcome of that, Mr Speaker, is that cost savings of up to 20 per cent have been achieved in both cities. There has been no loss of service. I understand that there are, in fact, significant improvements to service and better bus times. So, on the basis of their trial, the Western Australian Government is now tendering out all of its services in Perth, I understand, and both Perth and Adelaide have seen increases in patronage. Mr Speaker, the Government will be supporting neither of these motions.

MR STANHOPE (Leader of the Opposition) (11.38): Mr Speaker, we are debating today two motions. I think it is a pity, in a way, that we are having a cognate debate here. Each of these motions raises separate issues, and issues that demand to be debated separately. Ms Tucker has moved that ACTION not be privatised without the explicit approval of this Assembly. Mr Hargreaves, on behalf of the Labor Party, has moved similarly but is seeking Assembly endorsement of a whole range of other aspects of public transport and the provision of public transport to the people of Canberra. There is a debate that we should have, which actually questions this Government's commitment to the provision of public transport to the people of Canberra, because its actions recently give us no comfort or no reason to believe that this Government has any commitment to public transport or the provision of an effective public transport system for the people of Canberra.

These two motions encapsulate, I think, three issues. There are three basic issues here. One is the issue of the Government's responsibility to provide this community with an effective public transport system. We are talking here about the Government's responsibility to conduct EBA negotiations with its employees - with its workers - in an open and honest way and with genuine integrity. We are also talking about the fact that this Liberal Government - or perhaps this Moore-Liberal Government - - -

Mr Smyth: More liberal?

MR STANHOPE: The Moore-Carnell Government - the Liberals and the Clayton's Liberal - does not have a mandate to privatise. They are the issues that we are debating today in this cognate debate. I will not speak at length on the question of the Government's responsibility to provide an adequate and effective public transport system because time will not allow that. But it is relevant that we talk about what sort of Canberra we want; what is our vision for the people of Canberra. Our vision for the people of Canberra certainly requires that it be a vision that demands equity of access for all Canberrans.

The community obligation imposed on governments in relation to the provision of services such as public transport to those people that are pushed to the edge - to the frail, to the not so well off, to those that do not have ready access to motor cars - is absolute. This Government is abandoning that principle. There is no doubt that in its reckless pursuit of privatisation it has abandoned its community service obligation to all those people pushed to the edge. So that is an issue that we should debate at greater length. I regret that today we do not have an opportunity to do that.

What we should be doing today, though, is talking about this Government's responsibility to its employees - to its own workers, to the workers of ACTION - through the EBA negotiations. I have heard the Minister, in here and publicly, repeatedly talking at length about the 14 months of fruitless negotiations with ACTION and the TWU. He ignores completely the fact that in February of this year there was major agreement on a whole raft of reforms within ACTION. The Minister glosses over that. The Minister talks about the 14 months of fruitless negotiations, but he does not talk about the major commitment, made by the workers of ACTION and by the TWU in February of this year, to split shifts, to extra part-time workers, to a whole range of significant reforms. The Minister glosses over those.

These were things that were implemented in February this year. There were packages of redundancies taken, there was pain, there was insecurity. I do not know whether the Minister has ever actually visited his workplaces to talk with the workers about the level of job insecurity that is felt by his workers within ACTION. If he had, then he would not be making that sort of asinine comment. Serious negotiations on the EBA began only in April of this year. To talk about 14 months of fruitless negotiations is just not honest and open. It is not the case. Negotiations have not been going on for that long. We come down to this point: How does a union negotiate with the Government? We have this talk about the toing-and-froing - the fact that the TWU have not come forward, that they actually do not have any ideas, that they have gone back on agreements.

The Minister does not even understand the nature of his own work force. We have the drivers, we have the mechanical staff, we have staff in head office. We have a whole range of staff. The TWU does not speak for them all. The drivers do not stand up and speak for the mechanics. They negotiate, they talk, they put things on the table, and then they go away and talk with their own fellow workers - something that the Minister is not inclined to do. Any effective industrial relations negotiation demands absolute integrity. The Minister has made much of Mr Santi's apparent shifting, the fact that Mr Santi says one thing and his workers reject it. The Minister has stood up in this place and said this of Mr Santi. At moments like that, as I sit here and listen to Mr Santi being defamed by the Minister, I really do think we should have some process to allow people such as Mr Santi a right of response in this place. I will do it on his behalf here and now.

Yesterday - and I ask the Minister whether he stands by this - Mr Rugendyke fed the Minister a question on the TWU and Mr Santi. Mr Rugendyke said that he had heard Mr Santi saying that the TWU was willing to continue negotiations with the Government and was in the process of doing so. Mr Rugendyke asked what was the Minister's response to that. The Minister stood up and bagged Mr Santi and the TWU. He stood up and said, "Yes, I have heard those things too". The Minister stood up and said:

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... Mr Santi did claim that he put options to the Government that they would like to negotiate on. I have checked with Mr Thurston -

this was yesterday -

the head of ACTION, and as yet we have received no firm offers from the TWU at all.

Ms Carnell: That is true.

MR STANHOPE: The Chief Minister interjects, "That is true". Mr Rugendyke asked a supplementary question on the same subject. The Minister repeated his claim:

I said the other day, when I announced that the Government would be seeking expressions of interest for the tendering out of the management of ACTION, that of course we would continue to negotiate with the TWU. We believe that negotiations should continue, but I am yet to hear from the TWU.

Do you stand by that, Minister?

Mr Smyth: At that time, it was correct.

MR STANHOPE: No doubt, Minister, you would then be happy for me to table a letter of yesterday's date from Mr Guy Thurston to Mr Santi following up on the discussions held on Monday on a whole range of issues put by the TWU to the Government. So, Minister, do you stand by your statement in question time yesterday?

Mr Smyth: I certainly do. I have not seen that or received it and a position has not been achieved.

MR STANHOPE: Oh, you have not seen it! But, Minister, yesterday you told us that you had checked with Mr Thurston. Did Mr Thurston lie to you, Minister, or did you lie to us? How can the TWU expect anything from you - any sense of integrity from you - in its negotiations? You stand up in this place and bag them to death, and it is all crap.

MR SPEAKER: Mr Stanhope, do you want to table those?

MR STANHOPE: I do want to table those.

Leave granted.

MR STANHOPE: Yesterday the Minister told us that he had checked with Mr Thurston and that Mr Thurston had not heard from the TWU, when Mr Thurston was sitting down at a table with Mr Santi the day before, negotiating a whole raft of amendments to the EBA suggested by the TWU. Do you wish to stand up now and apologise, Minister?

Mr Smyth: Absolutely not.

MR STANHOPE: Absolutely not! I think that really resolves the issue in terms of this Government's commitment to ACTION, this Government's commitment to genuine negotiations with the TWU, because it has been shown to be absolute nonsense. The Minister is misleading this place, let alone the people of Canberra, let alone the TWU. So we have come to the conclusion that the Minister and the Government are simply driven by a determination to privatise everything that stands. That is what this Government is driven by. The facts are irrelevant. If it stands, if it is publicly owned, privatise it. This is what this Government stands for. That is what it wants. That is its sole intention. The rest is just bluster and bluff.

Ms Carnell: You would know.

MR STANHOPE: Well, Guy Thurston knows. We have got a conclusion here: Either Guy Thurston lies to his Minister or the Minister lies to this place.

MR SPEAKER: Be careful, Mr Stanhope. You cannot attack people who are not in a position to defend themselves in this place.

MR STANHOPE: No, but the Minister is here to defend Mr Thurston.

MR SPEAKER: Mr Thurston is not.

MR STANHOPE: I am happy for the Minister to stand up and defend Mr Thurston.

Mr Smyth: I will later. You just keep prattling.

MR STANHOPE: Keep prattling? Minister, you have been exposed quite badly. You simply cannot do these things, Minister. You cannot come into this place, answer questions from Mr Rugendyke that Mr Rugendyke has asked genuinely, in the process tell Mr Rugendyke that you had heard nothing from Mr Thurston and that Mr Thurston had heard nothing from the TWU, and tell the entire Assembly that you had actually checked with Mr Thurston. So, there is a real problem here, Minister. There is a very serious problem here.

So, we look behind the problem to find out whether this Government is genuine about its negotiations. (*Extension of time granted*) We must come to the conclusion - there is no other option - that the Government has absolutely no interest in genuine negotiations with the TWU over its EBA because it has a blind determination to privatise ACTION. What employer in an industrial relations negotiation would, a month before an existing agreement ends, get out of its scabbard the sword of privatisation and say, "Agree, or we will sell you". There was still a month to go. The TWU had been negotiating seriously since April. It had made major concessions in February.

What sort of integrity is there in that process? That is a process driven by the fact that this Government, with Mr Moore, is determined to sell ACTION. That is what this is about. For the Minister to come into this place and actually make statements that are absolutely, uncategorically and explicitly contradicted by the head of ACTION really

leaves us to wonder whether this Minister has any integrity, whether he has any competence, whether he knows what he is doing, or whether he has any interest in what he is doing, in terms of the provision of a public transport system for Canberra, other than to do the ideological bidding of his party - namely, to sell ACTION at all costs, irrespective of the cost to the public transport system of Canberra, irrespective of the cost to the workers of ACTION, irrespective of the cost to the families of the workers of ACTION. You are completely exposed, Minister. It is not a laughing matter, Minister. You sit there and laugh at the damage you have caused to public transport in Canberra and to the security of all those workers that you have a responsibility for, a responsibility that you have failed to deliver on.

MR KAINÉ (11.52): I do not intend to speak at great length, but I would at least like to focus on the substance of Ms Tucker's motion. It is that, regardless of what the Government at the end of the day decides to do, we in this place expect to have full information about that and we expect to have the opportunity to debate it. I think that there is a further consideration in that, which is that before it comes to this place as a final proposal for a course of action we would want to be satisfied that there has been community consultation - not on whether, or how, we can improve the present bus system, but on the question of contracting out or selling off ACTION. They are two different subjects. I think the Minister did avoid the question that Ms Tucker raised, and that was the question of public consultation on the proposition to contract out any part of ACTION. I do not think there has been any public consultation on that issue. Those are the issues that I want to focus on.

We can get heated in this debate. I noticed that the Leader of the Opposition became quite emotional, and I can understand why. He has a constituency, and he believes very deeply and strongly that that constituency is under attack. I think that he is somewhat justified in taking that position and that concern. I do not think the Minister dealt with it. It is all very well, when his actions are questioned, for the Minister to get up and bag the unions. That is essentially what he did. He did not even attempt to justify the decision that he has made about advertising for tenders. There was no justification at all. That, for me, is the nub of the argument.

There is no question that the responsibility and duty of the Government are to provide a bus service that meets the needs of the people who need to use it. How it does that is the point at issue. Fourteen months ago we had a comprehensive report on how the bus service could be improved. I believe that progress on that report has been quite good. But at the end of the day, when the trade unions start to say, "Hang on a bit; there are some of these matters that affect our conditions of service and we want to talk about them", if the reaction of the Minister at that point is: "Well, we will contract out the service", we are not getting far in terms of negotiation. I think that there is a process that we have to go through. That means that when you get down to the hard issues you have got to sit around the table and discuss them. The Government is not always going to get the answer that it wants. It is not possible. In today's world, you have to negotiate the issues.

I know that Mr Thurston has spent a good deal of his time and energy and professional skills on progressing the Graham report. I believe that, as the Leader of the Opposition says, a great deal of progress has been made in that. To put on it a time limit of 14 months - even if there had been 14 months of negotiations - and say, "We have been at it for 14 months; that is it; we are going to go and do something else", is hardly a reasonable response. There is still a process that I think the community would expect the Minister to go through. There is no doubt that the TWU and the other unions involved still believe that there is a process that should be gone through. I think that is the fact of the matter.

At the end of the day, however, after the whole negotiating process has concluded, if, in an attempt to deliver the bus service that the people want at a price that they can afford, the Government still is of the view that it has to take a different course of action - privatise, contract out, do something - that is a legitimate decision on the part of the Government. But it has to make sure that everybody involved understands the justification for it; why they are going in that direction. That is, I think, the missing link in this discussion today.

The Minister seems to have become frustrated with the negotiating process and has said, "We have had enough. Fourteen months is enough. The unions are being awkward. We are going to contract the service out". I do not believe that is enough justification. As I say, if the Minister finally gets to the point where he believes, and the Government is firmly of the belief, that that is the only way to go, then there is still the consultation and negotiating process to be gone through - not to simply announce, "We have advertised in next Saturday's paper to contract out the driving services", or any other aspect of ACTION. I am not necessarily convinced that contracting out the driving only is the best solution. What other options did the Minister consider? He has not told us. Are there any other options that he has considered?

Until I know the answers to those questions, I am not prepared to give any precipitate action on the Government's part the tick. That is why, Mr Speaker, I support the motion put forward by Ms Tucker, that at the end of the day, if the Government has gone through a logical process to arrive at a decision and can justify it and if the Government can set the details out on the table and explain to us and to the community what they want to do and why they want to do it, then I will listen to that. But I want to hear it. I want to hear the argument and I want to hear the detail before the Minister comes up with a *fait accompli* and says, "This is the way we are going to go. This is the way we are going to do it. No further discussion; no further debate; all over and done".

So I support Ms Tucker's motion. I have some reservations. I think that Mr Hargreaves, at the end of the day, was seeking to get to the same point, but I think in some elements of his motion he has gone a bit further than I could accept as being reasonable. It was like the curate's egg, Mr Speaker. There were some parts of it that were well done. I certainly support the very simple proposition put forward by Ms Tucker, that this place needs to be fully informed before the Government goes ahead with any action so that we can be satisfied that what it is proposing to do has been justified and is the right way to go.

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MS CARNELL (Chief Minister and Treasurer) (11.59): Mr Speaker, this is an interesting debate and it is a debate that we have had before in this place. I am sure that Mr Kaine is aware of that as well. I would like to quote from the *Canberra Times*, something that those opposite are very happy to do. It will interest members that on 21 June 1997 - that is not exactly a couple of weeks ago, Mr Speaker; we are talking about over 12 months ago - the *Canberra Times* said this:

The ratepayers of the ACT have subsidised the public bus system to the tune of \$40 million to \$50 million a year for the best part of two decades. This has been done under the rationale that a subsidised public system will provide services not capable of being provided by an unsubsidised private system. The theory has been that the ratepayer ought to subsidise a public system for the benefit of people who cannot afford cars or to reduce the reliance on the private car, particularly at peak periods.

Mr Speaker, I think we would all agree with that. The *Canberra Times* goes on:

That is a fine theory. But now we learn that the public subsidisation of the bus service in the ACT has been in vain. The service is no better - indeed it is worse - than many unsubsidised private systems. A report by Roger Graham and Associates presented to the ACT Government last week paints an almost laughable picture of bungling, inefficiency, incompetence, red tape, union recalcitrance and management spinelessness. It would be laughable if it were someone else's bus service. The appalling thing is that this story is not especially new. When Labor was in office, the picture was similar. There was a little tinkering around the edges. There were some painfully drawn-out concessions to slightly modify some bad work practices. The public subsidy was reduced from the palpably ridiculous to the merely unacceptably high.

In the very week that the report came out, a further example of the fundamental problem emerged: any slight suggestion of change is met by bullying resistance by bus drivers and their union, the Transport Workers Union. They resisted an eight-week weekend trial -

initially anyway -

to allow the Queanbeyan-Canberra bus operator, Deane's, to pick up and set down passengers within the ACT.

The *Canberra Times* goes on:

On virtually every benchmark, ACTION underperformed ...

Of greater significance was the overall customer dissatisfaction with the service.

Mr Speaker, the editorial goes on about the Graham report and the fact that the Graham report cited both union and management deficiencies; but it does suggest that management has made some efforts. I think we would all agree that since the Graham report this Government has done everything in our power to ensure that the Graham report is implemented. Why was that the case? Because, Mr Speaker, this Assembly directed us to do so. This Assembly, in a motion, told the Government that they wanted the Graham report implemented. Those opposite supported it. So, what did we do? We did implement, but when it comes to the hard decisions, Mr Speaker, those opposite go to water again. That editorial was on 21 June 1997. The final paragraph says:

It is time for the ACT Government to take competition and privatisation off the hidden agenda and put them right up front, even if it is inevitable that some public subsidy remains.

Those opposite have suggested that we are racing into the approach we are taking without due care and without talking to people. Mr Speaker, that editorial was in June 1997. The *Canberra Times* followed up with an editorial on Saturday, 12 September this year, over 12 months later. The sad bit about the second editorial is that a lot of it is fairly similar. It similarly lacks accolades for the union and for bus drivers. It says:

ACTION bus drivers appear to have priced themselves out of the market. Earlier this month they rejected a new enterprise agreement that had been negotiated over the past 12 months ...

ACTION bus drivers are the costliest in Australia to hire. Labor costs are 19 per cent higher than the average government bus operator and 100 per cent higher than the average private bus operator.

Mr Speaker, it goes on to suggest that the ACT taxpayer is not getting value for the dollar. We all support a public bus system. It is absolutely essential to a decent community. From a government perspective, a public bus system is about providing a service. Who for? For bus drivers? No, Mr Speaker; for the community. The *Canberra Times* said:

The people of the ACT are getting the poorest public-transport service per dollar in Australia.

I will quote that again:

The people of the ACT are getting the poorest public-transport service per dollar in Australia.

Yet those opposite and Ms Tucker want to support that. They want to support a situation where we are not getting value for the taxpayer dollar by any means. Mr Speaker, I do not believe that is acceptable and this Government, since 1995, has been attempting to overcome those problems. We went down the path of the Graham report - something that this Assembly supported until it ended up with some tough decisions.

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We then brought on board a manager for ACTION, Guy Thurston. I would hope we would all agree, apart from some of those opposite, that he is an extraordinarily competent manager who has done everything in his power to achieve what we are all after, and that is a bus system, a public transport system, that gives the people of Canberra a good service but at an appropriate cost.

Mr Speaker, when we stood for election earlier this year we did it on a fundamental platform of financial management; of bringing our budget back under control and getting value for the taxpayers' dollar. I believe we have a mandate for that.

Mr Berry: Oh, go away.

MS CARNELL: There is no doubt, Mr Berry, that that election was fought on the basis of financial management. It was fought on the basis that the people of Canberra do not accept that we should deliver a debt for our children - in this case a debt with regard to ACTION. A debt for what? Not for better services.

Not one person has been able to get up and argue that we are spending all this money for the best services in Australia, Mr Speaker. They are not the best services in Australia at all. In fact, according to the *Canberra Times*, we have some of the worst services, at least on a value for dollar base. Nobody in this place should support that. Nobody should accept that we are not getting value for the dollar; that we do not have as good a public transport system as we should have for the money we are spending. That is the bottom line here. It amazes me that anyone in this Assembly can be even suggesting for one moment that the Government should continue to sit on its hands and allow a situation that has not been getting progressively better over quite a long period of time; a situation where we are still spending potentially 20 per cent more for the services that we are getting than we should be. No member should accept that, Mr Speaker, and this Government will not accept that.

Mr Kaine has commented in this house before that he believes that we have to do something about the cost of ACTION. I could quote Mr Kaine at length but I will not because I know Mr Kaine believes that, as I know Mr Osborne does. Mr Osborne brought down a Bill earlier today in this house about financial management and about not spending money that we do not have. Mr Rugendyke has made similar comments. That is what this is about. It is not about the Government pulling out of public transport. This Government believes strongly that public transport is essential. We will continue to meet community service obligations for public transport, but this Government believes - - -

Mr Berry: But less of them though.

MS CARNELL: No, not less of them. What we want to do is make sure that the people of Canberra are getting the service that they deserve.

MR QUINLAN (12.10): Mr Speaker, not for the first time in my brief period in this place do I rise to take part in a debate where we have shifted ground. This debate has its genesis not just in the privatisation of ACTION but in the timing of what was done by this Government during the EBA negotiations. That is the critical point: The spectre of privatisation was raised at a crucial point in negotiations. I have had, in my past life, a little experience in public sector management and I have to say that this exercise is close to the very worst strategy in personnel management that I have witnessed. This particular Minister really does know how to manage people, does he not?

There has been some discussion in this debate previously on the willingness of the Government and the Minister to negotiate. I have in front of me the ownership agreement for 1998-99 for ACTION. It has a staff profile that shows a reduction in staff from present numbers of 110 - something in the order of 15 per cent. The union does not know anything about this, the workers do not know anything about this, but this is, according to the agreement, based on current plans. If that is an example of how this Government negotiates or how this Government informs its workers, there is no wonder that we have an industrial impasse from time to time.

While I have the ownership agreement open, let me refer to section 2 which relates to performance and utilisation measures. On several of these measures ACTION stacks up rather well. It has the lowest number of vehicles in excess of demand. On the other hand, its passenger boardings per kilometre are also the lowest in Australia. That means that we are carrying fewer passengers per seat or per bus. That is not a fault of the drivers. That is not a fault of the union. It is because of the ACT's geography and the way Canberra is laid out. It is a result of management decision-making, poor decision-making in route design.

Ms Carnell: That is exactly what the Graham report said and that is why they said we need a new network.

MR QUINLAN: Well, do not take it out on the workers.

Ms Carnell: That is what the new network is about.

Mr Corbell: That is what you are doing. You are blaming the union.

Ms Carnell: They knocked it back.

MR QUINLAN: Negotiate. Do not bring out the broadsword. The return on assets is comparable with New South Wales. The operating performance stacks up rather well.

Ms Carnell: It depends on how you look at operating performance.

MR QUINLAN: Well, they are your numbers. There is, quite obviously, very ample room to negotiate within the current structure without pulling out the broadaxe and threatening privatisation, which is designed, obviously, to allow negotiations to break down totally. How can you negotiate in an atmosphere like that? You cannot because you do not really want to.

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I expect that when it comes to a vote on these motions we will have the support of Mr Moore. I quote from his statement on 31 May 1995 in a debate on the corporatisation of ACTION services:

In a situation where there is a privatisation of such public services I believe that government does lose control, and that is something I do have an ideological objection to.

I am sure, Mr Moore, that you have not flipped so far that your ideology has changed since your Faustian progression through the Government.

I would like to put the Government on notice. Even though you have called for expressions of interest from the private sector, please do not insult our intelligence by feeding us numbers from those expressions of interest as being indicative of future costs. There is no doubt that the private operators will start out with very sharp pencils to gain access to public transport services in the ACT, to gain the business and to destroy the public transport system of Canberra. I repeat the statement by Jon Stanhope: Public transport is a basic essential service in a civilised community. I certainly recommend that members support the motions.

MR BERRY (12.16): Mr Speaker, members who are considering these motions should consider the background to the entire matter. This is an ideological decision about privatisation. It is not new for the Liberal Party. It is something that is ingrained in their persona.

Mr Stanhope: Is it new for Mr Moore?

MR BERRY: I do not think it is that new for Mr Moore, but now that he is sitting where he is it is pretty clear what his ideological position is in relation to this matter. The Liberals discussed transport at their love-in at the Eagle Hawk Motel in December 1995. I will quote the changes that were made to the resolution of the love-in by the Chief Minister. The original notes read:

Competitively tender the transport system. ACTION is inefficient and the work practices are unacceptable.

The word “unacceptable” was crossed out by the Chief Minister and the words “very costly” were put in its place. The notes went on to say:

ACTION must be shaken out of complacency and whip into shape and then when it is in a state when it would be able to compete with private bus companies the Canberra bus routes should be put out to competitive tender and ACTION must then be forced to compete for those tenders.

The words “whip into shape and then when it is in a state when it would be able to compete” were crossed out and the words “made ready for competition” were substituted. It is very clear that this Government has always intended to privatise ACTION, no matter what.

Let us have a look at the history of the Government's performance on industrial issues in the ACT. Before the last Federal election they hired the right-wing industrial activist Houlihan to manage their affairs and forced on us the greatest industrial confrontation we have had in my memory and which cost the ACT taxpayers somewhere around \$5m. It was all about politics and ideology. It was nothing to do with bus services or the rights of workers. It was about stirring up a confrontation before the election. I think the Transport Workers Union ought to be congratulated for not rising to the bait this time around, because that is what was intended this time around.

Out of the blue Brendan Smyth called for expressions of interest. We know where Mr Smyth was trained. He was trained in the same office as Mr Houlihan wanders through occasionally, Peter Reith's office. But in his case he only went to kindergarten. He is using tactics which are in many ways the same as those that Reith used on the wharves. They attack workers' wages and working conditions which have been given to them by their bosses and use that as a basis for sacking them all and replacing them with lower paid workers. The funny thing about this industrial dispute that the Minister has whipped up is that he is now attacking the wages and working conditions which his Government offered to the workers in an enterprise bargaining agreement. Now, whatever happens, if - - -

Mr Smyth: We are not attacking the wages at all. We offered them extra money.

MR BERRY: You attack wages and working conditions, Minister. Do not try to mislead us again. You have had one go already, yesterday.

Mr Smyth: No, you are wrong. You misquoted yesterday. I have what I said here, and I did not mislead you at all.

MR BERRY: Mr Speaker, this Minister will say anything to get himself out of a corner. The fact is that he stood up here today and attacked the working conditions of bus drivers. For example, I heard that he attacked their annual leave benefits. He described them as being 6½ weeks. That is misleading in itself because they get four weeks annual leave and 2½ weeks leisure leave in lieu of rostered days off arising from the 38-hour week agreement which was done years ago and which has been in place for aeons. So, stop these misleading statements, Minister.

It is not a very bright government that stands up in the middle of enterprise bargaining agreements and attacks the wages and working conditions of workers they are trying to negotiate with. You want to cause trouble. That is what you are up to. You want to cause trouble. You do not want to settle this matter. You want to get on with your ideological campaign rather than deal with the issue of providing public services here in the ACT. Mr Speaker, it is very clear that the Government embarked on a campaign of privatisation from the day the Liberals were first elected in 1995. That has been their position.

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Mr Humphries: What have we privatised?

MR BERRY: Mr Half Manager of Government Business, do not interject; get Mr Michael Moore to do it for you now that you have given him half your work. The fact is that the Government has embarked on the privatisation of ACTION from the outset and it has not wavered one bit. So, let us stop that nonsense.

Yesterday Mr Rugendyke asked a question of the Minister. I suggest that he was invited to ask it because it sought some controversial comments from the Minister and he gave them to us. Well, they were wrong. They were wrong, as is clearly set out in the letter to Mr Santi by Mr Thurston which the leader of the Labor Party pointed to in the course of his contribution to this debate.

Mr Speaker, I will be moving an amendment shortly which notes the misleading comments made by the Minister during question time yesterday. That amendment ought to be supported because this Minister gave misleading statements to this Assembly yesterday which he should be taken to task over.

Mr Speaker, this is a typical struggle between a bunch of conservative Liberals attacking the wages and working conditions of bus drivers. It is interesting that Mrs Carnell relies on the editorial of the *Canberra Times*. The *Canberra Times'* position on wages and working conditions of unions has not changed for aeons. There is nothing new in that. There is nothing surprising in what they say about industrial conditions for bus drivers.

Ms Carnell: Is it a bit of a right-wing rag?

MR BERRY: There are no surprises in that. There are no surprises in your ideological position either, Chief Minister, though you do your best to hide them. There are important issues at large for the ACT community on this matter because at the end of the day a privatised bus service, and that is what you aim for, will deliver fewer services than are provided by a similar public system. At the end of the day, though, we have to keep in mind that this silly move by this incompetent Minister was aimed at creating a furore in the lead-up to the Federal election and at the same time end up justifying some move to privatisation by the Government.

Paul Osborne and Dave Rugendyke should not support the Government in this move. They will be discredited if they do because there are thousands of commuters who use our bus service who will know and will understand why it is falling apart when the confrontation that the Government hopes to whip up affects them. Mr Speaker, these motions deserve to be supported fully by this Assembly. They are important motions for the future of our bus system. Most importantly, they are about telling this Government how to negotiate with unions and workers in relation to their industrial conditions. This is not the first time that this Government has been taken to task over its incompetent, ideologically driven actions on industrial matters. This is a repeat performance of its hopeless attempts last time around.

I come back to this point: The wages and working conditions that you are criticising now are the wages and working conditions that you agreed to in the current enterprise bargaining agreement. If there is no agreement to change the enterprise bargaining agreement, these are the wages and the working conditions which will be part of an award, if you like, for bus drivers. It just does not end because you disagree. The interesting point about that is that you agreed to this course in their enterprise bargaining agreement. What you are whingeing about are the things that you agreed to. What you have to do if you want to resolve this issue is sit around the table and sensibly negotiate with the unions along reasonable industrial lines. If you cannot rise to the occasion and you cannot get past your ideology, do not let the Canberra community suffer as a result of your incompetence.

MR SPEAKER: The member's time has expired.

Debate interrupted.

Sitting suspended from 12.26 to 2.30 pm

DISTINGUISHED VISITORS

MR SPEAKER: Members, I would like to inform you of the presence in the gallery of Mr Steve Hatton, MLA, chairman of the Standing Committee on Legal and Constitutional Affairs of the Legislative Assembly of the Northern Territory, and the secretary of the committee, Rick Gray. We welcome you to the ACT Assembly.

QUESTIONS WITHOUT NOTICE

Drugs - Juvenile Rehabilitation Centre

MR STANHOPE: My question is to the Minister for Health and Community Care. Mr Speaker, in speaking to the matter of public importance yesterday, the Minister announced that the Federal Government had committed itself to funding an application by ADD Inc. and the Ted Noffs Foundation for the establishment of a juvenile rehabilitation centre in Canberra. The Minister said:

... Michael Wooldridge will allow funding from those three separate sources to be put together into one program. That will give us the wherewithal to support the application by the ADD Inc. and the Ted Noffs Foundation for a youth treatment and rehabilitation facility in the ACT. We will be prepared to provide at least part of Watson Hostel for that rehabilitation program. Mr Stanhope, that is an announcement that Dr Wooldridge is happy to have made public and that he has agreed to.

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Mr Speaker, can the Minister tell the Assembly when the commitment to fund the ADD Inc. application was made by Dr Wooldridge? What evidence does he have of Dr Wooldridge's commitment? In particular, is it in writing?

MR MOORE: No, it is a personal agreement - not in writing - but I have to say that, in my dealings with Dr Wooldridge, any time he has ever said anything to me he has delivered on it. Let me say that the best time to judge is when we have a rehabilitation facility established for young people. Remember that this was said in the context of a whole range of things. Amongst them was the hope that if Michael Lee were the new Health Minister after the election we would have a similar approach.

Towards the end of the debate, Mr Stanhope challenged me by saying that perhaps the word "agreement" is incorrect, that I should have put it as an election promise rather than an agreement because Dr Wooldridge is not in a position at the moment to sign off on an agreement as such. I would hope that the Labor Party would make a similar commitment so that we can ensure that we deal with the rehabilitation of young people in the ACT in the most effective way possible. That would be particularly so in this case with the combining of ADD Inc. and the Ted Noffs Foundation to deliver a first-class, world-leading rehabilitation program for young people who, sadly, get involved in drug use.

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

MR STANHOPE: Yes, thank you, Mr Speaker. In the debate yesterday the Minister also indicated that the information that Dr Wooldridge had agreed to support this proposal had been provided to the ACT Government in the last 24 hours. Can the Minister confirm that Dr Wooldridge made that commitment in, now, the last 48 hours? In order to give some substance to the commitment, is the Minister prepared to table all correspondence between the ACT and the Commonwealth on the proposal?

MR MOORE: I did indicate that the last part is not in writing. Certainly, I am happy to table the correspondence on this issue that I have had with Dr Wooldridge over the last little while. Remember that I said to you that I first raised this issue at the Ministerial Council on Drug Strategy. That was done verbally. I have spoken to Dr Wooldridge on the same matter a number of times at Health Ministers meetings when we were having discussions on a range of issues. I am sure that I said yesterday that I have also written to Dr Wooldridge. I am happy to table that.

This particular commitment was made because I asked the Chief Minister, who has a very good, strong relationship with Dr Wooldridge, to speak to him about it. Actually, I do that quite regularly. I think I would have asked her to speak to Dr Wooldridge four or five times - something of that order - to try to get the best possible outcome for the ACT. That is what it is about. There is no written document; I have made that very clear. It was a part of lobbying. It was an assurance given by Dr Wooldridge to the Chief Minister, a promise - - -

Mr Stanhope: In the last 48 hours, Minister?

MR MOORE: In the last 48 hours. He was prepared to - - -

Mr Stanhope: And that was to the Chief Minister?

MR MOORE: A conversation between the Chief Minister and the Federal Minister for Health.

Mr Stanhope: That is how the promise was relayed? That is fine. We are just looking for information.

MR MOORE: Let me just say, Mr Speaker, through you, that Mr Stanhope, I am sure, knows that in politics there is a range of ways in which we achieve things. Doing so in writing, of course, is important. The written letters have gone. I am happy to table those for you. But keeping up the pressure is done in a whole range of ways. There were times when I was sitting on the crossbench that I approached members of the Labor Party or members of the Liberal Party to pursue matters with me to try to get an outcome. An example of that is seeking support for the heroin trial. Continuing this kind of approach is entirely appropriate. It shows that this Government is prepared to work together to get the best possible outcomes for the people of the ACT, whether they be somebody in business or they be - if this is the case, I know that you support it - a young person who needs support through proper rehabilitation services.

Summer Festival of Sport

MR QUINLAN: Mr Speaker, my question is to the Minister for Education in his role as Minister for sport. I think it is to the Minister for sport because, following in the vein set this morning by the Chief Minister, I quote from the *Canberra Times* - - -

MR SPEAKER: If it is not, Mr Quinlan, he will not answer it, will he?

MR QUINLAN: No. I quote:

One prominent sporting official, who asked not to be named, said yesterday that ACT Chief Minister Kate Carnell appeared to have taken all the high-profile sports from Sports Minister Bill Stefaniak and the Bureau to her own department.

He said most of the rest were in the education portfolio, where they were buried and administered by "bean-counters" -

a very offensive term, I must say -

who knew little about sport.

Nevertheless, we will start with the nominal Minister for sport. For a number of years, Canberra has enjoyed the Summer Festival of Sport. It has attracted a very large number of visitors to Canberra. Figures reported show more than 58,000 visitor nights spent in 1997 during the festival, as a result of the festival, increasing to more than 60,000 in 1998. The economic value to the ACT for 1998 is estimated at \$4m to \$4.5m.

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The festival incorporated some 35 to 40 different sports. It included some contests or tournaments of national significance. In 1998, it incorporated Canberra's national sport, futsal, and we witnessed the Australian championships. The future of the festival is in grave doubt because funding has been withdrawn. The princely sum of \$80,000 per annum is no longer to be provided because your department has decided that it is an event, I understand, and therefore the festival committee was referred to CTEC, and - surprise, surprise! - CTEC believe that - - -

MR SPEAKER: Order! This is getting longer than a commentary in the Commonwealth Games. Would you come to your question, please?

MR QUINLAN: Mr Speaker, I am haunted by the spectre of an idle and unwanted futsal slab now that the festival has been torpedoed. Could the Minister - - -

MR SPEAKER: You will be haunted by something else if you do not come to your question.

Mr Berry: He is getting there. Mr Speaker, your leniency with the Government when they answer questions ought to be reflected to the same degree when members raise questions.

Mr Hird: Are you taking a point of order?

MR SPEAKER: Never mind; I want his question. Ask your question, Mr Quinlan, please.

MR QUINLAN: Could the Minister please advise of the blinding logic that has led to the dumping of this very lucrative festival?

MR STEFANIAK: Mr Quinlan, there is a fair history to this issue, as you may or may not be aware. I have certainly had meetings with representatives of the festival, as I have had meetings with representatives of sporting bodies. You would be aware that I have regular consultations with ACTSport, the peak body for sport, and, of course, the general sporting community. I will just fill you in on a few details, Mr Quinlan. In fact, I will go back to before 2 June because, basically, the sporting bodies have been involved from, I think, some time last year in a review of the triennial assistance categories of the sport and recreation development grants programs. That review was conducted by Ernst and Young.

It was a review in which the ACTSport board was actively involved, as were the Sport and Recreation Council and a number of sporting groups. The review came up with ways in which we could improve on our grants process. I might say that we have had an excellent grants process for a number of years and the improvements have been put into place for this year's round of grants. The various sports were advised in about May of this year of the new grants round process. That is point No. 1, Mr Quinlan, and that is something in which the sports themselves are actively involved in the process.

Shortly after that I met with representatives of the Summer Festival of Sport to discuss future grant funding for the festival. Bureau officers also met with the festival organisers and outlined the major results of the recent review of the triennial assistance category of the sport and recreation development grants. It was through that triennial assistance category of grants funding that the festival received its funds in the past. In future, funding will be refocused to ensure that the government support promotes opportunities for lifelong participation in sport, recreation and physical activities. That is best achieved by sporting organisations which deliver long-term participation programs of a high quality and target them to the changing needs of the Canberra community.

That is a program, I repeat, that was worked up in consultation with ACT sports themselves, a process, to my understanding, which started in 1997 and was completed earlier this year, in time for the grants announcements which started in about May of this year. I accepted that advice. Part of that advice was that an event of this nature did not necessarily deliver lifelong participation. I saw members of the Festival of Sport. I have also spoken to ACTSport about it. Mr Quinlan might like to have a little chat to ACTSport about it, too. I do not think he will necessarily find that they have too many concerns as a result.

I am well aware of the Summer Festival of Sport. I have gone to a number of its events over the years. Rather than delay any advice on this matter until the completion of the current grants process, I certainly believed it was better to tell the events' organisers that the festival might not receive triennial assistance. That is not to say that they would not qualify under some other category, but I do state that the grants process now and the grants which we are administering as a result of the consultation are somewhat different from what they were before. The emphasis is on lifelong participation. So, we have that bit of background there.

As I said, I am well aware of the festival and the various events which surround the Australia Day sports carnival. As a result, I raised the issue of festival sponsorship with a number of potential sponsors. I followed that through, as I am sure the grants organisers could tell you, by writing to some of those organisations. Indeed, the events body, CTEC, was one of them. Unfortunately, that was not successful. That is the basic background to it. There may well be a couple of other organisations which could be approached for sponsorship of this event. I am happy to do that.

Mr Quinlan made a couple of other points. He talked about bed nights. In fact, the Canberra Tourism and Events Corporation have indicated that futsal accounted for about 80 per cent of the visitor bed nights accredited to the festival in 1996. Indeed, my understanding is that futsal, which will actually continue here, receives funding from other sources, including some separate funding from the Canberra Tourism and Events Corporation.

MR QUINLAN: I have a brief supplementary question, Mr Speaker. Minister, is it some sort of cruel and sick little joke that this event is still listed on the home page of the Canberra Tourism and Events Corporation?

MR STEFANIAK: I do not know who put it there. Maybe it was the organisers themselves. I note that the event is not necessarily not continuing. I have already indicated that my understanding is that the futsal component of the event is continuing. I have not heard that the organisers have actually ruled out the program definitely going ahead.

Ainslie - Traffic

MS TUCKER: My question is to Mr Smyth as Minister for Urban Services. I have had quite a number of calls to my office and been contacted by constituents with concerns about traffic issues in Ainslie, particularly on Ebden Street, Officer Crescent and Cowper Street. I have put a question on notice to Mr Smyth about this issue, but I would like to follow it up today. Does the Minister actually have some kind of monitoring occurring at the moment of the increased traffic on these streets? Will he give a guarantee that the first stage of the recommendations for traffic calming measures for this area will be included in the next capital works program?

MR SMYTH: Mr Speaker, I thank the member for her question. I am not sure whether we continually monitor traffic on these streets. We have monitoring programs that look at areas specifically across the ACT, as required. We have had much correspondence on it, including yours. Indeed, Mr Moore has also sent us some, as have others, including constituents who are interested in the future of their streets. As to whether we monitor it all the time, I cannot tell you, but I will find out. We will continue to look at the traffic situation in the northern suburbs. It is not just Ainslie; it is across in Lyneham and O'Connor. There are issues there that need to be addressed. Some measures have been identified for Ainslie and Dickson and they will be considered in the draft budget for 1999-2000.

MS TUCKER: I have a supplementary question. Given that the residents of Ainslie were under the impression that it would be in this year's capital works budget, my question still is: Can you guarantee that you will address this serious issue in the next capital works budget?

MR SMYTH: Mr Speaker, it will be considered by Cabinet with regard to all other submissions as well. We are certainly keen to ensure the amenity of the suburbs and that we get it right in terms of making traffic flows work effectively. It is a very curious question. Mr Osborne, I think, still has something on the notice paper about Vansittart Street and traffic calming measures. We will look at it and it will be included in the bids for the 1999-2000 budget. We will have to see whether it gets up.

Office of Asset Management

MR HARGREAVES: My question is to the Minister Assisting the Treasurer, Mr Humphries. Can the Minister confirm that he is now responsible for the day-to-day management of the Office of Asset Management, instead of Mrs Carnell? How will this affect the arrangements put in place by the Chief Minister earlier this year with single departments being responsible to individual Ministers and the claim that there would be, as a result of that, clearer reporting and accountability lines for each Minister?

MR SPEAKER: I think it is a question for you, Treasurer.

MS CARNELL: Mr Speaker, Mr Humphries - - -

Mr Hargreaves: It was not to you, Chief Minister.

MS CARNELL: Excuse me, I can - - -

MR SPEAKER: Order! The matter can be passed to another Minister if that is the wish of the Minister in question.

MS CARNELL: Mr Speaker, as I understand it, the question is about the procedures that are in place within my portfolio. That would tend to indicate to me that the question is to me in my portfolio. Mr Humphries was announced in the administrative arrangements as the Minister assisting me in a number of areas. Those areas included information technology, the GBEs, and Treasury. Mr Humphries continues to have that role. No AAOs have been changed, Mr Speaker. Mr Humphries also assists me with regard to asset management, Mr Speaker.

MR HARGREAVES: I wish to ask a supplementary question, Mr Speaker. I do not quite understand that response. I must admit to being somewhat flummoxed by the musical chairs across the chamber; hence, the question. Indeed, I am anxious to clarify the confusion over the demotion of two Ministers.

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

MR HARGREAVES: Mr Speaker, I will ask this of any one of the musical-chair Ministers across the table who want to take it. Chief Minister, can you confirm that you have made these arrangements because of Mr Humphries's expertise in planning and that this is a clear indication that you do not have any confidence in Mr Smyth being able to handle the sensitive issues of land allocation and release?

MS CARNELL: Mr Speaker, I am absolutely confident of Mr Smyth's ability to handle his portfolio areas brilliantly. I am absolutely confident that Mr Humphries will do his job brilliantly. I am absolutely confident that all of my Ministers will do their jobs a damned sight better than that mob would.

Casino Canberra - Licensed Club

MR RUGENDYKE: Mr Speaker, my question is to the Chief Minister. Further to my questions about Casino Canberra in earlier sittings, I would like to explore details about the introduction of a licensed club on casino premises. To my knowledge, the casino operates under the Casino Control Act, which states that the casino is not permitted to operate gaming machines. Now that the casino has been granted a lease variation to house a licensed club on its premises, gaming machines will operate under the casino's roof. Under the Casino Control Act the Chief Minister only has to give notice by gazette that a section of the floor space is to be excluded from the Act and the licensed club will be cleared to commence its operations. Is the Chief Minister aware that she has the power to do this? Does she intend to issue such a notice?

MS CARNELL: I thank Mr Rugendyke for the question. At this stage there has been no approval whatsoever for poker machines, as I understand it, inside the area that may be deemed to be a club in the future. The decision on whether an application would be approved is not within my purview. It is in the hands of the Commissioner for ACT Revenue and she will follow, as she always does, the letter of the law to the nth degree. I can guarantee that that is the way Ms Tu Pham always operates. But at this stage there is no approval for poker machines anywhere.

Mr Rugendyke: The question was actually about your authority to pass this as a simple gazettal rather than by regulation.

MS CARNELL: The reason I answered it in the way I did is that there is no approval for poker machines in that particular space; so, we are talking in a hypothetical manner and I cannot answer a question that is hypothetical at this stage.

MR RUGENDYKE: I have a supplementary question, Mr Speaker. Has the Chief Minister received representations - - -

MR SPEAKER: You have asked a supplementary question.

Mr Stanhope: No, he wanted to get an answer.

MR SPEAKER: Order! You were clarifying a point, were you, Mr Rugendyke?

Mr Stanhope: He was.

Ms Carnell: Okay. Keep going.

MR SPEAKER: In that case, we might be here all day. Proceed.

MR RUGENDYKE: Has the Chief Minister received representations at any level raising concerns about changes to the casino? I refer to concerns such as the practical application of the liquor licensing laws because there will be a club in the casino operating under different regulations on the same floor space. If so, could the Chief Minister please outline these concerns and detail what measures are being implemented to address them?

MS CARNELL: Mr Speaker, the decision on whether to approve a club or to approve poker machines in those premises is not something that I am involved with at all. The decision on whether poker machines would be approved and whether a club would be approved in those premises is a matter for the Commissioner for ACT Revenue, and she is handling it. I have not been party to any decision-making in this area.

Office of Asset Management

MR CORBELL: Mr Speaker, my question was going to be to the Minister Assisting the Treasurer. Because he is only a Clayton's Minister, I will ask the Chief Minister instead. Can the Chief Minister indicate whether she is aware of any concerns amongst staff in the Office of Asset Management about the treatment of staff transferred to that office from PALM? In particular, is the Chief Minister aware of any concerns raised by staff about the highly bureaucratic nature of the organisation, its lack of information sharing, no section meetings for staff and a culture of secrecy? Finally, is the Chief Minister aware of the number of current staff who are attempting to leave the Office of Asset Management?

MS CARNELL: No.

MR CORBELL: Can the Chief Minister confirm that the Chief Minister's Department and the chief executive have received an anonymous letter from a staff member within the Office of Asset Management outlining a range of very serious concerns over the management of the office, including the fact that up to 13 of the 20 staff below the level of senior officer grade A are frantically trying to leave the office and that the climate within OAM is such that the writer of the letter is so fearful of reprisals that they have sent it anonymously? If so, can she say what action she has taken as the responsible Minister to address these concerns? Is it not the case, Chief Minister, that the shabby treatment of ex-PALM staff now within the Office of Asset Management is simply retribution from the Chief Minister's Department towards ex-PALM officers over the Hall/Kinlyside fiasco?

MR SPEAKER: I remind you of the hypothetical rule, Mr Corbell.

MS CARNELL: The answer is that I actually do have a very definite procedure that I follow with anonymous letters, and it is to put them straight in the bin.

Ecowise - Sale

MR KAINE: Mr Speaker, through you, I have a question for the Chief Minister. Chief Minister, in connection with the proposal to sell Ecowise to its employees, the question that has been raised with me is whether that can be in contravention of national competition policy and whether the ACCC may become involved in that decision. Are you satisfied that this proposed sale is not in conflict with national competition policy?

MS CARNELL: Mr Speaker, I am confident that it is not. Certainly, issues of competition policy are always taken into account when these sorts of decisions are taken. My understanding is that the business has been valued as a commercial entity and the staff that are proposing to buy Ecowise will do so on a commercial basis. Therefore, competition policy would become an issue only if they were given an unfair position in comparison to people in the private sector.

Mr Speaker, there could be an issue of competition policy right now for Ecowise because they are competing quite directly with the private sector for a lot of the services that they provide while they are within the Government. Mr Kaine, I would suggest that under the proposed new position - proposed not by the Government but by the staff - the issue of competition policy is much less concerning than it is right now where a government entity is competing with the private sector.

Education - Merging of School Systems

MR OSBORNE: My question is to the Minister for Education. Minister, in October of last year your government colleague, Mr Moore, made a pre-election announcement that he intended to work towards the Territory's Catholic and government school systems merging. At the time of the announcement, the proposal was publicly criticised and comprehensively rejected - I can see Mr Moore's ears pricking up - by all of the education groups in Canberra, and especially so by the P and C Council, the Education Union, the Catholic Education Office and APFACTS. This rejection was based on the recognition by those groups, which would be directly involved in the day-to-day application of the merger proposal, that the two systems were fundamentally incompatible. While they did recognise that the Nicholls Primary School experiment had been working successfully, they also recognised that the two schools which were sharing that facility bore absolutely no relation to Mr Moore's proposal. Last week you announced that you had instructed the Government Education Review Committee to consider this proposal, given that you thought it had - I do concede that you did make this statement before you were rolled in Cabinet on the seating there, Mr Minister, and I am giving you an opportunity to respond; this is a quote from you prior to the coup - "a lot of potential and a lot of scope. We need to look at the possibility of Michael's idea of the Catholic system and the government system getting together - there is a hell of a lot in that". Minister, while we all agree that we need to have the best possible education for the taxpayers' dollars, what factors have convinced you that it is probable that merging these two incompatible systems would achieve better quality education?

MR STEFANIAK: I do not necessarily know that any look at ways in which the systems could cooperate better would necessarily lead to a merger. Obviously, both systems do have some fundamentally unique aspects which they would want to keep. Mr Osborne mentioned Nicholls. It is a very good example indeed of cooperation between the two systems. For those people who do not know and for the benefit of our

Northern Territory delegates - I know that Steve Hatton used to be a Minister for education; we used to go to MCEETYA meetings together - Nicholls is one of our newer schools. It is in one of the few growing areas in Canberra - the rapidly growing area of Gungahlin - and there is a local Catholic school at one end of the complex and a state primary school at the other end. They share common facilities. They share a library, they share the ovals, and they share a number of other facilities.

Mr Moore: A gym.

MR STEFANIAK: A gym, yes, thank you, Mr Moore, and a canteen. It works very well. It is a system that works well.

Mr Moore: Mr Corbell should go and have a look. I will give him a tour.

MR STEFANIAK: Shut up, Mr Moore! I hate to say that to one of my own colleagues. I think there is some other potential there that can be explored because Nicholls has worked very well. Another thing that could be looked at along the Nicholls model is whether there are some buildings existing in Canberra where a Catholic primary school and a government primary school could share facilities. There is a number of areas where I would see great chances for cooperation, great chances for cutting down on some overheads, and some important educational experiences for the children in both sectors. It is certainly something worth exploring.

I am not quite sure that I remember exactly what Mr Moore was saying back in October; but, if he thought that both systems should merge totally, I would expect significant opposition to that from both sectors, as I think happened when the idea of increased cooperation was expressed by a number of players back then. I would not think that that would have changed. I think the terms of reference involved considering closer cooperation or something along those lines. Certainly, I think that, as a result of the experience we have had at Nicholls and in a number of other areas, we should explore closer cooperation. There is a lot of potential for that. In that respect, I think the idea of closer cooperation is something very much worthy of being looked at.

MR OSBORNE: You had your chance there, Minister! At the time of his announcement last year, Mr Moore stated in the *Canberra Times* that "it was no longer feasible to consider individual rights of parents in respect of the education of their children in isolation from broader considerations of public interest and the welfare of children in all schools". Does the Minister for Education agree with that statement?

MR STEFANIAK: I do not know whether Mr Moore made it, but - - -

Mr Osborne: I have the quote from the *Canberra Times*, if he would like me to table it, Mr Speaker; so, it is definitely true.

MR SPEAKER: Mr Minister, you do not have to answer that question. It is an expression of opinion.

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MR STEFANIAK: Mr Speaker, I would simply say in relation to that that this Government regards choice by parents as a very important aspect of education; indeed, choice by people in relation to a lot of things concerning the governance of this Territory. Choice is a very important aspect of education and we are well aware of the fact that about, I think, 35 to 36 per cent of our parents actually choose to send their children to non-government schools. The rest choose to send their children to government schools. We have an excellent education system, and it is because of the excellence of both our government sector and our non-government sector.

Banks - Stormwater Damage

MR HIRD: Mr Speaker, I address my question to the Minister for planning, Mr Smyth. Is the Minister aware of the situation faced by the residents - - -

Mr Berry: Are you sure?

MR SPEAKER: Order! Mr Hird, ask the question, please.

MR HIRD: Thank you, Mr Speaker. I am not going to ask for your protection, but I will ask my question in silence. As I was saying, my question is to the Minister for planning, Mr Smyth. Is the Minister aware of the situation faced by residents of the suburb of Banks through stormwater damage from what appears to be flooded aquifers?

MR SMYTH: Mr Speaker, I thank the member for his question. Yes, I am aware of this problem. On Monday officers from both PALM and the ACT roads and stormwater sections visited the area of Bellchambers Crescent and Hall Place in Banks to meet with the residents - at that time it was actually raining - to inspect the affected properties and to collect any information they could. They met with three different residents and inspected four properties where these drainage problems have been reported. These problems, I am told, are not unusual for newly-developed suburbs on hillsides. The engineers from my department have provided some advice about subsurface and surface drainage to the residents, which the residents can use to protect their investments.

The recent record rains obviously have increased the amount of water flowing in these slopes, Mr Speaker. I think that is clearly demonstrated in the areas where the aquifers have come to the surface. The Government, generally, has not provided subsoil drainage to blocks in the past. Generally, that is provided by lessees in locations once they have built their houses and any other structures that they wish to put on the blocks. But I have asked my department to check further and to examine the stormwater infrastructure to ensure that it is functioning to its capacity and, indeed, to see whether there are any additional works that may be required.

MR HIRD: Thank you, Minister. I have a supplementary question. Are you aware of Mr Hargreaves's comments about this flooding and his suggestion that it is the result of the Government's incompetence?

MR SMYTH: Yes, Mr Speaker, I am aware of that accusation. It is quite curious. Mr Hargreaves has actually put out a press release citing major flooding in Banks. I just wonder how the residents of Wollongong would see that. In that he does say that, if the Government had put in adequate stormwater drainage, perhaps this could have been avoided. Mr Speaker, I would have to agree with that. If the problem has been caused by government incompetence, perhaps that government should be duly castigated. But I guess the question, Mr Speaker, is: Which government?

Mr Speaker, when do we put in stormwater drains? Normally, we put them in before we put the houses in. As the Minister for planning, I am aware of that. So, we have to ask: When was the infrastructure put in? This is the curious part, Mr Speaker. This part of Banks - Banks 2, section 5B - was developed between 1991 and 1993.

Mr Hird: What year was that again?

MR SMYTH: It was between late 1991 and August 1993. Who was in government then, Mr Speaker? I do not think it was the Carnell Government. I am sure that it was not at that stage the Alliance Government. So, which government was it? Mr Speaker, if the Labor Party played this issue like the Colombian football team plays soccer, Mr Hargreaves would be accused of scoring an own goal, and we are all aware of what happened to the goalie there during the World Cup. But, luckily for Mr Hargreaves, the Labor Party has grown up a little and does not shoot people now for scoring own goals.

Mr Speaker, if the problem were indeed caused by a government mistake, as asserted by Mr Hargreaves, Mr Hargreaves might want to castigate the government responsible. If he wants to do that, unfortunately for him, he has to stand up, turn round in his seat, look Mr Wood in the eye and say, "You made a mistake, Bill". In short, if Mr Hargreaves is right and this is a result of government incompetence, this is perhaps another one of what Mr Corbell referred to as "Labor's little planning mistakes". Mr Speaker, if this is the case, then what it means is that this Government, the Carnell Government, now has to pick up another one of Labor's costly planning mistakes. There was the \$8m this year for Harcourt Hill, the oversupply of land that is still existing four years later, and now possibly major flooding in Banks. Thanks very much for raising the issue, Mr Hargreaves.

Education - Priority Enrolment Areas for Colleges

MR WOOD: Mr Speaker, I would like to debate that. I think the Minister needs to go back in time and see exactly what happened in that regard.

Mr Humphries: He just did. That is your problem.

MR WOOD: He wants to go back to the records, I think, Mr Humphries. My question is to the Minister for Education. It concerns the Department of Education and the public relations disaster that it is currently being experienced in the Tuggeranong Valley concerning the enrolment at Lake Tuggeranong College next year of current Year 10 students who live in Kambah. I am sure the Minister is aware of the problem.

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I have been in touch with the Minister's office about these students, who have acted in the correct belief that Lake Tuggeranong College is their priority enrolment area college. I understand that Kambah is the only Canberra suburb to have two priority enrolment area colleges, a fact apparently not known outside the department. Minister, for various reasons, these students made their first choice Erindale College but when that was not successful, despite their indicating on the enrolment form that Lake Tuggeranong College was their second choice, they were passed over to Canberra College because of a claimed shortage of capacity at Lake Tuggeranong College. The application form for secondary college enrolments states:

Students resident in the priority enrolment area for a chosen college are guaranteed a place in that college if their application is received by the due date.

At no time was it spelt out to these students and their parents that, because their suburb was in the priority enrolment area for two colleges, the department could decide where they would go if they were unsuccessful in achieving their first choice. They all believed the department's guarantee of their chosen college. They believed they would get their second choice of Lake Tuggeranong. They have now, effectively, been given no choice. The departmental letter informing them of the decision states:

This may come as a surprise to you ...

As one parent said:

Not a surprise but a horrid shock!

By this I mean no reflection on the fine Canberra College. If students had been told up front that, as they were also in the priority area for Canberra College, a second choice of Lake Tuggeranong could be interpreted as a second choice for Canberra College, they would have acted differently. They would have put Lake Tuggeranong as their first choice and secured their place there for the next two years. Minister, I am simply asking whether you will look at this issue personally - I judge by the body language that you are not, perhaps, informed about it - and ensure that the guarantee these students were given on their enrolment forms is kept?

MR STEFANIAK: I thank the member for the question. Mr Wood has written to me about that. I saw the letter either yesterday or the day before and passed it on to the department. I am aware of it to that extent and I will certainly look at it personally and get back to Mr Wood about the matters raised.

Hospital Executive

MR BERRY: Mr Speaker, my question is to the Minister for Health, Mr Moore. Over the last few months we have seen an increase in problems reported in respect of our hospitals - repeated cases of hospitals in bypass mode, cancelled operations, people being sent home, growing waiting lists, insufficient staff leading to industrial disputes and privatisation. We have seen intensive care effectively closed and a miffed Minister attacking anyone who dares to question his version of events. Minister, is it true that, in this climate, the head of a hospital has been given permission to carry on outside work?

MR MOORE: Thank you for the question, Mr Berry. Within about a week of my becoming Minister for Health there was a note from the chief executive officer of the hospital to me containing a request by him to be part of a consultative body that sometimes provides assistance and advice to people, particularly in South-East Asia, about medical facilities, saying that if he actually provided that advice he would come back to me and inform me. I was asked whether, in principle, I supported that. In fact, I did support it, because I thought it was an honour to him and an honour to the hospital that that sort of advice would be sought. He has not requested specifically to do any of that work in the intervening period. I understand that Mr Johnston is on a couple of boards, although I would have to verify that. If you indicate in your supplementary question that you want information like that, I will be happy to get it for you. Other than that, I am not aware of any outside work of the chief executive officer.

Let me say that there is one other issue. It is quite common for a chief executive officer of a hospital to do a consultancy for another hospital if there is a requirement for it. In fact, I have discussed with Mr Johnston in the last couple of days the possibility of asking a chief executive officer from another hospital to come and assist us in looking at how nursing is dealt with in the ACT as one possibility. I do not think that that will actually come about, but it indicates that this is not an uncommon practice. It is about people learning from each other. I am not aware of a specific consultancy. I would be happy to inform the house tomorrow if there were something.

MR BERRY: I have a supplementary question. Will the Minister rule out that he has attempted to terminate the employment of the head of the hospital? I would like him to think about that question very carefully. Would he rule out that he has attempted to terminate the employment of the head of the hospital?

Ms Carnell: What has that got to do with the question?

MR BERRY: Will you rule it out? Will you rule it out?

MR SPEAKER: One moment, please. That could very well be a hypothetical question.

MR BERRY: No, it is not. It is a supplementary question, Mr Speaker. Will the Minister rule it out?

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MR SPEAKER: Or an expression of opinion.

MR BERRY: No, it is not an expression of opinion; it is a matter of fact. Will the Minister rule out having attempted to terminate the employment of the head of the hospital?

Ms Carnell: I take a point of order, Mr Speaker. I think this question is out of order in the Assembly.

MR BERRY: Why?

Ms Carnell: Simply because, if it has not happened, then it would be a policy issue for the Government and would then be inappropriate to be spoken about.

MR BERRY: Mr Speaker, how dare you try that on us, that it is hypothetical.

MR SPEAKER: I beg your pardon!

MR BERRY: Mr Speaker, the fact of the matter is that I have asked a question of the Minister. All he has to do is answer yes or no.

MR MOORE: Mr Speaker, I am happy to answer the question. Mr Berry, if I wish to terminate the contract of the chief executive officer - - -

Mr Berry: Have you attempted to do it?

MR SPEAKER: Just a moment. The Minister is answering the question.

MR MOORE: If I wish to terminate the contract of the chief executive officer of the hospital and there are grounds within the chief executive officer's contract, then that is easy. If there are not grounds within his contract, then what I can do is pay him out. I have those options. I have done neither of those things. I do not intend to.

Mr Berry: Have you attempted to?

MR MOORE: I do not intend to. If I were to attempt to do it, Mr Berry, I would do it, and I have not.

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

Casino Canberra - Licensed Club

MS CARNELL: Mr Speaker, for the interest of Mr Rugendyke: In responding to the question with regard to the casino, I indicated that the Commissioner for ACT Revenue was responsible for the allocation of poker machines. The Registrar of Liquor Licences, Tony Brown, would be responsible for the rules with regard to liquor licences within a premises. I may have suggested that Tu Pham had both, but it is Tony Brown for liquor licences and Tu Pham for poker machines.

PERSONAL EXPLANATIONS

MR SMYTH (Minister for Urban Services): Mr Speaker, I wish to make a personal explanation.

MR SPEAKER: Proceed.

MR SMYTH: Earlier today both Mr Stanhope and Mr Berry sought to suggest that I had in some way misled this house in statements I made yesterday in answering Mr Rugendyke's question. I would like to quote from *Hansard* what I said to the house yesterday:

I have checked with Mr Thurston, the head of ACTION, and as yet we have received no firm offers from the TWU at all.

There is nothing in Mr Thurston's letter which was tabled this morning that in any way suggests that a firm offer has been received. Mr Speaker, I now table a letter from Mr Thurston which came into my office this afternoon. It confirms this earlier advice. It says:

In summary you were correct in saying as yet we have received no firm offers from the TWU. This remains the case now.

The part that perhaps Mr Stanhope overlooked when he read from Mr Thurston's letter of yesterday was that the correspondence from Mr Thurston is in fact in response to a without prejudice revised document that Mr Santi tabled at a meeting on Monday, and that is clearly not a firm offer.

MR HARGREAVES: Mr Speaker, I seek leave under standing order 46 to make a personal explanation.

Leave granted.

MR HARGREAVES: I am delighted to be able to follow the Minister for the bursting banks at Banks. I believe that, in answering the Dorothy Dixier from the honourable Harold Hird, the Minister misrepresented me as placing some sort of blame on the Government for the problems at Banks. Indeed, I did not - - -

MR SPEAKER: I am waiting for a personal explanation under standing order 46.

MR HARGREAVES: That is what it is. I did say that the infrastructure was not up to the task. I was pleased to hear the Minister give revelation No. 622 that rain increases the flow of water. I did not figure that out.

Ms Carnell: I take a point of order, Mr Speaker. This is outside a personal explanation.

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MR SPEAKER: I uphold the point of order. This is not a personal explanation under standing order 46. Mr Hargreaves, I would remind you that you make a personal explanation with my indulgence. If I decide that you are not making a personal explanation, I will sit you down. Proceed.

MR HARGREAVES: I am grateful for your indulgence, Mr Speaker.

Ms Carnell: You have not got it.

MR SPEAKER: You have only just got it.

MR HARGREAVES: I am grateful for the lack of indulgence from the Chief Minister. It was suggested that I made political capital out of a minor issue. Indeed, I did not do that either. If the Minister or his representative had been out to Banks as I have been and seen the extent to which the water is - - -

Ms Carnell: I take a point of order, Mr Speaker.

MR SPEAKER: Sit down, Mr Hargreaves. You are not making a personal explanation.

**AUSTRALIAN HEALTH MINISTERS CONFERENCE AND
MINISTERIAL COUNCIL FOR ABORIGINAL AND
TORRES STRAIT ISLANDER AFFAIRS
Paper**

MR MOORE (Minister for Health and Community Care): Yesterday in a ministerial statement I indicated that I would table the communique from the Australian Health Ministers Conference and Ministerial Council for Aboriginal and Torres Strait Islander Affairs. I now table that paper.

QUESTIONS WITHOUT NOTICE

Hospital Executive

MR MOORE (Minister for Health and Community Care): Mr Berry asked a supplementary question about the chief executive officer of the hospital. I think perhaps a shadow still hangs over him, so I think I had better answer the question in a much more concise way for Mr Berry. The answer to your question, Mr Berry, is no. I have not attempted to sack Mr Johnston.

PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS
Papers and Ministerial Statement

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act, I present copies of contracts with Julie McKinnon (an extension) and Allan Schmidt (short-term contract). I ask for leave to make a short statement with regard to these contracts.

Leave granted.

MS CARNELL: I would alert members to the issue of privacy of personal information that may be contained in the contracts. I ask members to deal sensitively with the information and respect the privacy of individual executives.

NATIONAL SCIENCE WEEK ACHIEVEMENTS 1998
Paper

MS CARNELL (Chief Minister and Treasurer) (3.23): Mr Speaker, for the information of members, I present a paper on the National Science Week achievements in 1998 and I move:

That the Assembly takes note of the paper.

Mr Speaker, for the interest of members, I table the 1998 Australian Science Festival report to the Department of Industry, Science and Tourism. The report covers the 1998 event and highlights the National Science Week's many achievements. The sixth Australian Science Festival, held from 2 May to 10 May this year, was aimed at enhancing the excitement, challenges and relevance of science and technology to the general public. The festival also hoped to encourage more students to consider careers in science and, more importantly, to present Canberra as the science capital of Australia.

It is estimated that, in 1998, 250,000 people attended Science Festival events. Canberra, as the primary venue for the festival, hosted 180,000 of those attendances. The Science Festival is not only a fun event that both Canberrans and tourists enjoy but also a fantastic promotional opportunity for the ACT. The report estimates that the media coverage of the event is worth at least \$270,000.

Mr Speaker, this event is something that all of the organisers should be enormously proud of. They have taken it from a very small event not all that many years ago to a major event, not just in Canberra but in Australia. I would also like to use this opportunity to congratulate the *Canberra Times* for the quality and the amount of promotion that they gave to the Science Festival. They, together with the organisers, can certainly take a lot of credit for the outcomes.

Question resolved in the affirmative.

**REMUNERATION TRIBUNAL
Determinations**

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present Determinations Nos 34, 35 and 36, including statements, pursuant to section 12 of the Remuneration Tribunal Act 1995, in relation to part-time holders of public office for health professions registration boards and the Gungahlin Development Authority, and also full-time holders of public offices for the Community and Health Services Complaints Commissioner.

PAPERS

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I present, pursuant to standing order 83A, an out-of-order petition lodged by Mr Corbell from 1,604 citizens concerning contractual obligations with regard to funding of the Woden Youth Centre.

I also present the following papers, pursuant to section 14 of the Annual Reports (Government Agencies) Act 1995:

Public authorities, pursuant to section 8 -

Cultural Facilities Corporation - Report and financial statements, including the Canberra Theatre Trust Report for the period 1 July 1997 to 31 October 1997, including the Auditor-General's reports, for 1997-98.

ACTEW Corporation - Report and financial statements, including the Auditor-General's report, for 1997-98.

ACTEW Corporation Subsidiary Report - Reports and financial statements, including the Auditor-General's reports for:

ACTEW Energy Limited.

ECOWISE Services Limited.

ECOWISE Environmental Limited.

ACTEW Investments Pty Ltd.

ACTEW China Pty Ltd.

ACTTAB Limited - Report and financial statements, including the Auditor-General's report, for 1997-98.

National Exhibition Centre Trust - Report and financial statements for Exhibition Park in Canberra, including the Auditor-General's report, for 1997-98.

Gungahlin Development Authority - Report and financial statements, including the Auditor-General's report, for 1997-98.

Australian Capital Territory Registrar of Financial Institutions - Report and financial statements, including the Auditor-General's report, for 1997-98.

ACT Construction Industry Long Service Leave Board - Report and financial statements, including the Auditor-General's report, for 1997-98.

Legal Aid Commission (A.C.T.) - Report and financial statements, including the Auditor-General's report, for 1997-98.

Public Trustee for the Australian Capital Territory - Report and financial statements, including the Auditor-General's report, for 1997-98.

ACTION - PRIVATISATION

[COGNATE MOTION:

ACTION - TENDER PROCESS]

MR CORBELL (3.26): Mr Speaker, it was very interesting to hear the debate this morning in relation to ACTION. Even more interesting were the snivelling and desperate attempts from Minister Smyth in question time to dance on the top of a pin. I use that strong language, Mr Speaker, because that is exactly what Mr Smyth has done and it is exactly what this Government has done in relation to negotiations between the Transport Workers Union and the Government over the ACTION arrangements. That is the truth of the matter. The Minister stood up here in question time this afternoon and said, "I did not mislead. There were no firm offers". That is the whole basis of his defence. He says that what he said yesterday was that there were no firm offers and that that is the case. We have had an opportunity to look at the *Hansard* of yesterday's question time. I would like to read out what Mr Smyth said. I quote from page 54 of the uncorrected proof:

We believe that negotiations should continue -

that is, negotiations between the Government and the TWU -

but I am yet to hear from the TWU.

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What an absolute untruth! I have before me here a letter from Trevor Santi, the branch secretary of the Transport Workers Union, setting out a schedule of meetings held between the Transport Workers Union and ACTION management since the stop-work meeting on 8 September. When did they occur? They occurred on 10 September. You had not heard from them, Minister? They occurred on 14 September. You had not heard from them, Minister? They occurred on 16 September. You had not heard from them, Minister? They occurred on 21 September. You had not heard from them, Minister? They occurred yesterday, 22 September. You had not heard from them, Minister? Minister, you have quite clearly misled this Assembly, because this quite clearly shows - - -

Ms Carnell: I take a point of order, Mr Speaker. We have a tradition in this place. If there is any suggestion that a member of this place has misled the Assembly, then the member making that allegation should immediately move a substantive motion. If Mr Corbell wants to do that, he should do so immediately.

MR SPEAKER: Mr Corbell, let me explain. If you are going to make those allegations, it does require a substantive motion.

MR CORBELL: Mr Speaker, I will not make those allegations at this stage.

Ms Carnell: Excuse me, Mr Speaker. Mr Corbell would need to withdraw any indication - - -

MR CORBELL: If you give me the opportunity, Chief Minister, I will do so.

MR SPEAKER: Mr Corbell, if you wish to make those allegations at any time, you will need to move a substantive motion. You have stated that the Minister misled the Assembly. Could I suggest that you withdraw at this point?

MR CORBELL: I withdraw the allegation that the Minister has misled the Assembly, although I think one of my colleagues will be dealing with this matter shortly. It is quite clear that, contrary to the advice which the Minister provided yesterday in this place that we are yet to hear from the TWU - his words, Mr Speaker, not my words, not the Labor Party's words but Minister Smyth's words - there were in fact five formal meetings between the Transport Workers Union and the Government, represented by ACTION management, after the stop-work meeting. Once again we have seen revealed the complicity of this Government and the complete lack of sincerity of this Government when it comes to negotiating in good faith on industrial relations issues.

Quite clearly, the motion put forward by my colleague Mr Hargreaves and the motion put forward by Ms Tucker call for one very simple thing, and that is for the Government to negotiate in good faith. Instead of attempting to provoke an industrial dispute and instead of deliberately attempting to force drivers to take the buses off the road and cause antagonism towards the union, they should have been sitting down at the industrial relations bargaining table and continuing to work it out.

You only have to look at the substantive information which the union has provided to the Government on this issue. Five pages of substantive points regarding the ACTION enterprise bargaining agreement were put forward by the union. If that is not a firm offer, Minister, what is? The fact is that you have been caught out. It is no surprise that the colour in your face is rising, Minister. You have been caught out on this matter.

Let us understand what public transport in this city should be all about. Public transport in this city should be about providing opportunities for people who, for one reason or another, cannot use their own private motor vehicle or other forms of transport to get around the place in which we live. Most importantly, it is about ensuring that the most underprivileged in our community have that opportunity - people who are unemployed, young people, students, elderly people, pensioners and disabled people. The most vulnerable in our community must have an efficient and effective public transport network. It has been demonstrated time and again that you cannot achieve that outcome by the privatisation of a public transport system, because privatisation goes against the very ethos of what public transport is all about.

Public transport is not about making money. Public transport is not about making a profit. Public transport is a public good. I challenge anyone to stand up in this place and say that public transport should not be a public good. It is a public good. It is something which binds the community together and allows all citizens, regardless of their income, regardless of their social status, to be effective citizens, to move about the city in which they live and to participate in the life of that city. Clearly, this Government has other ideas.

As my colleague Mr Berry pointed out in the debate this morning, as early as 1995 this Liberal Government had an agenda to contract out and then privatise ACTION's operations. They have not refuted that. They cannot, because it is true. They have not for a moment denied that that was always on their agenda.

It is interesting that during this whole debate we have not heard about Tony De Domenico. Remember when Tony De Domenico was the Minister for Urban Services from 1995 until the beginning of 1997? He was responsible for buses. I have been able to draw on some information in the Graham report, the report that the Minister himself endorses as an acceptable and very professional document and which the Assembly overall has endorsed also, with the exception of some of its recommendations in relation to zonal fares.

Mr Speaker, it is interesting to look at route patronage comparisons and to look at how patronage declined during the period after the Liberals first gained office. Between 1995 and 1997 commuter express patronage declined from 25,600 to 23,627, a drop of 7.7 per cent. Patronage on route 333, the intertown route, declined from 321,160 to 287,775, a drop of 10.4 per cent. Finally, patronage on standard route services declined from 1,140,050 to 993,400, a decline of 12.4 per cent, or 141,650 boardings. Mr Speaker, if there is a clear indication about how this Government has treated public transport, then it is in those figures. Those figures clearly demonstrate reductions of between 7 and 12 per cent in ACTION boardings during the first two years of the Carnell Government.

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When Mr Kaine became Minister for Urban Services, he started to do something to attempt to stop the rot, because he understood that public transport is a public good. (*Extension of time granted*) Mr Kaine understood that you needed to bargain sensibly. Mr Kaine has indicated today, if I understand him correctly, that he would have continued, effectively, the full range of negotiations that the Government should now be embarking on. That is not what we have seen from gung-ho Brendan over there. That is not what we have seen from the man who thinks he knows how to run industrial relations in the ACT. Instead, we have seen a provocative approach, an approach which will return us to the days of reduced patronage a la Tony De Domenico. We have seen a provocative approach in him telling this Assembly something which is not backed up by the facts.

There is no doubt that this Government has been engineering a dispute and that the bottom line for this Government must be to get back to the table and negotiate. Withdraw your offer of tender, withdraw the seeking of expressions of interest, get back to the table and negotiate in good faith, as any sensible industrial relations Minister would. Stop playing games with Canberra's public transport system.

MS CARNELL (Chief Minister and Treasurer) (3.42): Mr Speaker, I seek leave to move an amendment.

Leave granted.

MS CARNELL: I move the following amendment:

Omit "taking any measures towards privatisation of ACTION, the tendering", substitute "privatisation of ACTION, the contracting".

I think it is very important that at this stage of negotiations and procedures with regard to ACTION the Government be allowed to continue both with the negotiations and with the expressions of interest. The Government has always made it very clear that we believe that before any final tender or contract is signed it would be essential to bring that back to the Assembly. Mr Smyth announced that, I think, on the day that he announced he was going out for expressions of interest. I think legislation would need to be brought forward at that stage. The Government has no intention whatsoever of going forward to a contract stage without the okay of the Assembly, but I think it would be very unwise at this stage not to continue with the approach we have in place.

I note that Mr Kaine agrees with me this time. Last time we debated this, in 1995, Mr Kaine did not agree with me because I said we should support the then motion. Mr Kaine went on to suggest that he did not agree with me at that stage because the Government must be given an opportunity to continue with negotiations generally. I could read all his words but I will not. They are on pages 679 and 680 of *Hansard*. I think Mr Kaine made some very good points there, suggesting that it would be inappropriate for the process of government to be somehow curtailed under these circumstances.

There is an absolute undertaking from both Mr Smyth and me that before any contract is entered into we would come back to the Assembly for the okay. What I am suggesting in this amendment to Ms Tucker's motion is that we make it clear that what we are talking about here is that before any privatisation or contract is signed we would bring the whole decision-making process to the Assembly so the Assembly could give the final tick - or for that matter cross, if that is what the Assembly wants to do - on the process. I think that is an appropriate way to go. It is certainly the approach that Mr Kaine has taken in the past. I suggest that it should be the approach that this Assembly takes now.

It would appear that those opposite have not been terribly interested in debating the issue at all. The issue is not whether we support public transport or not. Of course we support public transport. I think I made that clear. Mr Smyth made that clear. We support accessible, efficient public transport for the people of Canberra, but we do not support public transport that is coming at an unrealistically high price. I made the point earlier when I quoted the *Canberra Times*. Even the *Canberra Times* says that ACT taxpayers are not getting value for money. They are paying more per person for public transport than people are anywhere else in Australia, and not for a superior service.

For the life of me, I cannot understand why this Assembly would support a situation where we are simply not getting value for money. Let us not debate whether public transport is good or not. We all agree. It is great. You need it. It is about an equitable society, but so is a public transport system that is reflective of the needs of the community and is affordable by the people of the ACT. That is the approach the Government is taking, and hopefully we will continue to do so.

The amendment would allow the Government to continue with negotiations with the union, with the expressions of interests process and with potentially going to tender but would not allow the Government to enter into any contracts until the Assembly had signed off on that deal. That is a very appropriate approach. I think Mr Kaine made the point that it was important that governments be given the opportunity to get on with the business of government.

MR BERRY (3.44): Mrs Carnell is trying to emasculate the motion that has been moved by Ms Tucker. She is trying to turn on its head the full effect of Ms Tucker's motion and to give herself carte blanche to proceed in the way that the Government has decided to proceed from the word go, that is, to move towards the privatisation of ACTION services. What Ms Tucker's motion is about is stopping the Government from moving on this matter before approval is given by this Assembly. That is a proper move, the same approach as has been taken to privatisation of other ACT corporate bodies.

Ms Tucker's motion is right. The Government should stop immediately and do nothing more on the matter until sensible negotiations are carried out with the union, rather than doing as they intend to do and proceed behind closed doors in the dark towards the privatisation of ACTION by stealth. Kate Carnell is attempting to gut the motion and take out its meaning. The major part of Ms Tucker's motion relates to the measures towards privatisation which the Government has already announced. Ms Tucker wants to prevent the Government from taking any further clandestine steps whilst negotiations proceed with the union, as they ought to have been proceeding up to date, rather than the provocative nonsense that has been coming from Minister Smyth and the Chief Minister.

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They have learnt nothing from the past, unless of course it was never their intention to settle the industrial dispute and, as I argued this morning, I think quite correctly, it has always been their intention to privatise ACTION. This is a process of winding down the wages and working conditions of drivers and others at ACTION for ideological reasons. This is an ideological struggle between the conservatives and working-class people. They would deny that, but at the end of the day it is about taking wages and working conditions off workers.

What we want to see happen, and I am sure this is what Ms Tucker wants to see happen, is that the negotiation be free of this sort of silly threat. It was a threat that was intended to drive the Transport Workers Union to strike action or other confrontations, with a political outcome in mind. Thankfully, the Transport Workers Union saw what the Government was up to and did not respond to the very provocative actions of this silly Minister. This was a move designed to create confrontation, and it has failed. It should be ditched, and the message to this Government should be: "Get yourself round the table and negotiate an outcome without this sort of silly nonsense in the background".

It is irresponsible in the extreme to turn up the heat in the way that the Government has in relation to this matter. It is typical of the Liberals' attitude to industrial relations. We have seen some recent examples of that, particularly on the wharves, where Mr Smyth's chief training officer, Mr Reith, has been constantly turning up the heat. This is a failed strategy. It is not about gaining industrial peace and sensible outcomes for both bosses and workers. This is an ideological move which must be prevented. That is what Ms Tucker set out to do, and the Chief Minister's amendment seeks to give her carte blanche to proceed in the same way as she is, and it must be resisted.

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I seek leave to speak again, just to clarify my amendment.

Leave granted.

MS CARNELL: If my amendment was passed, the motion would read:

That the Government receive the support of the Assembly before privatisation of ACTION, the contracting of any part of ACTION services, or before giving approval to any other operators for the provision of regular scheduled public transport services in the ACT.

It makes it very clear that the Assembly would have to give approval before privatisation or the contracting of any services could take place.

MR BERRY: I seek leave to speak again too, Mr Speaker.

Leave granted.

MR BERRY: This is the very point that I make. This is about allowing the Government to proceed right up to the gate and then come out with a bunch of figures, probably the bodgie ones which were referred to by my colleague Mr Quinlan this morning. They would be drawn up in such a way as to make privatisation a very attractive option. You can imagine that the Government would be pursuing some sort of a parallel public relations exercise to try to frighten people out of public bus services. The Government must stop now. Do not proceed any further. Get round the table and reassess what you gave the Transport Workers Union and their members last time round.

If you want to reassess it, in accordance with your own agreement, you have to do it with them, not against them. You are trying to take them on head-on. At the risk of being repetitive, I say again that it was designed for confrontation. It failed. It must be resisted, because the ground rules here are wrong. You are trying to gut the intent of Ms Tucker's motion and that should not be allowed.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.52): Mr Speaker, I want to make a few comments in this debate. The Labor Party and Ms Tucker have been quick to buy into the negotiation going on between the Government and ACTION and have been very quick to characterise the state of play as the Government attempting to walk away from negotiations, to act in bad faith, to leave these negotiations at a crucial stage and somehow to engage in one-upmanship by looking at the tendering out of services.

Mr Speaker, I think we need to see what has been happening against the background of what has been going on with ACTION generally over the last decade at least and probably for a lot longer - for as long, practically, as ACTION has existed. That is the very serious problem with the lack of effective delivery of services to the people of the ACT. I would like members just for a moment to withdraw from the mode of attacking each other on either side of the chamber, accusing each other of botching this and gutting that, and so on, and just think about - - -

Mr Berry: You are.

MR HUMPHRIES: We can have that debate as well, but let us just think for a moment about what we are trying to achieve here, which is a higher quality of service to the people of the ACT.

Mr Berry: No, that is not what the motion says.

MR HUMPHRIES: I know that is not what the motion directly refers to. Mr Speaker, that is not what the motion directly refers to, but the debate is essentially all about how we get to an outcome where we improve the quality of service. If Mr Berry does not think that is what the ultimate outcome is all about, then I think he has lost sight of the wood for the trees. If it is not about improving quality of service, it ought to be.

Nobody can come into this place, a public forum like this, and not acknowledge that we as a community have a fundamental and extremely serious problem with the way that ACTION operates. Our approach to this matter has been to conduct EBA negotiations on the premise that we cannot allow those sorts of practices to continue and, as part of the process, to try to wind those things back and to provide for the intrusion of some of the elements of reform which have been characteristic of changes in bus services elsewhere in Australia, changes which have very much left the ACT in their wake - things like split shifts.

Think about it for a moment. How idiotic is it to have a system where we employ a person for a set period of time during the day, but we do not have the work to offer them during large parts of the day? Because we cannot split a shift in two under the old arrangements, we are obliged to employ people throughout periods when there is not the work for them and essentially allow them to sit around and engage in entertainment or reading or whatever they might want to do over the period that they cannot be gainfully employed. That is not a sensible way of using scarce taxpayers' dollars. What we have tried to do in these negotiations is tackle those issues in a way which previous governments have not been prepared to.

Mr Berry: Including your own.

MR HUMPHRIES: Mr Berry interjects, "Including your own". I concede that we have not tackled some of these issues in the past; that we have let them ride - excuse the pun - over a period of time. Perhaps, arguably, we should have raised more of these issues and pressed for more reform in earlier EBA negotiations or in some other forum.

We are now at the point where we have put this issue squarely in negotiations. We have to say to the community that we are trying to engineer a better outcome from the point of view of taxpayers' dollars. What goes on in ACTION at the moment cannot be acceptable to anybody who believes that we need to be squeezing every available efficiency out of every dollar that we spend in this community. It simply is not acceptable. I ask: Who can come into this place and say honestly, to members of the public who might be listening to this debate, "I am satisfied with what ACTION does at the moment. It is a pretty efficient service. We do not need much reform."? None of us can do that.

I address my comments particularly to Ms Tucker in this debate. She has come into this place many times in the past and argued for a better public transport system. She said that we need to have more resources put into public transport so that it is a more acceptable alternative for those people who might otherwise use their cars and for people who are disadvantaged or are otherwise unable to use other forms of transport. She has argued that more or less since the first day she was in this place. Here is a debate which is about transferring money away from poor work practices towards the pointy end of ACTION bus services.

In that process we have engaged in 14 months of negotiation with the Transport Workers Union. At the end of that period a position was reached - a position which, I might say, included wage rises for ACTION bus drivers. I have to say I was a little bit doubtful about that. In Canberra we had the highest paid bus drivers in Australia, yet we were offering a further wage rise beyond what they already enjoyed. Nonetheless, that is what we put in this package to the Transport Workers Union.

The leadership of the Transport Workers Union agreed with that package, accepted that package, and apparently were going to recommend to their members that it be accepted. They were not successful, the offer was rejected, and we are left in the position of having a considerable amount of work around new bus timetables and reforms generally to ACTION lying in tatters. The Government has had to look at other ways of maintaining services to commuters in this city within the available budget. We have therefore looked at the question of contracting out the management of ACTION bus services. Mr Speaker, nobody who looks at the present situation could deny that there is a system that needs desperately to be reformed. That is what we have tried to engage in since the beginning of this process well over a year ago.

Mr Berry and others on his side of the chamber argue that the conflict which has arisen - the warfare, if you like, which is now characterising the relationship between the Government and the Transport Workers Union - indicates clearly that we had always intended to be in conflict and that this was a typical approach designed around the need to bring unions into conflict with government to achieve some sort of hidden agenda or some kinds of nefarious goals.

Mr Speaker, I want to contrast and compare what has happened in these negotiations with the way Mr Berry, a major detractor of the Government's position, handled negotiations with Canberra's doctors when he was Minister for Health. He was in very extensive conflict with those people over wage rises. He took the view, as I recall, that they were not entitled to wage rises; that their contracts were quite generous enough and they ought not to be improved. The doctors took a different view, and Mr Berry was in severe conflict. To the Liberal Party's credit, it did not say to Mr Berry, "If negotiations have broken down, it must be your fault as the Government. You have to go back to the negotiating table and sit down in good faith and reach agreement".

We acknowledge that sometimes a point is reached when negotiations have to change. It sometimes requires government to indicate resolve to push through on issues which may not be an approach shared by the other side in that debate. I know that is the case, because Mr Berry took the same approach when he was Minister for Health and he negotiated with doctors. If that approach was justified then, it is justified in this kind of setting. The *Canberra Times* suggested:

Customers and the ever-suffering ratepayers are not getting value for money under the present system. Ratepayers would not mind paying a subsidy if some passenger satisfaction resulted - and indeed some form of subsidy is inevitable. At present passengers and ratepayers are getting the worst of both worlds, and have been doing so for decades.

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It is time for the ACT Government to take competition and privatisation off the hidden agenda and put them right up front, even if it is inevitable that some public subsidy remains.

Mr Speaker, we cannot afford to walk away from these issues. They matter too much to the quality of service we deliver to the people of Canberra.

MR OSBORNE (4.03): From what I have seen in the past, I feel that this kind of industrial dispute is best sorted out through the normal industrial relations processes. I do not think that this is the time for a heavy-handed approach, certainly not one similar to that which was used on the waterfront earlier this year, or we could easily end up going through a situation similar to that.

I do, however, accept the Government's argument that the TWU does deserve a bit of hammering for the part they have played in bringing things to a head like this and that perhaps, as the Government alleges, they have demanded too much for too long. I would still prefer to see both sides involved in reasonable negotiation rather than have the Government come out swinging a sledgehammer. At this point I am not prepared to be a part of that approach.

I know that my Assembly colleague Mr Rugendyke believes that the Government's tactics will produce a better and cheaper bus service and has given them his support. I have no problem with him doing that, as he is an Independent member of the Assembly. I believe, as he does, that the obvious goal we should all be working towards is encouraging a more efficient, useful public transportation system. But at this stage I do not know whether I am convinced that the Government's approach is going to achieve that.

Mr Speaker, I am prepared to support Ms Tucker's motion and possibly Mr Hargreaves's motion to follow. However, I want to hear the closing speeches from both speakers. In saying that, I would like to point out, however, that supporting Ms Tucker's motion will bring the issue back to the floor of the Assembly. Then a decision will need to be made on whether we privatise some of the services. My advice to the union, Mr Speaker, is that they should come to a deal. I am prepared to give them some more time to negotiate the deal, but if something cannot be sorted out, whether through the Industrial Relations Commission or through negotiation with Mr Thurston, then we will have to consider our options. At this stage, as I said, I am prepared to support the motion, which allows more time. I am also prepared to support allowing the Government to look at their options.

This is a word of warning to both sides that you need to get back together and talk, but if at the end of the day a tough decision needs to be made then I am prepared to make it. At this stage I think we do need to allow them more time. That is why I will be supporting the general thrust of the two motions.

Question put:

That the amendment (**Ms Carnell's**) be agreed to.

The Assembly voted -

AYES, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries`
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

NOES, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

MR RUGENDYKE (4.11): Mr Speaker, there are aspects of these motions which are undeniable. Mr Hargreaves's motion notes that public transport is a basic essential service providing equal access to all in the community. He also notes that bottom line financial results are not the sole determinant of a successful performance, and he calls on the Government to recognise its community service obligations in the provision of public transport services. I could not agree more that these are priorities in providing our city with a satisfactory bus service, but there are aspects of these motions that I cannot agree with.

The issue for me is making our bus service a better service. I know the problems that my own family have had over the years with bus transport. Anyone who has had teenagers growing up know that they rely on buses for transport. I know many families who have had problems similar to our own. At the end of the day, if there are better ways of running our bus service, I would like the other ways to be considered. These options should be weighed up against what we have now. If it is clear that we can make an improvement, let us look at them. Mr Speaker, I am not interested in accepting any motion that will close the option of looking at alternatives which could make our bus service better.

MS TUCKER (4.13): I will wrap up the debate on my motion. The comments I want to make relate to whether or not there has been a mislead in this debate. I want to ask Mr Smyth a question and give him an opportunity to seek leave to speak again during this debate after I have spoken - and I hope members would give him leave to do that - to clarify exactly what he thinks he said and why he thinks he has not misled. I am not convinced at all. Arguments put since, which I have listened to, indicate that he has not given a satisfactory response. I am asking Mr Smyth to respond after I have completed my speech now.

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One issue that has come up is whether or not in the ACT we can afford to allow major initiatives such as the privatisation or contracting out of bus services to progress without this Assembly having had a say in the decision. That is why I put this motion up. Mrs Carnell's amendment, which very unfortunately got up, has basically given the message to the community, and to the private sector interestingly enough, that this Government feels that they can call for expressions of interest, analyse them, do work and no doubt spend quite a lot of taxpayers' money on progressing the whole possibility of the privatisation or contracting out of the bus services.

We are going to allow that money to be spent - taxpayers' money, which we keep hearing we have to be very careful with - on this particular policy initiative before this minority Government has the support of this Assembly to progress that particular initiative and before the community has had an opportunity to lobby members of this place about whether or not that is a move they would like to see progressed and whether or not they think the Government should do it. I find it very hypocritical that a government that spends so much time saying they want to be careful with taxpayers' money is prepared to do this work without having first come to the Assembly. I think Mr Osborne has made a mistake in supporting the amendment. It does no credit to his claims of financial responsibility. We need to have the debate first, and the community needs to have input as well.

In the debate, Mrs Carnell misrepresented what I said, which she often does. She said that I want to support the most expensive bus service in Australia. I am really happy to read out again for Mrs Carnell, if she was not listening, what I actually said in my speech regarding the industrial processes. Basically what I said is that the industrial process is not just something that should be followed. It is a legislative requirement - a framework that was developed by the current Federal Liberal Government no less. It is appalling that we are forced to call on the Government to abide by legislation. I am sure that there are many improvements that can be made to the ACTION network, and I understand that ACTION and the Government may have differing views from drivers and the Transport Workers Union. What concerns me is the willingness of Mr Smyth to give up, citing privatisation as the only option. I believe that the Transport Workers Union were willing to sign an agreement but were not willing to endorse different, and reduced, conditions for new staff. This would have created a de facto work force. ACTION members found it unfair that they were voting for conditions for workers to be employed in the future, which conditions currently did not exist. I also understand that they want to continue negotiations. That is what I said. I have just said it again so it will be quite clear.

We now understand that 20 of the 22 conditions have been agreed to by the Transport Workers Union. In fact, I think the other two have been sorted out as well. That is why it is so surprising that Mr Humphries is still talking about split shifts and the reluctance of drivers to take them on. I understand that they have accepted them. I do not know whether Mr Humphries is talking to Mr Smyth or who is talking to whom. At no time have I said that we have to support the most expensive bus drivers in Australia. What I am saying is: Let us work with the processes as they exist and as they are enshrined in law.

Another issue I would like to comment on is the pay rise. I do think we need to get it on the record that drivers are not asking for a lot. From my understanding, it is about 6 to 7 per cent over three years. That is CPI if we are lucky. It is not even CPI. I think the propaganda that is being put out by the Liberal Government is union bashing. It is not honest. It is really why I am very concerned about what the Minister is claiming to have said. It does indeed look to me as though he has misled, but I look forward to his explanation. It looks like an orchestrated attempt to discredit this union totally to justify the Government's stated policy to privatise the bus services. We have had much rhetoric, as usual, that we all care about having a good bus service and so on. I have already put arguments about why I am not convinced this Government is able to provide that. Questions are raised by the philosophy of small government and large private providers that Liberal governments all around Australia espouse and that governments in other developed countries around the world have adopted. The results that we see in countries with such a philosophy are not good. In fact, it is quite a disaster for people who are disadvantaged. We are not confident in this Government's ability to delivery.

Mr Osborne needs to remember that he says that he wants the Assembly to be more powerful. Once again, for that reason, I am disappointed that he supported Mrs Carnell's amendment. This is about acknowledging the importance of the Assembly when such major decisions are made.

The Graham report was referred to a lot by speakers in this debate. The Greens' position on the Graham report is well documented. We are concerned about the zone system. Graham recommended that efficiencies be found in the way the workers were working in the industry. That is exactly what this negotiation is about. As I said, it appears to be reaching a conclusion that appears to be satisfactory, if all those conditions are being met.

Comparisons have been made with other States. I understood - this can be clarified by Mr Smyth if I am incorrect - that negotiations were going on in other places in Australia to increase salaries for bus drivers, so those comparisons in the *Canberra Times* editorial that has been quoted here today are not necessarily accurate or current.

The comparison with private drivers concerns me a lot because of the general picture that is coming out across Australia about poverty and the working poor. There have been a number of reports, including one from Western Australia recently on poverty in that State. We are finding a continued thrust to downgrade the salaries of people. The gap between the well off, such as those opposite, who have just accepted another 16 per cent, and those on the lower end of the salary scale is getting much wider. In fact, the Smith Family and other organisations are having to support a lot of people who are actually employed but whose salaries are not adequate.

We hear protestations from the Government in this place that they desire to see an equitable society and that they do care about social justice. Yet they continue to rationalise downgrading of salaries according to the lowest benchmark that they can find, which is in the private sector. That is because, as we all know, the private sector has a profit motive and is not necessarily going to look after the interests of their workers. The Federal Government's Workplace Relations Act has made that much easier. I believe we are seeing a serious diminishing of rights, conditions and salaries that people in Australia have taken for granted. I think it is very concerning.

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I can see how this debate is going to go, and I am sorry that my motion has been amended. I hope that we do see support for Mr Hargreaves's motion so that we can at least ensure that the basic industrial processes are respected by this Government and that the Government pull back from their ideologically driven pursuit of privatisation.

Motion, as amended, agreed to.

ACTION - TENDER PROCESS

MR SPEAKER: Mr Hargreaves, you have to formally move your motion.

MR HARGREAVES (4.23): Mr Speaker, I move:

That this Assembly:

- (1) noting that:
 - (a) public transport is a basic essential service providing equal access to all in the community;
 - (b) in relation to public assets, bottom line financial results are not the sole determinant of successful performance of its function;
- (2) calls on the Government to recognise its community service obligations in the provision of public transport services;
- (3) requires the Government to adopt proper industrial relations philosophies, dropping the inappropriate comparisons between the negotiated settlement with the Transport Workers Union and the collected expressions of interest in managing ACTION, resulting in the Government's public invitation for such expressions; and
- (4) further requires the Government to cease any further tender/expression of interest evaluations until such time as the proper industrial relations process has been completed.

MR SPEAKER: Thank you. Now you may close the debate, Mr Hargreaves.

MR HARGREAVES (4.24), in reply: We have been here for a fair while talking about this so I am not going to take very much time. I will just run over a few major issues. The Chief Minister once said that it is not the Government's job to provide services. Now I can see that that sort of thing is coming true. What this motion is trying to do is to get all of us in the Assembly, not just the Government but all of us, to acknowledge that we have a public transport obligation - not a private one, not a for-profit one, but a public one. It is the other end of the stick that we have to look after, the disadvantaged people, elderly people and schoolkids.

We want this Assembly to acknowledge that bottom line financial results are not the sole determinant of successful performance. Another determinant of successful performance is whether or not people who live in the extremities, such as Gungahlin and South Tuggeranong, have access to services to stop their social isolation, and often they do not. What I am saying, members and Mr Speaker, is that there are other determinants of successful performance, but we do not see evidence at the moment of anything but the bottom line one. We need to recognise that we do have a community service obligation and that that does not come without a cost. We need to recognise that where, interstate, these services have been provided by the private sector, they have not always been provided particularly well. I quoted earlier, Mr Speaker, the example of the western suburbs of Melbourne where a transport company abandoned those suburbs.

We are talking about the industrial negotiations exercise being done in good faith, yet this is being done while we are having a review into the school bus services. Mr Rugendyke has mentioned to me on a couple of occasions some of the concerns he has had about the school bus services, and we talk about such things as the transport of disabled students, also at this stage by ACTION. Yet, while we are reviewing the school bus services, this Government is seeking to tender out the management of those processes. It just seems inconsistent to me, Mr Speaker.

A lot has been said today about the due process of industrial negotiation. I believe that the industrial behaviour which has gone on until now has not been accepted. We need to understand and appreciate that in any industrial bargaining issue you have ambit claims. That is why some of the wildest claims that you could ever imagine pop up in the first instance.

Mr Rugendyke: Not at the end of the negotiation though.

MR HARGREAVES: That is the very point, Mr Speaker. You do not get them at the end, but you do get them all along the way. Anyone who has any experience in this sort of thing will know that they pop up all along the way. You get to a point where one of the parties rejects it out of hand and says no. The proper forum then to have that silly one rejected and thrown away, Mr Speaker, is the Industrial Relations Commission. That is the final umpire. We have all accepted that as the process. That has been done Australia-wide. The people who do not accept this as a process are people like Peter Reith. That is the way in which the thing goes, because at least there is integrity of the process.

At this stage of the game I question the integrity of this process and I will give you a couple of pieces of evidence for saying that. Firstly, we have expressions of interest being sought whilst the ACTION management are presenting the Government's case to the Transport Workers Union and supposedly negotiating in good faith, knowing full well that they themselves are about to be tendered out. I cannot see for the life of me how the integrity of the process can exist when we have servants of the Government arguing the case and at the same time that very same Government is inviting expressions of interest in their very own positions.

If there are victims in this they are the bus drivers, the upholsterers, the mechanics and the electricians. But let us not make any mistake here: There is another set of victims and they are those very same senior managers within ACTION whose services will be the ones that are contracted out. How can we have a process which has any integrity when those very same people are asked to advocate on behalf of their masters, the Government, under that sort of cloud? I do not think it is possible.

We talk about some ridiculous claims. Members of the crossbench may very well scoff at the ridiculous claims. Well, cop this one. The parties appear before the commission and are about to strike a reasonable compromise, or it appears to be so. Then the Government says, "Hang on a second, we want another million dollars worth of savings because you have held up the introduction of the network". All of a sudden, in front of the Industrial Relations Commissioner, the goalpost shifts.

Ms Carnell: No. We passed the budget. There is a budget.

MR HARGREAVES: Mr Speaker, the Industrial Relations Commissioner did not take part in the passing of the budget. The commissioner is oblivious to the bits of the budget and really could not give two hoots about the budget. The Industrial Relations Commission is charged with arbitrating and, hopefully, conciliating on industrial matters placed before it. That, in fact, is what the commissioner has attempted to do. But she cannot possibly do that if every time she completes a meeting the goalpost changes and somebody else comes to the table with something silly. If one of the claims put forward before we go to the IRC is a bit ludicrous or over the top - I accept Mr Rugendyke's point; I agree with him on that and I think it was a silly one - so too was that business of the Government coming forward and asking for that kind of saving when, in fact, \$1m worth of savings for a couple of weeks' delay is beyond the pale. It is my understanding that the commissioner said just that.

I am suggesting to you, Mr Speaker, that the process is quite smelly. This is not being done in good faith. This motion that I am putting to you today merely says, "Stop". We are not saying, "Do not go down the track for ever and a day". We are saying, "Stop now. Give us proof of your negotiations in good faith. Take away the sword of Damocles over the heads of ACTION management, the drivers, the upholsterers, the electricians and the mechanics. Take it away. You do not need it. There is no reason for it". If you cannot come up with a reasonable settlement, the IRC will determine that. If at the end of the day you decide that that particular settlement is unpalatable you can always come back to this Assembly and talk to us about it.

While ever the Government has the parallel track of evaluating these expressions of interest, Mr Speaker, against the outcome of the IRC, it is a case of: "Well, I will have the best deal I can get out of this but I am looking at it at the same time". So, of course, the Transport Workers Unions can up the ante. Then the Government is going to up the ante and, at the end of the day, nothing will be solved and the best option will be to flog it off.

I would sincerely trust that this is not what the Government has in mind; that what the Government really has in mind is getting us the best and most cost-effective public bus transport service that we can. I sincerely believe that that is the outcome that is desired at the end of the day.

What I am saying, Mr Speaker, is that the process stinks. Let us just cut the process out. Let us go back to the negotiating table; re-establish the faith that the Transport Workers Union may wish to have in the Government; re-establish the faith in this sort of process. If this is allowed to go ahead the faith in the IRC will be destroyed for all time in this place, totally destroyed. It will show us that if the government of the day does not like the findings of an IRC it just does something completely different.

I am urging Mr Osborne, Mr Rugendyke, Mr Kaine and Ms Tucker to support this motion. All we seek to do is to say, "Stop. Restore the faith". Then maybe at the end of the day we can all agree and we will not all go through this angst yet again.

Motion (by **Mr Humphries**) proposed:

That the question be divided.

MR OSBORNE (4.34): I will be supporting this mainly because of paragraph (4) of Mr Hargreaves's motion. As I said before, I see no problem with the Government looking at their options. I, like most people, would prefer that they come to some negotiated agreement with the TWU, and I would hope that that will happen in the next month. If I were to support paragraph (4) it would be contrary to Ms Tucker's amended motion which I supported.

I have read paragraph (3) of Mr Hargreaves's motion but I do not particularly know what it means. Perhaps somebody could enlighten me. It seems like a stupid paragraph. I cannot work it out. As I said, I think the Government has a responsibility to continue further negotiations with the union on this because I do not think privatising the service will achieve the desired results that they are hoping for. We have the workplace to consider.

I have to say, Mr Speaker, that the Government has certainly frightened a lot of families. I have received a number of phone calls from wives of the drivers. One lady just found out she was pregnant the other day and rang my office in tears. Obviously this is a very worrying time for the families of the workers out there so I would hope that both sides can negotiate rather than have the sledgehammer approach, the waterfront-type approach that we saw before. In saying that, I am quite happy for the Government to look at the alternatives because, at the end of the day, the ultimate decision will be made here on the floor of the Assembly.

I find Ms Tucker's argument about it wasting money quite interesting, given some of the pointless debates that I have had to sit through in this place which have churned up many thousands of taxpayers' dollars. Mr Speaker, I want to see the two parties continue to negotiate. As I said, I cannot support paragraph (4). I do not really know what paragraph (3) is all about but it does not give me great concern. Mr Speaker, I will be supporting the call by Mr Humphries to have the question divided.

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MR BERRY (4.37): Mr Speaker, I am a bit disappointed. I expected that the Government would take this approach. I am disappointed in Mr Osborne's approach to this whole matter. What he has indicated he will support is the sword of Damocles being held over ACTION drivers and their families throughout this negotiation process. Whilst he said on the one hand that he would - - -

Mr Moore: I take a point of order, Mr Speaker. This is about relevance. This is about whether we divide the question or not. It is not about what Mr Osborne can or cannot do.

MR SPEAKER: That is the question before the house.

MR BERRY: Indeed, but Mr Osborne spoke at length on this.

MR SPEAKER: Mr Osborne spoke in support of the division of the motion and he was explaining why.

MR BERRY: Mr Speaker, I am responding to what Mr Osborne said.

MR SPEAKER: You may respond in terms of why you do not believe it should be divided or why you do believe it should be divided.

MR BERRY: Mr Osborne made a few comments about drivers and their families and how they were distressed by this. He says he will vote against paragraph (4). He indicated that in his speech, which was allowed and which nobody protested about. I merely respond by saying it is a great shame that he has indicated that he will vote that way. We will not be resisting the division of this question. By supporting the Government he supports the sword of Damocles being held over those families which he expressed some concern about.

I ask him to reconsider that position. It is not only the drivers who have to be considered. As he rightly says, families have to be considered as well in the scheme of things. They ought not be put under this sort of pressure while negotiations are taking place in the industrial context in relation to wages and working conditions for drivers. They ought not have over their heads the knowledge that the Government is moving towards tender and expressions of interest in the course of those industrial negotiations. It is an extremely ominous set of circumstances which is outside the normal negotiating process, and it should not be supported by Mr Osborne or Mr Rugendyke. This is an unfair process. For them to support it would be just plain unfair to the families of those drivers who have been put under pressure.

This was designed to put drivers under pressure. The Government expressed no feelings for the families of the drivers. I hope that in these circumstances the Independent members of this place will prevent the Government from exploiting that weakness in drivers. Drivers will do anything to help their families, the same as any other working-class person. This tactic ought not be allowed by Mr Osborne and Mr Rugendyke. It is intended to put more pressure on drivers in the industrial process and it should not be allowed.

It is inappropriate for this Assembly to oppose paragraph (4) in particular. If you have made up your mind on paragraph (3) there is not much I can do to change it, but, in relation to paragraph (4), there are substantial arguments against losing that one.

I was extremely disappointed to see Mrs Carnell's amendment passed. I did not have the opportunity to respond to Mr Osborne's comments because he did not make many in relation to it; but, now that he has made comments in relation to paragraph (4) of Mr Hargreaves's motion, the point has to be made. Undue and unfair pressure has been adopted by this Government in the industrial process. This particular part of the motion should be supported in all fairness.

MR OSBORNE: I seek leave to speak again, Mr Speaker.

Leave granted.

MR OSBORNE: I think I need to clarify my position on this because, quite clearly, Mr Berry has not interpreted it correctly. Mr Speaker, when I received the phone calls from those people the attitude out there in the community was that the Government was going to privatise the runs regardless. What I have said and what a majority of members in this place have said - Mr Kaine and I - is go back and negotiate; go back and speak to the union. That is our preferred option. We do not want you to privatise the runs. We would prefer that you negotiated and sorted something out with them. Mr Speaker, I thought I made that very clear. It is very hard to get through Mr Berry's thick skull. I need to make it very clear that I would like the Government to continue to negotiate with the union. I understand that they are very close. There is one issue that needs to be resolved. I think the majority of us made that point.

By allowing the Government to continue looking at their options, given what has been said in this place and given what we will say outside, I think the message will be there that the onus is on the two parties to sort it out and then we will consider our options in a month's time. Quite clearly, I needed to clarify what I had said, given the way Mr Berry attempted to distort my motives on this issue.

MR QUINLAN (4.44): For the record, I believe that voting down the important and essential element of this motion while supporting the more general statements regarding public transport is hypocrisy in the extreme, and I am sure it will cut no ice with the union, the drivers or their families.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.44): Speaking briefly to my motion, I want to draw members' attention to the problem with paragraph (3). Paragraph (3) of the motion is a requirement. This is not an advisory motion; this is a requirement on the Government, and I quote, "to adopt proper industrial relations philosophies". That sounds to me like saying, "You should think in a certain way". The problem with that is that, if we pass this

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motion and subsequently the Government exhibits some philosophical difference to Mr Hargreaves or the Labor Party on industrial relations matters, we may be in breach of that motion on the floor of the Assembly. So I would ask members to think carefully about whether paragraph (3) makes any sense and whether it is supportable in the terms that it is put. We should not be requiring members to think in a certain way. We should ask them to do certain things, and that is what we mean.

MR SPEAKER: Mr Hargreaves, are you seeking leave to speak?

MR HARGREAVES: I have not spoken to Mr Humphries's motion.

MR SPEAKER: No, but Mr Humphries closed the debate.

MR HARGREAVES: He was a little quick. I seek leave to speak to that motion.

Leave granted.

MR HARGREAVES: Thank you, members, and thank you, Mr Speaker. I want to oppose splitting the question. As Mr Quinlan so eloquently put it, it is quite easy to support the first two paragraphs. Basically, we are all agreed on them. Let us make a statement here and now that we are all agreed on them. In other words, let us talk about the things we agree on and talk about the things we do not agree on. That is fine. I accept that. But, Mr Speaker, there is a linkage. If there was no linkage I would put two motions forward. That linkage comes down to integrity.

It should not have been necessary, Mr Speaker, to talk about bottom line financial results being the sole determinant of successful performance. It should not have been necessary to talk about what Mr Humphries has difficulty with, and I am not surprised at all to hear that he has difficulties with proper industrial relations. We have some processes in this country, we have some conventions in this country, and, I thought, we had some honour in this country, but we do not seem to hear of it. I am sorry about this and if I see pained looks across the chamber, then tough luck.

Mr Speaker, what I want to do is to show you the link in paragraph (3). What we are talking about here, as I mentioned before, is the big ask that this Government is asking of its senior management at ACTION. They are required to go and negotiate a government position knowing full well that, at the end of the day, they themselves are going to get sold off. If that is too hard to comprehend, Mr Speaker, then I am afraid that we have people here whose intelligence insults this place. We are talking about the atmosphere here. We are talking about the atmosphere of honour and trust.

Mr Osborne: Yes, you would know, too.

MR HARGREAVES: I would. Mr Osborne, it is a shame that you do not. Mr Speaker, what I am suggesting to members is - - -

Mr Humphries: I think it is going downhill, John, rapidly.

MR HARGREAVES: Thank you very much, Mr Humphries. I welcome your suggestions at any time, night or day. What I am trying to suggest to you, Mr Speaker, is that these four clauses are linked. They are talking about a simple statement and that is: Stop and go back to the drawing board on this. There have been enough accusations flowing around in this house to cast doubt on the integrity of the process from a number of sides. What I am suggesting to you is that integrity is totally in doubt and I want them linked.

Ms Carnell: Are you suggesting that if we do not like one of them we should vote against the lot? Is that what you are saying?

MR HARGREAVES: What I am suggesting to you is that they are linked, and you should have a long, hard think about it because there is nothing difficult in this. Mr Speaker, if the Government sees anything difficult in this, they merely wear their prejudice on their sleeves, and they do not need to do that. The Government can just as easily say, "Accept the fact that we have stuffed it. We will just forget it. We will go back to square one and everybody will be happy. Everybody will go home and negotiate in good faith, and the issue will be done". I suggest to members that if this does not happen the union is not going to accept anything that this Government has to say, and it is going to be on big time. If members here doubt that, I suggest that they look up into the gallery.

Question resolved in the affirmative.

Paragraph (1) agreed to.

Paragraph (2) agreed to.

Question put:

That paragraph (3) be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

NOES, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

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Question put:

That paragraph (4) be agreed to.

The Assembly voted -

AYES, 7

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

NOES, 10

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the negative.

ACTION - ENTERPRISE BARGAINING AGREEMENT
Paper and Statement by Minister

MR SMYTH (Minister for Urban Services): Mr Speaker, I seek leave to make a short statement of clarification.

Leave granted.

MR SMYTH: Ms Tucker asked in her speech that I clarify what I said in regard to the misapprehension that Mr Stanhope and Mr Berry have that I have misled the house. Mr Rugendyke asked a specific question yesterday. That specific question was: "According to ABC radio, Mr Trevor Santi of the TWU stated that ACTION bus drivers had reached agreement with the Government", and it went on. I said in the first part of the answer that we had received no firm offers from the TWU at all, and that is correct.

Mr Rugendyke then asked a supplementary to his first question, "Are you expecting any such agreement?", to which I said that we had been through this process; that I had told Mr Thurston to continue negotiating. Let us see; it would have been Friday the 11th. I even spoke with Mr Santi. The supplementary question was in regard to the first question: "Have you reached an agreement?", and the answer is no. The final line of my answer, which is the line that the Labor Party seems most interested in, says, "We believe that negotiations should continue, but I am yet to hear from the TWU". In relation to the first question, the supplementary question asked, "Are you expecting to hear?", and I simply said, "I am yet to hear from the TWU on that matter".

I am fully aware that negotiations continue because Mr Thurston sought guidance and I said, "Yes, please continue". We made that quite clear, or I made it quite clear, on the Thursday when we announced that we would look at tendering out, that negotiations should continue. That was the question asked by many of the press that day: "Would you continue?", and I said, "Yes, we would continue". Mr Thurston has continued to do that.

The letter that Mr Stanhope tabled this morning is a document without prejudice. That means that offers are flowing backwards and forwards, but nothing has been agreed to. In fact, in regard to what Mr Rugendyke actually asked, "Have the ACTION bus drivers reached agreement?", I believe that Mr Santi is yet to put any offer to his members. So, in regard to that, no, we have received no firm offers. Then, are we expecting any agreement? I am yet to receive an offer to agree to.

There is certainly no intention to mislead. If you thought I misled, I apologise, but it is certainly quite clear. To clarify that I will table this letter, Mr Speaker. I asked Mr Thurston again before question time, "Do we have a firm offer from the TWU?". Mr Thurston clarifies the fact that the correspondence that Mr Stanhope refers to is without prejudice. That is some of the toing-and-froing that is going on that people have been asking for. The toing-and-froing goes on, but Mr Thurston finishes his letter by saying:

In summary you were correct in saying as yet we have received no firm offers from the TWU. This remains the case now.

I hope that clarifies it somewhat more for you.

MINISTER FOR URBAN SERVICES **Motion of Censure**

MR STANHOPE (Leader of the Opposition) (4.56): I seek leave to move a motion of censure against the Minister for Urban Services.

Leave granted.

MR STANHOPE: Mr Speaker, I move:

That this Assembly censures Mr Smyth (the Minister for Urban Services) for misleading the Assembly in relation to negotiations between the Transport Workers Union and ACTION.

Mr Speaker, the Minister had an opportunity just now to avoid this motion and I wish he had taken it. I wish he had shown the strength of character and the integrity to acknowledge that yesterday he overstated the case, that he gilded the lily, that he misled the Assembly, because he certainly did. Mr Rugendyke asked a question, and one has some suspicion that the Minister was aware the question was going to be asked. Mr Rugendyke asked - - -

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Mr Rugendyke: I take a point of order, Mr Speaker. I would like to clarify that that is not the case.

MR SPEAKER: You will have a chance.

Mr Corbell: There is no point of order. He can do that in the debate.

MR SPEAKER: Yes, correct, Mr Corbell.

MR STANHOPE: Mr Rugendyke asked a question of the Minister about the position of the TWU in relation to its negotiations with ACTION management. Mr Rugendyke asked where the negotiations were up to at the moment. It was a simple straightforward question: "Where are the negotiations up to at the moment?". Mr Smyth thanked Mr Rugendyke for the question and said:

It is quite curious. Not only on Friday but I believe on Sunday and possibly even on Monday Mr Santi did claim -

the Minister acknowledges this -

that he put options to the Government that they would like to negotiate on.

The Minister then said:

I have checked with Mr Thurston, the head of ACTION, and as yet we have received no firm offers from the TWU at all.

The Minister knew at that time, or he should have known, that on the day before Mr Santi had presented to Mr Thurston a document setting out in detail all those items in the EBA that the TWU wished to hold further discussions on. It was a firm offer in the context of an industrial relations negotiation. It was the TWU's stated position on the EBA. It was the document that set out the TWU's position on the EBA. It is a firm offer. It is the TWU's position. It is the offer that they were making to the Government on the negotiations. It was headed "Without Prejudice". The Minister just refers to this in the context that if it is headed "Without Prejudice" in some way it is not a firm offer. The "Without Prejudice" heading to the document is simply an acknowledgment - - -

Mr Corbell: I raise a point of order, Mr Speaker. I am reluctant to interfere with my colleague, but there are lobbies if members wish to conduct discussions in the chamber.

MR SPEAKER: I uphold the point of order, Mr Corbell. Please, if you do want to have a discussion would you go outside? That applies to everybody.

Mr Moore: This is the weakest bloody censure motion I have ever heard.

MR STANHOPE: Since you have been a member of the Government, Mr Moore; since you gave up all your principles, Mr Moore.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Humphries: Tempting as it is, Mr Speaker, I require the question to be put forthwith without debate.

MR SPEAKER: The temptation is great.

Question resolved in the negative.

MINISTER FOR URBAN SERVICES Motion of Censure

Debate resumed.

MR STANHOPE: I regret that less than impartial comment you made just then, Mr Speaker.

MR SPEAKER: Please continue.

Mr Humphries: Mr Speaker, I take a point of order. I do not think anything can be read into a comment like that at 5 o'clock after a fairly long day. It is a reflection on the Speaker and I would ask Mr Stanhope to withdraw. He rose in his place to censure a member for having supposedly misled the Assembly, yet he has now made a fairly serious breach of standing orders in impugning the independence of the Speaker.

MR STANHOPE: I withdraw any imputation against you, Mr Speaker.

MR SPEAKER: Thank you, Mr Stanhope. Please continue.

MR STANHOPE: The situation was quite plain. The document which the TWU brought to the table on Monday was the TWU's firm position, its firm statement to the Government of what it wished out of the EBA. If it was not a firm offer, what was it? We know that the Liberal Party has some difficulty with words like "promises", "core promises" and "non-core promises". Does the Liberal Party, in its negotiations with unions, have some difficulty accepting that there can be a firm offer? Could the Minister explain to us what a non-firm offer is in an EBA negotiation? How does the Minister attempt to distinguish between firm and non-firm offers? What are the non-firm offers of the TWU in the EBA negotiations? Do we have firm offers from the TWU and non-firm offers?

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There has been a protracted series of negotiations. Negotiations have been repeated regularly even throughout September. We can look at the record for September. On 10 September there was a formal meeting between the TWU and ACTION. On 14 September there was a formal meeting between the TWU and ACTION. On 16 September there was a formal meeting between the TWU and ACTION. On Monday, 21 September, Mr Thurston tells the Minister, and the Minister tells the Assembly and the people of Canberra, that he had had no approaches from the TWU. Mr Thurston confirms to the Minister as recently as yesterday that ACTION has received no firm offers from the TWU at all. They were clear, unambiguous and unequivocal statements from Mr Thurston and from the Minister. Now we know that at the time the Minister was insisting that there were no negotiations, no discussion and no firm offer, Mr Thurston was at the table with Mr Santi discussing a firm offer and through that process coming to agreement on as many as 20 of the 22 items in the EBA.

How can that not be firm? How can that not be the basis of a firm offer if, as a result of that process, the TWU and ACTION have come to a basic agreement on up to 20 of the 22 items? There is some fiddling at the edges, but these were firm offers, and these firm offers have resulted in concluded or almost concluded outcomes.

Let us look at some of the non-firm offers that the TWU is supposed to have made at the meeting on Monday which the Minister tried to pretend to us did not happen. The document from Mr Santi to ACTION is couched in terms such as this:

The new network is to be implemented on 30 November 1998.
As discussed, there are still some minor adjustments to be ironed out.

We are talking about agreements that the TWU is prepared to make in the context of the EBA negotiations. What do we have? We have had the Minister, at every step, belittling the TWU, belittling the union movement, personally belittling Mr Santi. This is just some classic old union bashing by the Minister because it is the only way he knows. He is determined to stir up strife within the industry. He has an agenda to privatise. He wants a fight with the union. He wants the Canberra community to believe that it is all the union's fault - "Let us blame the union". That is what he does. Yet he had the temerity to stand up here yesterday and tell this house, "We believe negotiations should continue". The saccharine hypocrisy of that. "We believe that negotiations should continue, but I am yet to hear from the TWU", the Minister said. The day before Mr Santi was in deep negotiations with Mr Thurston to iron out almost all the details of the EBA. What does the Minister stand up and tell this place and tell the people of Canberra? He says, "I am yet to hear from the TWU". The negotiations are almost concluded. That is a statement of the Minister's extreme incompetence; an admission of incompetence; that perhaps he does not know what is going on.

The greatest sin here is that he pretends that he rang Mr Thurston and asked Mr Thurston, "Is anything going on? I have heard these comments on the radio. Mr Santi says he wants a negotiated outcome". The Minister says, "I rang Mr Thurston and I asked Mr Thurston, 'Does Mr Santi want a negotiated outcome or not?', and Mr Thurston told me, 'We have received no offers from the TWU, none at all' ". That is just not true.

The Minister had us all believe, on the basis of advice allegedly from Mr Thurston, that the TWU would not even talk to him. That is the impression from the Minister's answer yesterday. It is clear. It is explicit. There is no way of weaseling out of it by pretending, "Well, that was not a firm offer. That was an unfirm offer. That was an offer that did not count. These are unfirm offers. The TWU comes to ACTION with unfirm offers. We did not take them seriously". Mr Thurston is saying, "I did not actually believe that we were having serious discussions here. We were just playing. This was just a play school. I went along just to listen to a bit of chatter from the TWU. I did not think they were serious". They did not sit and joke and laugh as Mr Moore and Mr Smyth are now.

Mr Moore: We are laughing at you, Mr Stanhope. We are laughing at you.

MR STANHOPE: I am pleased to see that on the record, Mr Moore. You are sly, Mr Moore. The hypocrisy exhibited by you now that you have embraced the Liberal Party, Mr Moore, is breathtaking to me, and I think to a lot of people in Canberra.

Mr Humphries: Is this a motion of censure against Mr Smyth or Mr Moore?

MR STANHOPE: It is a pity that we have confined it to Mr Smyth. I will digress just briefly to say, as a member of this place for just six months, that the greatest shock and surprise to me is the speed with which my respect for Mr Moore and what I thought were his principles has dissipated. The thing that has surprised me in my time in this place is the speed with which my respect for Mr Moore is going up the chimney.

Mr Humphries: Mr Temporary Deputy Speaker, I know - - -

MR STANHOPE: I have ended that digression, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The Leader of the Opposition will resume his seat.

Mr Humphries: I know that Mr Stanhope is keen to spray all over the Assembly, but this motion is about Mr Smyth, not about Mr Moore.

MR TEMPORARY DEPUTY SPEAKER: I call the Leader of the Opposition.

MR STANHOPE: I think I have made the case. I think the case is quite plain.

Mr Moore: Ha, ha!

MR STANHOPE: Mr Moore has developed the great art of rationalising anything. Mr Moore can now look at a transcript, see a direct mislead and see nothing wrong with it. If Mr Moore does not support this motion of censure, and if Mr Osborne, Mr Rugendyke and other members of the crossbench do not support it, I honestly wonder what the Chief Minister's statement of ministerial standards tabled just a little while ago means. I wonder. I cannot believe that this motion will not receive the full support of

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Mr Moore and the crossbench. To do otherwise than to accept that what Mr Smyth did yesterday was to deliberately mislead this Assembly basically creates, as far as I am concerned, a notion that anybody can say anything at any time and this organisation, this institution, this parliament, has absolutely no concern with or about that. If this motion is not passed today by this Assembly, I have no faith in the integrity of those who vote against it or in the capacity of this parliament to truly - - -

Mr Moore: Who cares what you have faith in.

MR STANHOPE: We know you have faith in nothing, Mr Moore. We know you believe in nothing. We know that. You have no faith or belief in anything, Mr Moore. That is obvious to everybody in Canberra, and it is becoming more obvious by the day. You are a crossbench Independent Liberal Minister who believes in nothing.

Mr Humphries: Mr Temporary Deputy Speaker - - -

MR TEMPORARY DEPUTY SPEAKER: Order!

MR STANHOPE: No policies, no beliefs, no values, no nothing.

MR TEMPORARY DEPUTY SPEAKER: Order! The Leader of the Opposition will resume his seat.

Mr Humphries: Mr Temporary Deputy Speaker, I realise that Mr Stanhope is really keen on getting stuck into Mr Moore, but again I remind him that this motion is about Mr Smyth. If he wants to move a motion about Mr Moore he should amend this one or move a separate one.

MR TEMPORARY DEPUTY SPEAKER: I ask the Leader of the Opposition to address his remarks to the matter before the house.

MR STANHOPE: Mr Temporary Deputy Speaker, I must say that I do take to heart the timely reminder that I should not respond to Mr Moore's jibes and barbs in the way that I did. I should have stuck to the motion.

Mr Moore: You were the one attacking. What hypocrisy.

MR STANHOPE: I was responding to his barbs and his attacks, and I regret now that I did.

Mr Moore: You asked what I was laughing at and I said, "You". You did all the attacking.

Mr Berry: Mr Temporary Deputy Speaker, there he goes again.

MR TEMPORARY DEPUTY SPEAKER: Order! The Minister will come to order.

Mr Berry: Thank you, Mr Temporary Deputy Speaker.

MR STANHOPE: I will conclude. I honestly think that this mislead is just so blatant. I do not know whether the Minister was just reckless yesterday, or whether he did not read his brief, or whether he did not understand, but, for whatever reason, the Minister misled this place. I wish that he had accepted Ms Tucker's invitation. I wish he had stood up in this place and apologised. (*Extension of time granted*) I wish he had stood up and had the decency and the integrity to withdraw the imputation that he has made against the TWU and Mr Santi in this place through his answer yesterday. He let this place and the people of Canberra believe that the TWU was not negotiating with ACTION, had no firm proposals and was not interested in a negotiated outcome. He gave those impressions. He made those statements knowing them to be not true.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.13): Mr Temporary Deputy Speaker, I will be the only speaker on behalf of the Government on this motion because I do not think anything as pathetic as this so-called motion of censure deserves any greater response from the Government, any greater effort on the part of the members of the Government, or any greater waste of the Assembly's time. I have made the point many times before in this place about the debasing of the currency of censure motions.

Mr Stanhope's comments in this debate were entirely about the remarks made by Mr Smyth yesterday in this place. If Mr Stanhope's motion is based entirely upon what was said yesterday in this place there may be some inkling, some kernel of a case for a motion of censure against this Minister. I concede that to start with.

Mr Quinlan: Guilty as charged, Your Honour.

Mr Stanhope: He thinks you are guilty, Brendan.

Mr Moore: I take a point of order, Mr Temporary Deputy Speaker. A censure motion is a serious matter. They have put their censure motion. Mr Humphries is defending his ministerial colleague and you would think that they would listen to hear what the defence is.

MR TEMPORARY DEPUTY SPEAKER: I uphold the point of order. I ask the Opposition to hear the leader of the house in silence.

MR HUMPHRIES: If we were simply judging the accuracy of what has been said to the chamber on the basis of what was said in the house yesterday then, as I said, there may be a kernel of a case for censuring the Minister; but the Minister today has done what all good Ministers do when they believe, as they inevitably will at some point in a ministerial career, that they may have given inaccurate information to the house or may not have fully painted an accurate picture to the house.

Mr Berry: He lied.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I think Mr Berry said, "You lied", and that is - - -

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MR TEMPORARY DEPUTY SPEAKER: Order! The leader of the house will resume his seat. Mr Berry, the Chair recognises you and you used that word. I ask you to withdraw it forthwith.

Mr Berry: Mr Temporary Deputy Speaker, it was allowed yesterday.

MR TEMPORARY DEPUTY SPEAKER: I do not care. I was not in the chair. It is unparliamentary, sir, and I will not debate it with you. I ask you to withdraw it forthwith.

Mr Berry: May I just argue the point with you for a moment, Mr Temporary Deputy Speaker? It was allowed yesterday.

MR TEMPORARY DEPUTY SPEAKER: I am not interested. I am asking you to withdraw it forthwith.

Mr Berry: Okay. It is withdrawn.

Mr Corbell: Mr Temporary Deputy Speaker, may I seek some clarification? There is a substantive motion before the house that the Minister misled this place, and that is that he lied. The substantive issue we are debating here is whether or not the Minister lied, and it is entirely in order for Mr Berry to make that statement.

MR TEMPORARY DEPUTY SPEAKER: If the Chair is wrong I will apologise to the member, but I heard, "You lied". Those were the words I heard.

Mr Berry: No. "He lied", I said, but it does not matter. I withdraw it and I will get to it when I get a chance.

MR TEMPORARY DEPUTY SPEAKER: Okay.

MR HUMPHRIES: Mr Temporary Deputy Speaker, members heard remarks made yesterday by Mr Smyth. I repeat, as I have been trying to say over interjections for the last few minutes, that if there was a case based only on what Mr Smyth said yesterday the matter would be viewed in a very different way; but today Mr Smyth observed the best conventions of the Westminster system, rose in this place and clarified what has occurred in respect of negotiations involving the Government and the Transport Workers Union. He clarified those matters and nothing that Mr Stanhope said in his remarks touched on the accuracy of what Mr Smyth said today. Everything that Mr Stanhope said today and everything Mr Stanhope attacked today by way of statements from Mr Smyth were statements Mr Smyth made yesterday in this place, not today. If Mr Smyth made inaccurate statements yesterday and he made no effort to correct those statements then he may, in theory at least, have been subject to some motion of censure, but he did not do that. What he did was rise and correct them today. This is about setting a standard. If members of this place believe that relaying information to this place and then correcting it if it does not appear to be correct is not a satisfactory - - -

Mr Berry: He never corrected it.

Mr Stanhope: He has not corrected it. If he had corrected it we would not have gone ahead with this.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I am really sick of having to shout over those opposite. I would like to be able to make this point without being interrupted.

MR TEMPORARY DEPUTY SPEAKER: Order!

MR HUMPHRIES: If members believe that a member immediately is subject to censure if they make an inaccurate statement but have corrected the statement subsequently then we set for ourselves an impossibly high standard in this place. The Minister has made clear what occurred. It is on his remarks today that he should be judged. Today the Minister tabled a letter to him from Guy Thurston, the executive director of ACTION. It has been tabled and it is on the record. We can all read it now. Mr Thurston says in the last paragraph of this letter which is addressed to Mr Smyth:

In summary you were correct in saying as yet we have received no firm offers from the TWU. This remains the case now.

That is dated today, Mr Speaker. The Minister is obliged to report to the house his understanding of the situation. His understanding in this case comes from the public servant whose obligation it is to advise him on questions relating to such things as negotiations with the Transport Workers Union. His senior public servant advised him on that question. He gave him clear advice saying, "we have received no firm offers from the TWU".

Mr Smyth has tabled that advice in this place. He has clarified the accuracy of what he said yesterday. More importantly, in the motion Mr Stanhope moved, he has not suggested at any stage that anything that Mr Smyth said today was inaccurate. Nothing he has said today casts aspersions on Mr Smyth's statements today. What he is therefore relying on is what Mr Smyth said yesterday.

Mr Berry: He lied deliberately.

Mr Quinlan: If and only if today did not satisfy yesterday. It did not.

MR HUMPHRIES: Mr Temporary Deputy Speaker, does Mr Stanhope say he lied deliberately yesterday or today?

Mr Quinlan: Yesterday.

MR HUMPHRIES: Yesterday. Okay. Thank you, Mr Quinlan. Mr Quinlan says that Mr Stanhope is suggesting that Mr Smyth lied deliberately yesterday. If that is true, and I do not believe it is, Mr Smyth came into this place today and clarified his statement. He corrected his statement. With the support of this house he rose and corrected his statement. Mr Temporary Deputy Speaker, if it is not to be accepted by the house that Ministers can do that, then inaccuracy of any kind, even if it is subsequently corrected,

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is ground for censure. That standard is a standard higher than one that applies in any other parliament in this country, or any other parliament in the world, to the best of my knowledge. That is a stupid standard. No Minister can meet that standard. Everybody makes mistakes. If Mr Berry or Mr Quinlan believe that the statement was made deliberately with the intention to deceive the house, let them produce their evidence of that. They have not done so as yet.

Mr Berry: I've got it. We have presented it. You are just blind.

Mr Quinlan: It is in the *Hansard*.

MR HUMPHRIES: No, no. You produced evidence that what he said yesterday was different from what you claim the state of affairs was, but the point is that he has corrected that since yesterday.

Mr Berry: No, he has not.

MR HUMPHRIES: He has. He has clearly corrected it, and he has put on the table his advice from his department. Mr Temporary Deputy Speaker, I am not going to speak any longer. I am simply going to sit down. If members want to impose that standard on members of the Government or any government for misleading, then they set a standard which will fell many Ministers in the coming years. Indeed, it will fell many members if that is the standard they expect to set. It is unsustainable. What Mr Smyth has done has been right and proper.

Mr Berry: "I misled the house and I apologise". That is what he has to say.

MR HUMPHRIES: He did say he apologised. He apologised to this house.

Mr Berry: He refuses to accept that he misled it.

MR HUMPHRIES: He said he apologised for having said something which may have been inaccurate or misleading.

Mr Berry: Well, let him speak now. We will listen to him.

MR HUMPHRIES: He did. He has already said it, and he has tabled the document. What more can you reasonably want? What more can you reasonably want?

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Berry, come to order. Leader of the house, address your remarks through the Chair.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I plead with members not to further debase the currency of censure motions. If they are to carry any weight at all they should not be frittered away on stupid motions of this kind in this way.

MR OSBORNE (5.24): I think in the last Assembly we had nine or 10 censure motions. I have to say, Mr Temporary Deputy Speaker, that this is probably the most pathetic one that I have had to speak to during my time here. I am going to relay a conversation that I had with Mr Stanhope in the lobby out there. I do not like to do this, but it relates to this issue. Mr Stanhope came out and said, “Brendan Smyth has misled”. I will give you an abbreviated version. Mr Stanhope said, “We are going to give him the opportunity to clarify and apologise. If he does not we are going to censure him”. I said, “Well, fair enough. Let me have a look at *Hansard* where he misled”. I looked at it. I spoke to Mr Smyth and then a few minutes ago I heard Mr Smyth stand up and clarify that, yes, the TWU had put a proposal forward. I did hear him say, “If I have misled I apologise”.

Mr Stanhope: I did not hear that.

Mr Humphries: He already has. He said it once. That is all he has to say. Once is enough.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Osborne has the call. Both sides of the house will come to order.

MR OSBORNE: What is the point of the censure motion? I cannot see the point of the censure motion when - - -

Mr Stanhope: We would not have moved it if he apologised.

MR OSBORNE: I cannot see the point, Mr Speaker.

Mr Stanhope: Well, let us look at tomorrow’s *Hansard*. If he had apologised we would not have moved the motion.

MR OSBORNE: He apologised.

Mr Stanhope: Now you are telling us he did. That is all we wanted.

MR OSBORNE: I heard him. I saw you. You looked at Mr Berry, Mr Berry looked at you, and you stood up.

Mr Stanhope: I did not hear him apologise.

MR OSBORNE: Well, he apologised. He said, “If I misled, I apologise”. Mr Temporary Deputy Speaker, that was the main thrust of the conversation. Mr Smyth came in and apologised. I remember it as I walked out. He said, “If I misled, I apologise”. I just think this is a waste of time. Obviously the Labor Party does not want to get to the next motion.

Mr Stanhope: I take a point of order.

MR OSBORNE: I have finished, Mr Temporary Deputy Speaker.

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Mr Stanhope: I am seeking your guidance actually, Mr Temporary Deputy Speaker, if it is possible for me to do this. If Mr Smyth is prepared now to stand up and repeat that apology, I would like to withdraw the motion.

Mr Berry: For misleading the house.

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Berry!

Mr Stanhope: If Mr Smyth is prepared to repeat the apology he made - - -

Mr Humphries: Just because you were not listening is no reason for him to have to do it a second time.

MR TEMPORARY DEPUTY SPEAKER: Order! I am taking guidance from the members.

Mr Berry: You mean he will not apologise.

Mr Moore: Withdraw it and put your censure motion another time after you have read *Hansard*.

Mr Berry: No, no; he can apologise.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Berry and the Minister will come to order. There must be something in the water. Someone has been in New South Wales.

MS TUCKER (5.26): I did not understand that Mr Smyth totally clarified the position either. I will have to look at *Hansard*. I do not see why there is such a problem with him clarifying now if he wants to apologise. I do not see why he would be afraid to do that again if we did not hear it. The point that I think is being missed here is that when Mr Smyth made the comments yesterday in answer to Mr Rugendyke he made claims that we are all very familiar with. Today when he clarified the situation, in fact for me, he actually made things worse because what he did in attempting to clarify was misrepresent the impression that he gave when you look at yesterday's *Hansard*. I am not talking about whether or not it is a firm option or not a firm option. I understand that Mr Thurston is supporting his Minister now by saying he considered that he was right to say that there was no firm option. Obviously there are other versions and understandings of what is a firm option and what is not. I do not think that is the point in this discussion. What I think is the point is that Mr Smyth said in the second part of his answer:

I said the other day, when I announced that the Government would be seeking expressions of interest for the tendering out of the management of ACTION, that of course we would negotiate with the TWU. We believe that negotiations should continue, but I am yet to hear from the TWU.

What that is implying to any reasonable person is that the TWU is not negotiating. It is not about a firm offer. Mr Smyth, when he explained that, said that the last part of the sentence, "I am yet to hear from the TWU", actually refers back to the first part of his answer which was about firm offers. The word "negotiations" is in the same sentence as the phrase "I am yet to hear from the TWU".

Mr Humphries: He clarified that, Kerrie.

Mr Moore: That is what he clarified. He said he apologised if that was misleading.

MS TUCKER: If Mr Smyth is prepared to stand up here and say - - -

Mr Moore: He did.

MS TUCKER: I think I have already asked this. The interjections are quite unnecessary if members want to finish this debate. I want to hear from Mr Smyth that he believes that the union has worked in good faith, negotiating with him over the last period.

Mr Humphries: Oh, come on.

MS TUCKER: All right, forget the good faith - you do not like that - although I would think that was a fairly reasonable thing to say, considering the amount of work they have put into it. I ask that he explain that he has been negotiating with the TWU over the last few weeks. That would clarify to my satisfaction that, in fact, he has settled this issue, otherwise I believe he has misled and given a very unfair representation of the circumstances around the negotiations.

MR BERRY (5.30): I am absolutely surprised that Mr Smyth, innocent though he pleads, has not yet risen in this place to defend himself. The motion has been moved and Mr Smyth sits there, glued to his seat, refusing to repeat what other people think he said earlier in the piece. I issue this challenge to Mr Smyth: Rise to your feet and apologise for misleading the house and the motion will be withdrawn.

Let us look at the evidence here. The first thing that Mr Smyth did was create the impression that something was happening, which was not. In fact, he worked hard to create the impression that it was the Transport Workers Union which was at fault. That was the impression Mr Smyth attempted to create. That is one way of misleading the house. It is not only the words, but the words are even more damning. You all recall the impression that he created when he stood up here. You cannot always get from the words in *Hansard* all that you get from the theatrics and impressions which are portrayed by various people. Mr Brendan Smyth attempted to create a false impression for members of this place. There is absolutely no doubt about that. Then all you have to do is look at the words, and it is confirmed. Lie one:

I have checked with Mr Thurston, the head of ACTION, and as yet we have received no firm offers from the TWU at all.

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Mr Humphries: Mr Thurston confirmed that.

MR BERRY: Save your interjection. I will refer to that. Today, after the Minister has been challenged, a public servant has written a letter defending his Minister. So what. Mr Speaker, so what if a public servant defends his Minister after his Minister has been found to have committed some sort of serious breach of this Assembly. Nothing surprises me with that. But, even if we took Mr Thurston's words at face value, he is wrong. As an experienced officer, I am sure he knows that he is wrong because we all understand, and I am sure Mr Smyth understands, how the industrial bargaining process works.

You should stop this shabby pretence, Minister. Of course you were given a firm offer by the Transport Workers Union. If you had agreed to the firm offer it would have gone back to the members where it may have been agreed. Then you would have had an agreement. That is how it works. You have offers between the parties, or those negotiating on behalf of the parties. They come together with offers. The Transport Workers Union came together with a firm offer. On the top of this document it says "Without Prejudice", because it is well understood in industrial circles that you have to take it to your members to get it rubber-stamped before it can become an agreement. You attempted yesterday to create the impression that it was the Transport Workers Union's fault, not yours. Your words condemn you, Minister, as *Hansard* shows.

Your lack of good faith is also evident in your refusal to climb to your feet in this place, admit to your mistake - that is, that you either recklessly or deliberately misled this house - and say, "I am sorry for doing that". Had you done that there would have been no motion and we would not have been on our feet debating the issue. I heard those trying to defend you earlier saying, "No, we heard you say it". Well, only the people on that side heard you say it, only those who wanted to hear you say it, it appears, because nobody over this side heard it. Now people are saying - - -

Mr Humphries: Well, it is in *Hansard*. You will have to eat your words tomorrow, will you not?

MR BERRY: You should go and have a look at *Hansard*.

Ms Tucker: Well, what is wrong with saying it again? What is the problem?

Mr Humphries: Because he said it once. Why should he say it twice, Kerrie?

MR BERRY: Why should we bother? If this brave young Minister has apologised once, why cannot he do it again? Is there anything wrong with climbing to your feet and saying, "I am sorry you did not hear me when I apologised this morning."?

MR SPEAKER: Order! It is not surprising that people did not hear others speaking when there is too much noise.

MR BERRY: "I did mislead the house and I am sorry". That is all you have to say, and I, for one, will be first out the door. But no, this Minister will not rise to the occasion. He has not got the courage. He has not yet accepted that he misled.

Mr Humphries: He has.

MR BERRY: No. Reports that came to me as late as just a few moments ago say, "If I did mislead I apologise", but he still does not accept that he has misled.

Mr Humphries: You have written it down, have you? You say you did not hear it but you have written it down.

MR BERRY: No, it just came to me then.

Mr Humphries: You said you had written it down.

MR BERRY: No, I did not. Do not be a fool, Gary.

Mr Moore: Are you telling lies, Wayne?

MR BERRY: No, the only liar in this place is Mr Smyth. Lie one:

I have checked with Mr Thurston, the head of ACTION, and as yet we have received no firm offers from the TWU ...

Lie two - - -

Mr Moore: I raise a point of order, Mr Speaker. We have at the back of our standing orders resolutions of the Assembly, and the resolution agreed to by the Assembly on 4 May 1995 has to do with the exercise of freedom of speech. The resolution continues through Assemblies until it is withdrawn, which it is not. This resolution asks you, Mr Speaker, to draw members' attention to the spirit of the resolution and their responsibilities in exercising their freedom of speech. Twice today Mr Berry has attacked public servants.

MR SPEAKER: Correct.

Mr Moore: Twice today he has attacked public servants recklessly, Mr Speaker. I would ask you to watch Mr Berry, in particular, very carefully, Mr Speaker, and to draw his attention to this because Mr Berry seems to have a very reckless attitude to this resolution.

MR SPEAKER: Mr Berry, I have, once today, drawn attention to this resolution of 4 May 1995. I draw it to your attention again in relation to attacking people in this chamber who are not in a position to defend themselves. You have mentioned one public servant by name and this is - - -

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MR BERRY: This is just a distraction.

MR SPEAKER: No. Seriously, this is an important point. I would recommend that all members read the freedom of speech resolution of 4 May 1995. On a more recent note, you also accused the Minister of lying. The fact is that use of the word “lie” is unparliamentary in this chamber, and I ask you to withdraw it.

Mr Moore: Except that it is a substantive motion at this point. Mr Speaker, on the point of order - - -

MR SPEAKER: You mentioned the word “lie” and I want you to withdraw it.

MR BERRY: Well, I wish we would get the rules straight here. Pass them backwards and forwards - - -

MR SPEAKER: No, there is no question of getting the rules straight.

MR BERRY: Mised, lied, I do not care. I will withdraw “lie”.

Mr Moore: Speaking to the point of order, Mr Speaker: On 13 May 1997 you also made a statement as Speaker on the issue of an attack on a public servant. You drew attention to the same things that I am pointing out. I would suggest that Mr Berry read page 1271 of *Hansard* of 13 May 1997 before he continues with this unparliamentary practice. Otherwise you need to boot him, Mr Speaker.

MR SPEAKER: Mr Berry, the word “lie” has been withdrawn on so many occasions in this Assembly.

MR BERRY: Okay. I will withdraw it.

MR SPEAKER: Thank you.

MR BERRY: Mised, misled one, misled two; that will do us. Mr Speaker, it was the Government that introduced a public servant into this debate by tabling a letter signed by a public servant, Mr Thurston, who was defending his Minister. I said Mr Thurston was wrong, and I said, “So what” when a public servant - - -

Mr Moore: I take a point of order, Mr Speaker. He is just reiterating what he is trying to do. He is continuing the attack. He ought to be warned, Mr Speaker.

Mr Humphries: You are implying that Guy Thurston is lying for his Minister. That is what you are implying.

MR SPEAKER: Look, Mr Berry; please stop attacking public servants. Stop attacking them by name.

MR BERRY: Mr Speaker, I am not - - -

MR SPEAKER: I remind you again of the freedom of speech motion of 4 May 1995. Exercise a bit of responsibility.

MR BERRY: Read it out. What does it mean?

Mr Humphries: Guy Thurston is a public servant of integrity, Mr Berry, and you know that. You should not be implying, as you do, that he is lying on behalf of his Minister.

MR BERRY: I have not blackened Guy Thurston's name.

Mr Humphries: That is exactly what you were implying, Mr Berry. Be honest enough to admit it.

MR SPEAKER: The member's time has expired. Would you like an extension?

MR BERRY: Yes, I would. I would like to know what I am being - - -

(Extension of time not granted)

MR BERRY: Well, I will move to suspend standing orders. Do you want to go through this process for 15 minutes?

Mr Humphries: Why not? You have done it before. We will do it tonight, too.

MR BERRY: We can do it for 15 minutes if you want to. I move:

That so much of the standing orders be suspended as would prevent Mr Berry having an extension of time.

MR SPEAKER: The question is that the motion be agreed to. Those of that opinion say aye; to the contrary, no.

MR BERRY: No, no, I have to speak to the motion, Mr Speaker.

MR SPEAKER: As you will.

MR BERRY: Thank you.

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

That the question be now put.

MR SPEAKER: The question now is that standing orders be suspended to allow Mr Berry to speak again. Those of that opinion say aye; to the contrary, no. I think the ayes have it. Proceed, Mr Berry.

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MR BERRY: Thank you. I have no particular gripe with Mr Thurston. All I have said in relation to the letter that was introduced by the Government - - -

Mr Humphries: You implied that he lied.

MR BERRY: No, no, I never said that.

Mr Humphries: You implied that he lied.

MR BERRY: Mr Humphries says I have lied.

Mr Hargreaves: I take a point of order, Mr Speaker. The members opposite have been pontificating all afternoon, seeking your intervention to stop these interjections. I would seek your assistance, please. The sooner they shut up and listen to Mr Berry the sooner we can all get out of here.

MR SPEAKER: Yes, I uphold the point of order.

MR BERRY: There is nothing new in public servants defending their Ministers when their Ministers are in trouble, and Mr Thurston is wrong.

Mr Moore: I take a point of order, Mr Speaker. He is yet again implying that a public servant lies to defend his Minister. He is implying that he lies. This is the very issue that was just drawn to his attention, and he has been warned about it.

MR SPEAKER: The house will come to order. Stop acting like a bunch of children. Sit down, Mr Corbell. Mr Berry, I suggest that you get on with your comments and stop straying into questions about public servants. I am sure you have more of substance to say about the issue.

MR BERRY: I am sure. If I really wanted to put a burr under Mr Moore's saddle I would talk about tobacco and his involvement with the Australian Hotels Association. We would really get him leaping up and down. But I will not do that, Mr Speaker, because - - -

Mr Humphries: Let us talk about VITAB, shall we?

MR BERRY: I would love to. Thank you. Now that you have opened the issue, I would be quite happy to talk about it and about the several million dollars of taxpayers' money that you frittered away, but there is no point in doing that. This is about a misleading of the house by a Minister; a deliberate or reckless misleading of this house by a Minister who will not stand up and admit to his mistakes and apologise. This is a Minister who will not rise and say, "I misled you and I am sorry".

MS TUCKER: I seek leave to speak again.

Leave granted.

MS TUCKER: I find this situation quite extraordinary. I cannot understand why, if the Minister made a statement in this place and some of us did not hear it, he is not prepared to make it again. However, perhaps there is another way around this. I made notes and Mr Humphries said, yes, the Minister made inaccurate statements yesterday. We are hearing from the other side, but not from the Minister, for a reason which I really cannot understand. If I am hearing from that side of the house that, in fact, Mr Smyth did stand up and acknowledge that he had basically misrepresented the role of the TWU in negotiations on the enterprise bargaining agreement and he has apologised for that, then I am prepared to not support this censure motion, because that is, obviously, all I have been asking for.

MR MOORE (Minister for Health and Community Care) (5.45): Mr Speaker, the reason I support Mr Smyth in not standing up again to say it is that it exposes how readily these people will go to a censure motion and how unwilling they are to listen when somebody is trying to clarify a position that they have. I think they are making their own point.

MR RUGENDYKE (5.45): Mr Speaker, this spurious censure motion revolves around a question that I asked yesterday in question time so I feel obliged to make a brief comment. This is a lot of hoo-ha over nothing really. I think we will all read *Hansard* tomorrow and we will realise that Mr Smyth did get up and say certain things along the lines of: "Well, if someone thought I misled, I am sorry". I personally do not feel misled. He clarified the answer to my question. This is a nonsense. Let us get on with it.

MR STANHOPE (Leader of the Opposition) (5.46), in reply: I will be brief. I think it has all been said. There are just a few things that I will repeat. If I had thought that the Minister had admitted that he had misled the Assembly and had apologised for that, quite genuinely I would not have moved the motion. I did not hear - - -

Mr Humphries: You should check *Hansard*.

MR STANHOPE: Let me knock this off. If the Minister gave some qualified acknowledgment that he had misled the Assembly and had misrepresented the position of the TWU, saying that if anybody believed he had misrepresented he apologised, that is not an apology. One cannot withdraw imputations against one's colleagues. One cannot withdraw imputations against the Speaker by saying, "Well, if you were offended, Mr Speaker". Mr Speaker, you would not accept that. If I said to you, "Mr Speaker, if you were offended by that remark I made then I withdraw", you would not accept that for one second. If I impugn one of my colleagues and I attempt to withdraw that imputation by saying, "Mr Speaker, if I offended my colleague, if I impugned my colleague's honesty, then I withdraw", you would not accept that for one minute.

Mr Humphries: Yes, they do it all the time. He does it all the time.

MR STANHOPE: Not if I say "if".

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Mr Humphries: Yes. If the member has taken offence I withdraw. This happens all the time.

MR STANHOPE: Not to this side of the house. What Mr Smyth has done is say, "Well, I do not think I misled, but if anybody thinks I did then I withdraw". But the point is that I take on board what Ms Tucker has just said. I understand the debate.

There is just one other thing that I will say. In the heat of these things I do regret that tempers do get frayed and we lose sight of what we are debating. I think we are debating a very serious issue here about the need for absolute integrity in our answers. I sought to do that. In the context of that I did respond to Mr Moore in a way that I would not normally do and which, in retrospect, I regret. I regret losing my temper. I regret that it took some focus off the motion which we were discussing, which was the integrity that we expect and the standards we expect in this place. I think this is a serious motion. It was not moved frivolously or lightly. I believe there was a direct mislead. I believe that. I believe absolutely that there was a clear and direct mislead. I believe it absolutely.

Mr Humphries: Then read *Hansard* tomorrow and see if you still think so.

MR STANHOPE: He gave a qualified retraction. The qualified retraction does not save the reputation of the TWU or Mr Santi. I have noticed the willingness of the Government to jump up and defend Mr Thurston, and I am prepared to defend Mr Thurston. I think Mr Thurston is an honourable man, but so is Mr Santi. Mr Santi, too, is an honourable man. To the extent that Mr Thurston has been attacked, Mr Santi has been attacked by the Government. Mr Smyth has attacked and impugned Mr Santi's integrity to the extent that anybody else has posed some questions over Mr Thurston's part in this.

I conclude, Mr Speaker, by saying that I acknowledge what Mr Humphries said in particular about what is being imputed to Mr Smyth. Yes, Mr Smyth has acknowledged that he did make inaccurate statements. Mr Smyth has acknowledged that Mr Santi and the TWU did indeed negotiate with the Government. I understand this to be what you are saying. I understand that you are all acknowledging - Mr Humphries said it quite baldly - that Mr Smyth has apologised. You think he has apologised completely. I have questions about that, but I accept what you are saying - that Mr Smyth has apologised. On the basis of that I am quite happy. I seek leave, Mr Speaker, to withdraw the censure motion.

Motion, by leave, withdrawn.

Mr Berry: And Smyth still has not risen to his feet. He has not even defended himself.

Mr Humphries: Mr Speaker, I think Mr Berry has just compounded the problem by suggesting that Mr Smyth has still told lies in this place.

Mr Berry: No, I did not say that. Do not put words into my mouth.

MR SPEAKER: I did not hear that but he is out of his seat anyway.

Mr Humphries: Mr Berry just made remarks to that effect.

Mr Berry: I will rise to the point of order. Mr Humphries is great at putting words in other people's mouths. I never said that.

Mr Humphries: What did you say?

Mr Berry: This is a tactic which he continues to use.

Mr Corbell: You heard him. You were the one who jumped to your feet.

Mr Quinlan: Look at *Hansard* tomorrow.

Mr Humphries: What did you say, Mr Berry?

MR SPEAKER: Mr Berry, I accept your word.

Mr Berry: Thank you.

Mr Moore: He said he has not said it.

Mr Humphries: All right. Okay. You have not said it, so that is fine.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.51 pm