



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

1 September 1999

Wednesday, 1 September 1999

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

PETITION

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

By **Mr Hargreaves**, from 17,066 residents, requesting that the Assembly note that ACT firefighters' pay rates have fallen behind most other States and that the Government has acknowledged that they have "equal or superior status" compared to other States, the unfairness of an arbitrated 16 per cent pay rise for the Chief Minister on interstate comparisons and the zero offer to firefighters and reject any requirement to trade safety or service cuts for pay rises.

Firefighters

The petition read as follows:

To the Speaker and Members of the ACT Legislative Assembly.

A 16% pay rise for Kate Carnell and zero for firefighters is unfair.

Your petitioners request the Assembly to:

Note that ACT firefighters' pay rates have fallen behind most other States;

note the ACT Government acknowledgment that ACT firefighters have "equal or superior" status compared to other States;

note the unfairness of an arbitrated 16% pay rise for the Chief Minister based on interstate comparisons and a zero offer to firefighters; and

reject any requirement to trade safety or service cuts for pay rises.

MR HARGREAVES: Mr Speaker, I seek leave to make a short statement.

Leave granted.

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MR HARGREAVES: I will not take very long. In the passage of time the Government has put on the table an offer to the firefighters which is appalling. The appalling nature of it will emerge later. Mr Speaker, this petition from over 17,000 signatories - around 10 per cent of the voting public of the ACT - is a very significant expression of confidence in our fire brigade and an expression of concern that they are not getting a fair go. Mr Speaker, all the firefighters really want is a fair go in their negotiations and a recognition of the valued contribution that they make. The time that it took to get that petition raised was lengthened by their involvement with the emergency in Sydney. It is crystal clear to me that the interstate people who brought our people in to help them out have the confidence in them that we ought to have.

Mr Speaker, the firefighters interstate have received an increase of about 10 per cent because they are recognised there for their worth. We do not recognise the worth of our own. Our firefighters have actually lost 21 positions over the last year. It is a productivity increase in anybody's language to expect the remainder of those people to perform at the same level of safety for our community. It is a farce just to stick to the letter of the law and say that a productivity increase has to follow pay rises and not recognise a productivity increase that has already been achieved. Secondly, with emergency services you have to be careful that the trade-offs being demanded do not affect community safety.

I urge the Government to take note of this petition from more than 17,000 people, which is an awful lot of people. Please take notice of it and come to the negotiating table with a reasonable offer to the firefighters.

Petition received.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1999

MR RUGENDYKE (10.34): I present the Drugs of Dependence (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR RUGENDYKE: I move:

That this Bill be agreed to in principle.

I rise today to table an extremely important Bill - a Bill that awakens a forgotten tragedy in our city, a Bill that recognises the torment entrenched in our suburbs caused by the perceived acceptance of cannabis. Mr Speaker, I am not prepared to ignore the situation any longer. It is time for someone to stand up for the majority and call a spade a spade. The decriminalisation of cannabis in the ACT has been a disaster. What the Minister for Health, Michael Moore, imposed on our community in 1992 was always going to be a disaster. I have no doubt that the approach heralded by Mr Moore is the minority view. The average family out there does not want decriminalised cannabis laws. They do not want the perception to continue that cannabis is legal.

The fall-out from the decriminalisation of cannabis has been wide-ranging. This is about education, this is about health, and this is about law enforcement. There is major haemorrhaging in all three of these areas in our fight against drugs as a direct result of our relaxed cannabis laws. The most disheartening aspect of this whole mess for me is that this situation has been allowed to fester for seven years. It disappoints me enormously as a parent, as a politician and as a Canberran that the problems have been totally ignored. The situation has been allowed to steer out of control.

Mr Speaker, I am regularly contacted by parents with the common theme that cannabis is changing their children's lives. Dr John Anderson, a Sydney brain specialist, has at least two new cases from Canberra walking through his doors every week with psychotic conditions directly attributable to cannabis addiction. He receives more cases per capita from the ACT than he does from New South Wales, that is, 100 new families per year from Canberra have to resort to making the trek to Sydney to get help. That is clear evidence that we have a huge problem in Canberra.

When I sat down to write this presentation, I could have done a cut and paste of a speech delivered by our Chief Minister, Kate Carnell, in the Assembly on 9 September 1992. Mr Speaker, I shall quote from Mrs Carnell's speech during the debate that resulted in cannabis being decriminalised in the ACT. The quote comes from page 2079 of *Hansard*:

The main point which must be emphasised is that marijuana is, or potentially is, a dangerous drug. The toxicity of this substance has been seriously underestimated by those supporting the amendment. They appear to be acting on the perception that cannabis is relatively harmless. Why else would they be prepared to embrace measures that could potentially encourage cannabis use? In summary, not only have members in support of this Bill underestimated the toxicity and the addictive properties of cannabis; they also have badly underestimated the signal that this will send out to encourage the use of cannabis, particularly among young people. The Liberal Party has not underestimated these effects ...

How prophetic, Mrs Carnell! Based on those comments, I would expect wholehearted support for my amendments from Mrs Carnell and her Liberal colleagues. If Mrs Carnell says she has changed her mind since uttering those words, I will not buy it and the public will not buy it because the warnings Mrs Carnell gave in this speech have, sadly, come to fruition. That is why it astonishes me somewhat that the Liberal Party, which launched a failed attempt to insert a sunset provision into the relaxed cannabis laws on that fateful day in September 1992, have never seen fit to review or evaluate the system since coming to power. There has been no monitoring of it and there have been no attempts to ensure that the decriminalisation of cannabis is working. All that has happened is that the attention has moved to a softening of the heroin laws and marijuana has been forgotten.

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The buzz word that Michael Moore used during his campaign in 1992 was “mystique”. He was supposedly removing the mystique associated with cannabis, but what he has achieved has been much worse. Instead, he has implanted misconceptions and confusion in the minds of our young people. We must improve cannabis education to stop our children taking up this destructive drug. Education starts with sending the right message. Unfortunately, the present laws do not achieve that. Our kids think that cannabis is legal and they think that cannabis is not harmful. Our health and education objectives must work hand in hand with our laws. However, our endeavours to weed out drug abuse are way behind the eight ball because our laws have created this mirage.

Mr Speaker, this Bill proposes to abolish the issuing of on-the-spot fines for cannabis offences. Yes, Mr Speaker, I am in fact proposing to take away a penalty. Under the present laws, police may issue a simple cannabis offence notice, a SCON, with a \$100 fine for cultivating up to five cannabis plants, for possession of up to 25 grams of cannabis or for being caught using cannabis. No criminal convictions are recorded for such offences, provided the fines are paid on time. The Bill proposes to repeal those provisions. However, police will still retain the discretion to issue cautions for minor cannabis offences.

The decriminalisation of cannabis has opened up serious concerns in every aspect of the implication, administration and enforcement of these laws. Firstly, the relaxation of cannabis laws has created a perception that cannabis is a legal drug and is not harmful. But the evidence linking cannabis consumption to depression and other mental illness has made it clear that there is a health issue that is causing enormous angst in the community. The impacts of cannabis-induced dependency have been so severe and rapidly rising that Dr Andrew Refshauge, speaking as Health Minister in the New South Wales Parliament, was prompted to make the following comments on 8 September last year:

What was being experienced at the front line in our hospitals with regard to cannabis was most disturbing. Between 1993 and 1997 there had been an almost 10 per cent increase in the number of cannabis-dependent patients suffering from drug-induced psychotic illness. A patient suffering from psychosis loses contact with reality, hears voices or sees things that are not there; his thoughts are confused. The available evidence tends to explode the myth that cannabis is a harmless drug.

Dr Refshauge went on to say:

Between 1993 and 1997 the percentage of cannabis-dependent patients suffering from drug-induced psychosis rose from 15 per cent to 26 per cent. In patients suffering from other forms of psychosis, the percentage also increased from 4.5 per cent to 9.1 per cent over the same period. There is significant anecdotal evidence to suggest that there is a link between cannabis and mental illness. We know that people suffering from, or susceptible to, schizophrenia may be at risk if using cannabis.

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Mr Speaker, it is not just in New South Wales that there is alarm. Earlier this year the inaugural International Cannabis and Psychosis Conference was held in Melbourne, conducted by the Victorian Department of Human Services. I have a copy of the final papers in my office. It is a 247-page document containing 36 different papers specifically addressing the links between cannabis use and psychosis, yet here we are in the ACT sending our kids the message that marijuana is okay.

Since announcing my intention to table this Bill, a number of people have come forward to register their support, including the Canberra Schizophrenic Fellowship. The available evidence is that cannabis consumption has increased since the laws were relaxed. The ACT secondary schools survey showed an increase in marijuana use by Years 7 to 12 students between 1991 and 1996. Usage rates for Year 10 students rose from 19 per cent to 26 per cent. In looking at youth, the links between depression and cannabis use and depression and youth suicide are disturbing. The ACT youth suicide prevention strategy for 1998-2001 says that 90 per cent of the youth suicides are preceded by signs of mental illness, especially depression. That hammers home the point that we need to have a strong factual message out there about cannabis to steer our kids away from those outcomes.

There has been a proliferation of cannabis offences in the ACT. According to Australian Federal Police figures, the number of cannabis seizures has doubled - from 325 in 1991-92 to 665 in 1996-97. I suggest that one of the reasons for that is the amount of cannabis that is in the system. Mr Speaker, even South Australia toughened its liberal drug laws this year. They used to serve expiation notices for cultivating up to 10 cannabis plants, but they have reduced the figure to three plants because of the advent of hydroponics. This technology has seen the yield from cannabis plants increase enormously and, as a result, assist trafficking on the black market. The technology has overtaken their laws.

My research has found that cannabis plants today can be up to 8 feet tall. A plant of that size yields 1,200 joints or 6,000 cones. People seeking help for heavy cannabis dependency smoke about 15 cones a day; so five shrubs under the ACT laws, in effect, are equivalent to 5½ years' supply for a heavy user. That is a ridiculous situation.

Another discrepancy is that the SCON system is impossible to enforce. If offenders choose to avoid paying the fine, there is no penalty. The courts are not issuing warrants for small cannabis offences and the failure to pay fines is going unchecked. With traffic fines, offenders could lose their licence for failing to pay, but there is no penalty for not paying cannabis fines. I have no doubt that an official caution from a police sergeant, with a lecture on the harms that cannabis can have on your health and your career, is of greater consequence than an on-the-spot fine which disappears into the ether.

It is a furphy to suggest that my proposal would clog the court system. Police would still have the option of issuing a caution. In most cases, that would mean first-time small cannabis offenders would not record a criminal conviction. It is totally unreasonable to point to the social impacts of Western Australia's cannabis laws when police officers there do not have the option of issuing cautions.

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During my career in the police force I dealt regularly with kids who had been hooked on cannabis and I continue to be contacted by parents who are at a total loss in trying to come to terms with drastic personality changes in their children who are habitual cannabis users. Cannabis dependency is tearing families apart and it is time for this Assembly to stand up and do something about it. The relaxed cannabis laws have not made us a better community.

Police Community Relations wrote in a recent Neighbourhood Watch newsletter that one of the most common incorrect assumptions raised with them is that cannabis in small quantities is legal. It all starts with education but, unfortunately, the kids are getting the wrong message. Mr Speaker, this is at odds with the draft drug strategy for ACT government schools released earlier this year. The key aim of this strategy is to stop kids taking drugs in the first place. Unfortunately, kids are not afraid to try marijuana because of the confusing message our current laws are sending.

Cannabis is not regulated. When people smoke marijuana they do not know how strong it is. They do not know exactly what they are putting into their heads and bodies. The technology available today makes the level of toxic chemicals in cannabis, called THC, much greater than it was previously. Cannabis is much stronger today and it increases the prospects of scrambling young brains.

According to the national drug strategy household survey of 1995, the ACT has the second highest usage of cannabis in Australia. We have a huge problem here and I do not believe that certain members of the Assembly are reading the community frustration. Kids Helpline, a national counselling service for 5- to 18-year-olds, released information in April that the proportion of calls from the ACT concerning drug use was 36 per cent greater than the national average. The proportion of calls from the ACT concerning drug use is the highest in the country and the majority of the concerns came from females.

Mr Speaker, when Cheryl Vardon was leaving Canberra in 1996, the former head of the Department of Education said that there had to be increased energy diverted to drug education. In an article published in the *Canberra Times* at that time she said:

I think that the atmosphere in the ACT around drugs is a little permissive. And that can have a really, really big impact on adolescents as they're growing up - and even young children - so that they think it's okay.

Ms Vardon said that drug prevention was the most serious issue facing schools and young people in the ACT. She went on to say:

It's all very well for adults to talk about drugs and management and needle-exchange programs and all those things that are needed, and improving the methadone program and so on. But it just gives a bit of an air of "Let's just experiment" or "It's not as bad as all that".

Mr Speaker, that attitude was reflected in the national drug strategy figures released yesterday. The proportion of teenage girls using marijuana increased from 20 per cent in 1995 to 34 per cent in 1998. The proportion of teenage cannabis smokers increased from 29 per cent in 1995 to 35 per cent last year. The Australian Institute of Health and Welfare said that the figures indicate that cannabis is the forgotten drug. The health and education messages sent by strong laws cannot be ignored.

Mr Speaker, there were 18,224 deaths from tobacco smoking in 1997, according to the Bureau of Statistics. The number of deaths from drug dependence in the same year was 596. Therefore, why are we on this path of making another harmful product freely available? (*Extension of time granted*) There are other issues to consider, including the increased number of cannabis-related road deaths, businesses losing as much as 5 per cent productivity through drug misuse by employees and safety issues at the workplace. But my greatest concern is for our kids. If my proposal deters just one person from becoming an addict, it is worth fighting for. Mr Speaker, I commend the Bill to the Assembly.

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

CHILDREN'S SERVICES AMENDMENT BILL (NO. 2) 1999

MR RUGENDYKE (10.56): Mr Speaker, I present the Children's Services Amendment Bill (No. 2) 1999, together with its explanatory memorandum.

Title read by Clerk.

MR RUGENDYKE: Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, I table these amendments to the Children's Services Act in an effort to iron out some problems associated with the introduction of the Children's Court Magistrate last year. I am a supporter of the philosophy of having a Children's Court Magistrate. I believe that the appointment of the Children's Court Magistrate was an important and positive improvement to the ACT judicial system. However, there are aspects of the current structure that are causing difficulties in practice. Mr Speaker, these difficulties need to be addressed sooner rather than later.

The amendments I propose are minor adjustments to the system to improve the workability and flexibility of the court. The two key changes are, firstly, enabling the Chief Magistrate to assign another magistrate in the event of the designated Children's Court Magistrate being unavailable or for other good reasons, such as a conflict of interest whereby the Children's Court Magistrate needs to stand down; and, secondly, reducing the term of the designated Children's Court Magistrate from three years to two years.

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Mr Speaker, I urge my Assembly colleagues to support these refinements of the original proposal to ensure that the community receives maximum benefit from having the Children's Court Magistrate. The changes I propose do not alter the intent of the initial proposal for a Children's Court Magistrate. The purpose and role of the Children's Court Magistrate remain the same. The amendments are essentially administrative and are designed to enhance flexibility. The Bill stipulates the circumstances in which the Chief Magistrate may assign a magistrate to act as Children's Court Magistrate. It ensures that the Children's Court Magistrate is appointed to hear relevant cases, but day-to-day matters can be broadly administered. These amendments recognise that the Chief Magistrate has the authority to run his court in a flexible manner, without compromising the need for or the role of the Children's Court Magistrate. I commend the Bill to the Assembly.

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

MOTOR TRAFFIC AMENDMENT BILL (NO. 3) 1999

MR OSBORNE (10.59): I present the Motor Traffic (Amendment) Bill (No. 3) 1999, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, the two Bills I am presenting this morning are complementary and I will be speaking in greater detail about the issue of drink-driving in the second of the two Bills. However, I believe that a more aggressive approach is warranted by this Assembly towards drink-drivers.

The first Bill makes a significant change in the event of the cancellation of a special licence. Members will note that the Motor Traffic Act already provides for the cancellation of a special licence upon the holder having two or more demerit points recorded against the licence. This provision is to recognise that, while a special licence can be issued where exceptional circumstances are warranted, the privilege of having a second chance is not to be abused.

This Bill establishes that the original suspended licence, together with the special licence, are to be cancelled, with the person being disqualified from holding any form of licence for the entire period of the original disqualifications. This change is, hopefully, tougher than is currently the case and, hopefully, will provide a greater incentive for those who are being given a second chance to obey the road rules, not only for their own safety, but also for the safety of other drivers and other road users. I ask that the Bill be supported.

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

MOTOR TRAFFIC (ALCOHOL AND DRUGS) AMENDMENT BILL 1999

MR OSBORNE (11.01): I present the Motor Traffic (Alcohol and Drugs) Amendment Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, little research has been done on repeat drink-drivers. However, what is known to date is quite alarming. It appears that the incidence of drink-driving has many common features in the Western world. For example, research indicates that between 65 and 75 per cent of the drink-drivers involved in fatal crashes in Australia either are repeat drink-drive offenders or had a very high blood alcohol content. The percentage is similar for New Zealand and the United States.

Studies completed recently on repeat drink-drivers in South Australia and Western Australia this decade show very similar results and comparable results to those for New Zealand, North America and Europe. These studies show that between 20 and 25 per cent of the drink-drivers convicted each year are repeat offenders and that 2 per cent are multiple repeat offenders.

We also know that about two-thirds of the repeat offenders are less than 25 years old. They would have been about 21 years of age when arrested for their first drink-drive offence; between 80 and 90 per cent of them were male; half had a high blood alcohol content - .08 or more; two-thirds were caught on the weekend, probably between the hours of 10.00 pm and 3.00 am; and 70 per cent were blue-collar workers, unskilled or unemployed.

Each year over 1,000 drink-driving convictions are recorded in the ACT Magistrates Court. Using national averages, this figure indicates that over the past 12 months in Canberra about 730 people were caught and convicted once, 125 people were convicted two times and an additional seven people were convicted at least three times. Not all those who drink alcohol are problem drivers and not all who drink and drive will continue to do so after their first offence, yet there are some drink-drivers who are nonetheless caught many times.

Another interesting statistic to factor in while considering drink-driving is the number of people in our community with an alcohol problem. A study last year by the Australian Institute of Criminology found that three-quarters of the adults in Australia are regular drinkers of alcohol and that 30 per cent of the population are harmful, heavy or binge drinkers. Applying this percentage to Canberra, it represents around 60,000 drivers on our roads with what many would consider to be an alcohol problem.

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Mr Speaker, drink-driving and speeding continue to be the cause of most road accidents in the ACT. Alcohol is implicated in about one-third of all road deaths in Australia, with a slightly higher proportion in most years in Canberra. It is clear that the incidence of drink-driving in the Territory, in spite of harsher penalties, has worsened in recent years and that further action is warranted. In 1996-97 the Territory had 815 drink-drive convictions recorded; the following year there were 949; and during the past financial year there were 1,135 convictions - an overall increase in the last three years of nearly 20 per cent.

A variety of penalties, education and rehabilitation programs is currently used around the world to address drink-driving. In the United States, there is a growing acceptance of impounding cars and using emission locks for convicted drink-drivers. In New Zealand, cars are also impounded for the worst offenders, and home detention and active surveillance by police are also commonly used. Other penalties and useful deterrents are imposing heavy fines, impounding licence plates, issuing electronic driving licences and alcohol abuse rehabilitation programs.

However, research indicates that drivers licence suspension is still the most effective penalty, even allowing for the fact that many of those whose licences are suspended continue to drive. As this is the case, it would seem that treatment or education programs may be used to complement, and not be used as a substitute for, the penalty of loss of licence for those convicted of drink-driving offences.

Mr Speaker, this legislation is similar to the Road Traffic Act in South Australia, which sets out minimum penalties for repeat drink-driving and associated offences. Magistrates may reduce the suggested penalty if they can be convinced that good reason exists to do so, but not below the minimum threshold for each category of offence. The Bill is also based on provisions which were presented to the previous Assembly in 1997 by the then transport Minister, Mr Kaine, and which were subsequently defeated at the time by the Labor-Moore-Green coalition.

The Assembly has taken steps in recent years to discourage drink-driving. We have toughened up penalties for offences to give the message that drink-driving is not acceptable. These additional changes will provide a greater deterrent to drink-driving than ever before by changing the way our courts apply penalties. The message sent by this Assembly needs to be clear: Drink and drive and you will lose the right to hold your drivers licence. I have not sought to increase fines for non-drink-driving offences as I believe the current levels available to the courts are appropriate.

The changes proposed by this legislation are not a revenue-raising exercise. The social and economic impact on the families of people who lose their licence and who can potentially lose their employment is recognised in law through the provision of special licences. A special licence will still be available to drink-drivers who are convicted of their first offence and to certain categories of repeat offenders, provided the person concerned can convince the magistrate that exceptional circumstances warrant the granting of a special licence. However, this Bill will prevent repeat drink-drivers and repeat offenders of serious non-alcohol-related driving offences from being granted a special licence. Those who commit the more serious driving offence will continue to

have one chance for a special licence, but only that one. As people with these licences can lose only two demerit points before having them cancelled, offenders with special licences must drive carefully to avoid losing their right to drive altogether.

It is important that this Assembly remain committed to improving road safety in the ACT. In recent years, the majority of members have supported the introduction of a competency-based learner driving system and toughened up other laws relating to drink-driving and the more serious non-alcohol-related driving offences. This legislation, I believe, will ensure that the laws relating to unsafe driving are consistent, whether related to alcohol or not, and the removal from the roads of people whose actions are proved to be irresponsible.

Finally, I wish to point out to members that I understand that at this point the national road rules are not intending to address drink-driving as some jurisdictions differ from our own and contain their drink-driving laws in their criminal codes. I commend the Bill to the Assembly.

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

LONG SERVICE LEAVE (CLEANING, BUILDING AND PROPERTY SERVICES) BILL 1999

Debate resumed from 25 August 1999, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (11.09): Mr Speaker, the Government is totally behind any worker in the ACT who is not receiving his or her due entitlements. Whether it is for annual leave, long service leave or workers compensation, if employers are not meeting their obligations, then the Government would like to know. Why? It is because we have remedies for this sort of behaviour, remedies that are already enshrined in legislation. Whilst the Government supports the intent of what Mr Berry is trying to achieve, I am worried that Mr Berry's Bill is akin to using a sledgehammer to crack a walnut.

Mr Speaker, there are two conceivable problems that this Bill might address; but, unfortunately, Mr Berry has not presented any evidence to suggest that these are actual problems. No figures are available to say how many workers are being cheated out of their entitlements. WorkCover is not receiving an unusual number of complaints from the cleaning industry and, unlike the building industry, there is no evidence of significant transient employment for those who remain within the industry. That, of course, was the reason that the Long Service Leave (Building and Construction Industry) Act was put in place. Employment patterns in the cleaning industry are significantly different. Unlike the building industry, the nature of employment in the cleaning industry is more towards people not staying in the cleaning industry for any period of time. In fact, workers in the cleaning industry are more likely to move into and out of the industry as a whole and are quite unlikely to gain any benefits at all under Mr Berry's Bill.

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Currently, workers in the cleaning industry are covered for long service leave entitlements by the Long Service Leave Act 1976, which is administered by WorkCover in my department. The view of the cleaning industry is that there is an issue here to be considered, but measures are already in place that will address this issue. For example, mediation was recently introduced as a mechanism under the Long Service Leave Act and in the last year four disputes over long service leave have been successfully mediated. Others have been mediated informally and the issues resolved.

The industry has deep concern that there has been insufficient consultation on this issue. This matter was raised last week and I am grateful, and I understand that the industry is grateful, that at least a week was given over to it. But the industry is concerned that, given the depth of these issues, a week still is not enough to consult on this issue. Why the haste? Is there a reason why there has been little consultation on this issue? I am pleased that at least we had that last week. But a letter yesterday from Australian Business on behalf of the industry indicates that the industry still believes that there is much more consultation to be had.

Mr Speaker, before we agree to the locking up of funds in a long service leave board, let us have a good look at the issues. Is the establishment of the board the best option? It could result in considerable administrative costs being borne by employers. Those costs must be weighed against what the alternative solutions might be and what effect those costs would have on employment in the ACT and, therefore, what effect they would have on employees.

There are other issues. What would happen should the fund be oversubscribed, as was the case with the construction industry's long service leave fund? There is a question as to whether workers are actually advantaged by tying funds into a scheme that many may never access. We need only look at what happened to the building and construction industry's long service leave fund to see that oversubscription is a real danger. The fund was originally set at 2 per cent, as in the Bill before us, but after some years the fund was so oversubscribed - - -

Mr Berry: It was 2½ per cent.

MR SMYTH: It started at 2½ per cent, did it? Thank you, Mr Berry. The assets so outweighed the liabilities that the level of contribution has been reduced to one per cent. Mr Speaker, there are things here that we need to discuss, rather than just steaming ahead, because quite clearly the issues here are not defined in the nature of employment inside this industry. It is not clear that 2 per cent will be the right level in the long term, given that the make-up of this industry is somewhat different from that of the building and construction industry. Even if 2 per cent was right for that industry, would it be right for this industry? I think you need to look at those questions quite seriously before you put an impost on employers that will affect employment in the ACT.

Given the transient nature of the cleaning industry, the advice I am given is that most workers would not remain in the industry long enough to gain the benefit; therefore, those workers who did would be subsidised by those who did not. Current estimates are that 65 per cent of the workers in this industry are working part time and 35 per cent are

working full time, but there are no records available to show what proportion of the workers work long enough in the industry to accrue long service leave. We would simply be locking up industry funds for apparently no good reason.

I am concerned at the effect that this Bill would have on the location of employment in this region. That is another effect that has not been considered by this Bill. This Bill could well end up being very good news for Queanbeyan and New South Wales if businesses relocated across the border in an attempt to avoid this new impost.

The other thing is that, quite clearly, much of the industry has fixed term contracts and made no allowance for an additional 2 per cent levy. Given the margins that operate in this industry and the very tight and competitive market that there is out there at the moment, an extra 2 per cent may well be the factor that drives businesses across the ACT border into New South Wales - they will simply leave the ACT; they will take jobs out of the ACT because of this Bill, affecting employment in the ACT - or drives businesses out of the industry altogether, thereby losing employment. There are very important issues here that have to be discussed.

Mr Speaker, correspondence that I have had from many groups would indicate that they do not believe that there has been enough consultation. Mr Berry may have had meetings yesterday with some of the industry groups, but in a letter to me dated yesterday Australian Business is saying that there has still been little or no consultation on the Bill in the form that it was tabled in the Assembly. They are happy to address these issues and they are happy to be consulted on them, but they feel that at this stage there has not been anywhere near the sort of consultation that needs to take place before such legislation comes into being.

They reiterate the fact that there is a serious risk that the Bill could cost jobs in the Territory. It comes as an unexpected financial burden to many people that are already in long-term contracts. Some of these contracts, I am told, are set for seven or 10 years and have not taken into account another 2 per cent cost that cannot be passed on to the people who have let the contracts. Clearly, with each new job you start in the building industry you can pass that on to the end buyer and they get to pay for it as well; it is a cost included. But for many of these firms which employ large numbers of people and operate at very tight margins, a 2 per cent added impost of this kind may well make their contracts unviable or force them over the border so that we actually lose that employment; they will take their business into New South Wales and operate in New South Wales.

Mr Speaker, the advice I am given by Australian Business is that few cleaning employees remain employed in the industry for more than five years. That is their assessment of the situation. It would seem, therefore, that what you are doing is putting money into a fund that many workers will never be able to access as they will never come into a period where they can gain from these benefits. What happens to the funds that have been set aside for an employee if that employee leaves the industry with no entitlement to long service leave? Are these funds returned to the employer? Do the funds remain in the fund itself? These are things that have to be considered. The industry has grave concern about these things because it feels that it has not been

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allowed to be part of that consultation. Building companies pass these costs on to their clients, Mr Speaker. The advice I have is that there is little capacity for the cleaning industry to do so. If we are going to make it harder for industries to operate inside the ACT, we have to consider the long-term effects of that.

Australian Business raises the point that the payment formula appears complex and, indeed, may fund 11½ weeks' leave and not the 10 weeks intended, but I am sure that Mr Berry will address that when he rises to close the debate. The other thing is that, quite clearly, there has been no assessment of the costs to the Government of establishing the fund and employing the inspectors. Should the fund be funding that? Clearly, the Bill needs further consideration. What we have here is something that I think has good intent. All workers are entitled to receive that to which they are entitled, but what we have not discussed is whether this is the most appropriate way for this matter to go ahead. Instead, we have had something put up that may, in fact, affect employment in the ACT. We may see companies going under because suddenly there is a 2 per cent impost that they have not accounted for.

Some of the contracts are extremely long term. Some of the contracts are for seven to 10 years. If you have a fixed rate for that contract and suddenly you have an added impost that you have not taken into account and it is something that you cannot pass on, the viability of your company is affected and that, of course, affects the employment opportunities that your company presents. I am certain that the Government does not want to see any companies go under. We certainly do not want to see companies operating from across the border.

Mr Speaker, the Government believes that before we commit ourselves to this initiative we need to look at the real effect of it and we need to make sure that there are not other alternatives which would allow workers to access their rights, as they are entitled to. Is the setting up of another long service leave board the appropriate thing to do? What effect would this legislation have on all Canberrans and Canberra's economy as a whole? We need to make sure that workers will be better off and that the Territory will be better off, not make employment opportunities more fragile and the Territory worse off because of legislation passed by this Assembly.

I think that we should have a much longer consultation period on this issue, Mr Speaker. The indications I have had from the industry representatives that I have spoken to are that they are very keen to come to a reasonable outcome on this issue, but they do not believe that they have had time to address it reasonably and they do not believe that they have the facility to accept the added burden of a 2 per cent levy, particularly where they have already established contracts with no clauses by which they can vary their charges. With that, they have grave concerns about their viability within the ACT and whether companies will close or move across to New South Wales.

Mr Speaker, it is important that we in the Assembly make sure that we get it right when we pass legislation, make sure that we do have workers being better off instead of limiting their options and make sure that all-up the Territory is better off and that we are not threatening jobs here. A number of issues have been raised by a number of groups which are willing to work towards ensuring that workers get their rights, whilst not destroying opportunities for Canberrans in the interim.

The Government will not be supporting the legislation. We do not believe that enough work has been done on it. We do not believe that there has been enough analysis of it to gauge the true impact of it and whether this is the correct solution to the problem that Mr Berry is trying to solve. With that in mind, we will oppose the legislation.

MR CORBELL (11.23): Mr Speaker, the response from the Government this morning - we have just heard from the Minister for Urban Services - would have to be one of the most disappointing, patronising and superficial responses I have heard in this place to a significant piece of legislation. The Minister was on his feet for about seven or eight minutes and made three points over and over again. In doing so he demonstrated that he had not come up with any concrete arguments as to why the Assembly should not pass this piece of legislation. In fact, he resorted to the tactic of asking questions, but not providing any answers.

When debate on this Bill was adjourned in this place last week, the Government said that the reason for that was that they wanted to go away and do an industry impact assessment and assess a range of other issues that they felt they needed to assess. Clearly, we have not had anything come out of those deliberations that they said that they would have last week. They have not come to this place and said that they have looked at this and looked at that and they have found that the Bill is going to have a detrimental impact or that it is going to cost too much. They have not come up with any answers. All they have come up with is a range of questions. Why are they doing that, Mr Speaker? They are doing that because they want to delay this Bill; they want to delay it indefinitely.

We all know that a number of industry bodies in this town do not want this Bill to go ahead. They are opposed to this Bill. It is not that they have further questions about it and it is not that they want to have it looked at further; they are opposed to it and they want it stopped. All we had this morning was the Minister, the agent of those various bodies, standing up and saying, "There are too many questions unanswered to pass this Bill". We had nothing concrete from him; he had no definite arguments against it. All we had was delay, Mr Speaker.

I want to address some of the points that the Minister made in his speech to show what an absolute load of nonsense they are. The first relates to haste. Anyone would think that this Bill had been introduced last week. But when was this Bill introduced by Mr Berry? It was introduced on 30 June - two months ago. Prior to that an exposure draft was circulated to industry bodies and other interested parties. Mr Berry has gone out of his way to consult with various people affected by this legislation, employees and employers. There can certainly be no suggestion of haste, Mr Speaker. In fact, we had the whole of the lengthy winter recess to deal with this piece of legislation.

The Minister raised a point about administration costs. He said, "There may be administration costs here and they may be quite extensive and may impact on employers. That is another reason why we cannot support this Bill today". What assessment has he made of the administration costs? I ask the Government now: Have you made an assessment of the costs? If you are so concerned about it, surely you have

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made some attempt to quantify what the costs may be. You must have some rough figure. Do you, Minister?. Clearly, they have not. Clearly, they have not seriously attempted to make that assessment, Mr Speaker.

Equally, the Minister raised concern about what is the right level of contribution. He argued that perhaps a level similar to that for the building industry of 2½ per cent was not appropriate. Again, we had no answers, no suggestions, no alternatives proposed by the Minister. He was simply raising another question in the hope that it would confuse the issue and delay it indefinitely.

Perhaps the most concerning point and perhaps the most worrying point for any member of this place was the argument from the Minister which says that employers have fixed-term contracts which cannot be changed; therefore, they could not recoup their costs if they were required to contribute to this scheme. I do not know where the Minister gets that argument from because you would think that every employer who was doing the right thing by their employees would be already taking the cost of long service leave into account. In fact, they are required to take that cost into account. They are required to do so under the Long Service Leave Act. Is the Minister seriously saying that there are employers out there who are not taking into account long service leave?

Ms Tucker: That is what he is saying.

MR CORBELL: If that is what he is saying, then that is a very strong argument for this Bill. That is precisely why we are proposing this Bill, and the Minister knows it. The Minister knows it, from the smirk on his face. If there are employers out there who are not already putting aside the requirements to pay their employees long service leave, that is exactly the reason why we should have this Bill. If they are already taking into account long service leave, there is no reason not to pass this Bill because they are already meeting that cost, there is no additional cost. Which is it, Minister? Which argument are you going to be presenting? Either way, you lose. Either way, there is a strong argument for saying that this Bill should be put into place.

Mr Speaker, what we have seen from the Government today is a disappointing, reactionary and completely patronising response to this piece of legislation. This piece of legislation has been on this table for a significant period and all we get from the combined resources of the Government is a series of half-baked, ill-thought through questions with no answers. Is that the sort of response we should expect from the Government of this Territory? Is that the sort of serious, considered response that you would expect from a government that is seriously concerned about protecting the rights of employees when it comes to long service leave? No, it is not. It is a completely inadequate response.

People who work in the cleaning industry, as with people who work in the building industry, work in positions which are among the lowest paid and least glamorous of any job around. They are often dangerous jobs as well. If there are employees out there who are not receiving their fair entitlements, we should be passing this Bill today because they deserve those entitlements. They are not like us. We can sit back in comfort and

know that our entitlements will be paid to us when we claim them. Indeed, they are not like many people in the Public Service who can sit back comfortably and know that their entitlements will be paid when they ask for them.

Mr Speaker, these people work in an industry which is very different from the world we live in; nevertheless, it is just as important that we guarantee their rights. That is what this Bill is about. The Government should be supporting it. I hope that all other members of this place will support it.

MR RUGENDYKE (11.31): I rise briefly to mention that I am supportive of this Bill. I, too, have had representations and have been lobbied by industry representatives who, in the first place, did raise some concerns about the Bill. Those concerns were referred to Mr Berry for explanation, for clarification and for rectification, if necessary, and that has been done. Mr Speaker, there was a flurry of activity as late as yesterday from other industry groups which, quite frankly, have dropped the ball. They had not even noticed that the Bill had been tabled in June. They found out yesterday or the day before that this Bill was on the agenda. They had to concede that they had let themselves down, that they had been ignorant of the process, that they had been, obviously, unsupportive of the people that they represent.

I support the Bill. As Mr Corbell and Mr Berry have explained, the Bill simply provides the capacity for cleaners to transport their long service leave entitlements with them. I am supportive of the Bill. These people are entitled to what the Bill grants them.

MS TUCKER (11.33): The Greens also will be supporting this Bill, which ensures that people working in the cleaning industry can receive long service leave after a period of 10 years. I thought the argument from Mr Smyth was extraordinary, as did Mr Corbell. Basically, if employers are responsible they will be already taking into account their obligations in this area. I remind members of the very disturbing evidence to the Estimates Committee regarding the purchasing of cleaning in the ACT by schools under school-based management. Legitimate and responsible cleaning firms were objecting because they were not able to compete with cleaning contractors who did not take into account their full responsibilities. The cleaning firms which are taking responsibility are very concerned about other firms winning contracts with cheaper prices because they do not have regard for their responsibilities as employers.

Cleaners are low-paid workers. Many of them are women and many of them are from non-English speaking backgrounds. The entitlement is commonplace in other industries, but is not in this industry. Many cleaners in Canberra are from the Balkans. The majority are Macedonians, followed by Croatians and Serbs. Others are from the Philippines, Laos, Vietnam, Chile, Greece and Italy. There are a few Anglo or Celtic Australians in cleaning. The work is stressful, hard and unforgiving. There is a high level of physical injury resulting from lifting and chemical use. The occupational health and safety standards in the industry are not high. Employees are often ill-equipped or too frightened of losing their jobs to complain.

In 1997 a Trades and Labour Council project of the Art in Working Life Committee dealt with the conditions that cleaners work in and produced the publication *Everyone needs cleaners eh*, which was a collection of stories from migrant women cleaners.

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I recommend that every member read it. I have a copy and I am happy to lend it. It gives a very good insight into the experience of women working in this area. The project was an attempt to address the huge barrier that exists for non-English speaking people as to their ability to understand their rights, let alone demand them.

I understand that many cleaners working in the ACT do not accrue 10 years' service with the same employer and have been cheated of long service leave although they have worked in the industry for the required 10 years. That is largely due to businesses being sold and competition between contractors for various jobs. I believe that a similar long service leave scheme in the building industry runs nationwide. As I have said, the people working in this industry are often vulnerable and not industrially strong. They are, as I have said, often women, migrants and part-time workers. Under the brave new world of Liberal Party industrial relations, this group is not well supported and will be even less so with Reith's new initiatives.

In the spirit of equity for all workers and in supporting a group of workers that have been vulnerable, I am very pleased to be able to support Mr Berry's Bill. Looking at the matter now, I realise that we should be ashamed of the fact that it has not happened before. I will conclude with two short statements from the book *Everyone needs cleaners eh*. I think they say it clearly. The first one is called "Fat Chance", and says, "What chance have they got? Bugger all". The second is called "Migrants" and is very short as well. It says, "They think migrants - they don't care". This legislation shows that we do care.

MR KAINE (11.37): I will be brief because I agree with much of the debate that has taken place already. I have had put to me a couple of questions which I could not answer and I have not had an opportunity to take them up with Mr Berry, but I will throw them into the debate. Perhaps in summing up Mr Berry will be able to answer them. I will not put in all the questions that have been put to me. The first one is: How was the 2 per cent levy determined? Is it actuarially based, is there some other basis for it or is it just an arbitrary figure? Secondly, who will manage these funds? What are the management arrangements and what are the provisions for the investment of these funds? How will they be invested and managed? What would happen to the funds set aside for an employee if the employee leaves the industry with no entitlement to long service leave? Are those funds returnable to the employer?

It is put to me that the formula appears complex and funds 11½ weeks leave and not 10 weeks, as intended. I do not know whether that is a fact, but it has been put to me that it is. Mr Berry may have a look at that. They are fair questions that have crossed the minds of some people and they are a bit worried about those aspects. I just put them on the table. Perhaps Mr Berry will deal with them in his concluding remarks.

MS CARNELL (Chief Minister) (11.39): Mr Speaker, I would like to speak about this Bill from a business and jobs perspective. I assume that even the members of this Assembly who are not too interested in business would be pretty interested in jobs. I would also like to address the issue of consultation, something that is spoken about long and extraordinarily boringly at times in this place. I would also like to address the issue of timeframes, because Mr Corbell just said that this Bill had been on the table literally for ages.

Mr Berry: Since 30 June.

MS CARNELL: I agree, on 30 June, in the last sitting period, it was put on the table; eight weeks ago. That is not a very long time.

Mr Berry: The construction industry one has been around since 1988.

MS CARNELL: If Mr Berry wants to talk about the third one first I would be very happy to. In this place we regularly have discussions, particularly Ms Tucker, about the timeframes for pieces of legislation. Recently there have been some round table discussions about an amendment to the tobacco legislation which has been on the table since last year, but members are still saying they have not had time to consult, to speak to all of the people affected and so on. Actually, that was the argument coming from those opposite.

Similarly, we have many other pieces of legislation, as we saw last week, which have been on the table a lot longer than this legislation and on which members opposite - in fact, I would have to say all members of this Assembly - have said, "Sorry, we have not had time to talk to all of the interested parties". Under what circumstances would you go ahead with legislation when the interested parties, the stakeholders, had not been consulted? I can give any number of examples where Australian Business and the Chamber of Commerce and Industry have not been adequately consulted on the legislation itself.

Mr Berry: Yes, they have. They just disagreed.

MS CARNELL: Mr Speaker, could you convince Mr Berry that he should not interject, because we did not.

MR SPEAKER: I am watching it, Chief Minister.

Mr Berry: I am provoked by the inaccuracies, Mr Speaker; I apologise.

MR SPEAKER: You will have the chance to respond when you close the debate, Mr Berry. Just make a note of them or get somebody else to do it for you.

Mr Berry: Thank you; you are so kind.

MR SPEAKER: Thank you.

MS CARNELL: Mr Speaker, I will actually quote from a letter yesterday from Clinton White of Australian Business, somebody whom those opposite employed at Canberra Milk and who did a very good job; so, not somebody who is biased either way from a political perspective. Clinton White said in this letter:

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Whilst there was some initial consultation about an early draft of the Bill some time ago, there has been little or no consultation on the Bill in the form in which it was tabled in the Assembly ...Certainly Australian Business has not been consulted.

Mr Berry: So what?

MS CARNELL: Mr Berry says, "So what?". Australian Business is a - - -

Mr Berry: Have you consulted everybody?

MR SPEAKER: Order, please!

Mr Berry: I am sorry; I withdraw that.

MS CARNELL: Mr Speaker, Australian Business is a business organisation which has something like 8,000 members and clients throughout New South Wales and the ACT. It represents a broad range of industry sectors. As to Mr Berry's comment, I think it is very clear that Australian Business is a stakeholder in this area. I turn to the Chamber of Commerce and Industry in the ACT, an entity that has 1,500 ACT-based members - again, a not insignificant body. Mr Speaker, a letter from it says:

The Contract Cleaners Guild, which is a section of this Chamber, has not been consulted with by Mr Berry. The committee of the Guild met with Mr Berry some time prior to the Bill being drafted, and - - -

Mr Berry: No.

MS CARNELL: Mr Speaker!

MR SPEAKER: Order!

Mr Corbell: That is just untrue.

MR SPEAKER: Never mind; it can be refuted.

Mr Berry: I agree.

MS CARNELL: The letter continues:

... despite his undertaking that consultation on the draft Bill would occur, it has not.

Mr Speaker, I can only go on what people who represent a very large number of Canberra-based businesses have said in letters to, I think, all members of the Assembly. Certainly, Mr Kaine would have got the letters and other members would have, too.

Mr Speaker, under what circumstances would this Assembly go ahead with legislation - I think Ms Tucker needs to think about this - where significant stakeholders have not been consulted adequately on the legislation? You would only do it, I think, in a situation where there was a very pressing problem in the area, where people were likely to be disadvantaged this week, next week and the week after. For example, unless we passed this Bill, people would be disadvantaged before the next sitting period; otherwise you would consult, would you not, Ms Tucker?

I would be interested to know how many members of the Assembly have had letters and deputations from people who have been disadvantaged by the absence of this legislation. I understand from the area of government that deals with this matter that there are a few every year, but not many, and they are predominantly solved by mediation. Mr Kaine may like to indicate to the Assembly how many representations he has had from people who have been disadvantaged.

That does not mean that it does not happen, but what we are saying is that there have not been any examples of why this legislation needs to be passed prior to the stakeholders being consulted; there has been no indication at all. I have to say that I get an enormous number of letters and representations on all sorts of things. On this one I have had none - zero. Mr Smyth, how many have you had?

Mr Smyth: I have had none.

MS CARNELL: Not a one. That tends to indicate the urgency of the problem. Shall we go then to jobs. Jobs have to be the most important issue that this Assembly deals with. We know from an enormous amount of work done by all sorts of people in the social welfare area, such as the councils of social service Australia-wide and the Institute of Health and Welfare, that the thing that makes the most difference to people in terms of their quality of life, even their general health status, is having a job. Having a job is by far more important than any other factor in anybody's life.

Mr Speaker, if we passed this legislation and it did cost jobs, which the industry tell us it would - I will explain why in a minute - what would we have done as an Assembly? What we would have done as an Assembly is made life worse, not better, for a group of people. Why would jobs be lost?

Mr Corbell made the comment that, under current legislation, employers must meet their obligations, and they must. Under current legislation there is an obligation to pay long service leave to people who have worked in the industry for 10 years. But the thing that Mr Corbell does not understand, maybe purposely, is that an employer does not have an obligation - he actually said that they did have an obligation, but they do not - to put the money aside in a separate fund or anywhere else on a fortnightly basis. They do have an obligation to meet the long service leave payment when it falls due. As we know from the data for this industry, very few people stay in the industry for the full 10 years; so all employers would have a contingency fund for all sorts of things - not just for long service leave - in their business, but not everybody gets to serve for 10 years.

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Mr Speaker, if not everybody gets to serve for 10 years, we get to Mr Kaine's questions. A levy of 2 per cent will be contributed to the fund by employers for all of their employees. What would happen to the money for those employees who, like many people in the industry, work for a few years while they are at university or have a second job while they are paying off a mortgage? I am not saying that that is the case for everyone, but it is for a good percentage. What would happen to the 2 per cent that is being paid for those people? Would it be paid back to the employer? This Bill makes no allowance whatsoever for that.

We know that the previous long service leave levy was significantly overcontributed in an industry that is not nearly as casual as this one - the building and construction industry. Certainly, there are some casual employees, but an enormous number of people in that industry work in the industry for all of their lives. That is not the case here. We have no capacity to know what happens to the money under Mr Berry's legislation. Does it end up just being an extra tax on those employers? I have to say, if it is not paid back and it is not called on, that that is exactly what it is - nothing more and nothing less than a tax.

As we know, the majority of the employees in this industry do not get to spend 10 years in the industry, regardless of which employer they work for. That means that by going down this path employers will pay 2 per cent on all of their salary costs, not just 2 per cent on the people who get to work there for 10 years; so it will be a new cost for those employers. I think many of us would have had representations from companies such as City Group - I will use their name; I do not think they will mind - about the huge problem they have with workers compensation premiums in the ACT right now. Workers compensation premiums in the ACT have gone up by 25 to 30 per cent over the last few years. They are significantly higher in the ACT than they are over the border in New South Wales.

Comments have been made by a number of those companies that that extra cost for them is making them uncompetitive with people who operate from outside the ACT. This 2 per cent levy does not exist in Queanbeyan, either. The New South Wales Labor Government, which is into its second term in office, has not introduced this provision; so those companies over the border in Queanbeyan will pay significantly less in workers compensation and will not be paying this 2 per cent.

Mr Berry: What is the relevance?

MS CARNELL: Mr Berry says, "What is the relevance?". Mr Speaker, jobs are the relevance; it is that simple. If a company set up in the ACT has significantly higher costs than a company in Queanbeyan, it does not take a genius, Mr Berry, to work out why that is important. It means that the companies here will either relocate to over the border or lose work in an industry that is contract tender based to competitors over the border.

Mr Berry: No.

MS CARNELL: Sorry, they must lose - - -

Ms Tucker: That is why everybody is going offshore.

MS CARNELL: Mr Speaker, I know those opposite and Ms Tucker do not like a reasoned argument, but it does not take a genius to realise that, if the cleaning companies based in the ACT have a significantly higher cost structure than their competitors in Queanbeyan and the industry is contract tender based, the likelihood of companies outside the ACT picking up the business is significant. It does not take a genius to work out what happens when that occurs - jobs are lost in the ACT.

I come back to my initial comment: If jobs are lost in the ACT, it is the worst thing that can happen to the quality of life of the people involved - significantly worse than a situation where long service leave is not transportable between companies. It is a damn sight better for that to be the case than not to have jobs. (*Extension of time granted*) Is the information available - we have not seen it and we would like to see it - and has Mr Berry done the work on it to determine just what difference in the cost structure this legislation will achieve between similar companies in Queanbeyan and the ACT? Will it add to the problem of workers compensation? What are the different cost structures for companies across the border? Will it make our companies less competitive? We have no such information; no work has been done. The people involved have not been consulted.

Mr Speaker, I have raised a number of concerns and questions. It is easy for those opposite and Ms Tucker to come into this place and say, "We will put this in because it is just, it is wonderful and it is great. We want everybody to have a right to their long service leave". We do, too. But the job in this place is not just to say, "That sounds nice. We will have one of those this week". It is to determine what might be the flow-on impact on jobs, the economy and, of course, small businesses in the ACT.

I would like to finish on one comment that Mr Berry made in his many interjections. Ms Tucker spoke about a situation that she believes occurs in schools with the use of casuals and Mr Berry made the comment that this sort of legislation would not make it worse. I have to tell you, Mr Speaker, that every time government puts a new impost on business, particularly the small businesses that use the sorts of employees that this industry uses, it inevitably makes it more attractive to employ people off the books. There is no doubt that it is the wrong thing to do, but it makes it more attractive to do so. It is just a reality.

Ms Tucker: Oh!

MS CARNELL: It is a reality, Ms Tucker. If it is not a reality, show us the data to prove that it is not.

Mr Berry: You show us the data that it is.

Mr Stanhope: You are making the case, make it.

Mr Berry: You have not made the case yet.

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MS CARNELL: Sorry, it is your Bill. We on this side of the house are after information about the impact on the costs of companies in the ACT and how that will affect jobs. How did those opposite determine that 2 per cent was the right level? Were actuarial studies or anything else done to determine that that is the right level for an industry that is fundamentally different from the construction industry? If the level is not right, as we suspect, will the funds be returnable; if so, how? How will the entity controlling long service leave be set up? How will the costs of setting up the administration be met? I heard Mr Berry make the comment before that they will be from the contributions to the fund. There is no money in the budget for it. How would that work in the first instance? I do not know, Mr Speaker. No work has been done.

Mr Berry: Read the Bill.

MS CARNELL: I have read the Bill. If Mr Berry can answer all of those questions and also can show - - -

Mr Berry: Will you support it then?

MS CARNELL: Actually, yes. If Mr Berry can answer all of those questions and show a need for the legislation - in other words, show us cases of people having been mistreated in the industry that we cannot fix it up in another way - I would have to say that this side of the house would look very seriously at it. We actually care about workers. The most important thing we care about, though, is people actually having jobs and jobs not being lost as a result of badly thought out, politically expedient legislation. It is easy for some members to say, "I will support that; it is nice", without thinking of asking Mr Berry to put on the table all of the information that we would need to ensure that it would not cost jobs. If people cannot be sure that it would not, more consultation needs to be had and more work needs to be done.

I find it fascinating that consultation is the most important thing in the world to Ms Tucker and those opposite on everything that they do not support, but on things that they do support they do not want to consult. The fact that major business organisations representing lots of people say that they have not been consulted adequately, that they have not had time to determine how this Bill will affect their industry, makes no difference to them in this situation. When it suits them, they want us to consult forever. It shows, I have to say, an enormous amount of hypocrisy.

MR OSBORNE (12.00): Before I start, Mr Speaker, I would draw your attention to the placard that a gentleman in the gallery is wearing and get a ruling from you on whether it is in breach of parliamentary practice. Perhaps you could let us know.

MR SPEAKER: It is not a placard; it is something that somebody happens to be wearing. Placards are out of order. The gallery will come to order.

MR OSBORNE: It is possibly a protest. Mr Speaker, I must admit to being a little confused as to why it has taken so long for those opposed to this legislation finally to come out of the woodwork. This Bill has been on the table for two months. I have to say that my experience is that, as soon as a piece of legislation supposedly of such a drastic

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nature hits the table, it does not take longer than a couple of hours or a day to receive a phone call, fax or letter or to have someone trying to get in to see me, so I am a bit intrigued as to why all of a sudden, from what we have heard from the Government, it is the end of the world as we know it.

I intend to support the Bill. There are a number of issues in relation to existing contracts on which Mr Kaine and I have some questions. I understand that the Government wishes to send the Bill off to the Urban Services Committee before it is agreed to in principle, but I think that it is quite clear that a majority of this Assembly intends to support the legislation. Perhaps we need to agree to it in principle and look at it in detail later. I understand that the Government wishes to send it to the Urban Services Committee. I have no problem with that. Perhaps some of the questions that have been raised by the Government can be looked at there.

I do not wish it to be a long inquiry because I think it is very clear that all bar the Government intend to support this legislation, perhaps with some minute finetuning. People are claiming that they have not had time to consider the Bill and they have not been consulted. I think that is a furphy. It has been on the table for two months. There was a mad rush last week by different people to come into my office. I tend to give people the opportunity to put their case, but there was deafening silence from those in the industry. I have contact with different people. I have seen different people from the industry at football matches. I actually said hello to one of them last weekend and it was not raised. From my perspective, I did not think that there was a problem.

Clearly, the industry is panicking. There will be a cost, but I think that the legislation is worth supporting. I will be supporting it in principle, but I have no problem with its going off to the Urban Services Committee prior to the detail stage. I can see that the members of the Urban Services Committee are very pleased that I am loading more work onto them! I think that there are a number of points that need to be finetuned there, but I intend to support the legislation at the end of that process. I think that some of the arguments being put up about consultation and timing are quite poor.

MR BERRY (12.04), in reply: Mr Speaker, I should respond first of all to the saintly performance of the Chief Minister on the issue of consultation. It was just a little while ago that we were asking for contracts about the Bruce Stadium project and a business plan for the V8 supercar race and we could not get hold of them. How long did this chamber have to consider the V8 supercar race proposal? She should not be too saintly about this matter because, on the basis of those performances, her halo is a wee bit crooked.

Mr Speaker, I will deal with some of the issues that the Chief Minister raised. She seemed to be saying that it would be an impost on employers to stop them exploiting their employees and that it would cost business more; if this sort of legislation were to stop employers exploiting employees or manipulating the system, she would be perfectly happy to support it and the very small increase in costs which would flow as a result. Mr Speaker, this legislation is not about catching cheats. There is already provision in the Long Service Leave Act to catch cheats. I would love it if the Chief Minister paid attention because she desperately wanted answers to questions just a short time ago.

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The Chief Minister said that there was no evidence of exploitation. I can tell her now that there is a case before the courts on the issue of long service leave for 50 cleaning workers. That matter will be dealt with under the Long Service Leave Act, as I understand it. Those sorts of incidents would be fewer were this Bill that I have proposed to be passed by this Assembly today, because it would put in place a portability scheme which would take the matter out of the bailiwick of the employers and put it into the area of a statutory authority which would look after the fund and make payments out of it.

The other thing that I think needs to be made clear is that mediation has never been the answer to exploitation of workers in this area. It has always been resolved in the courts. There will be less of it with this legislation because control of the money will be taken out of the employers' hands. The money will be put into a central fund. Therefore, the system will be much fairer. Mrs Carnell said something about the Third World. I certainly do not want Australia to be part of the Third World as a result of the adoption of the lowest common denominator.

I should deal with a few issues about whether these workers are transient. Mr Smyth seemed to say at the start of his speech that there was no evidence that they were transient. He said later that they were transient and Mrs Carnell confirmed later that they were transient, but said that there was really no evidence to suggest what the level was. I have in front of me a survey of 120 cleaners, of whom 58 per cent have already had more than one employer in two to three years. I think that is fairly compelling evidence about the transient nature of the industry. I am happy to table that document. The results of the survey were provided to me by the LHMU, which is the union that covers these workers. I seek leave to table the document, Mr Speaker.

Leave granted.

MR BERRY: Mr Speaker, I should add that some workers do stay in the industry for a long time. We have in the audience a cleaning worker who has been in the industry for almost 20 years and she has never had long service leave. Mrs Carnell wants to see that sort of situation continue because she thinks that it would be an impost on business if business had to pay for those sorts of conditions which are provided for in the legislation. It surely would be a repeat of Third World conditions if we were to continue to endorse that. Ms Tucker made the point that it is a great shame that we had not recognised this problem before and dealt with it.

I want to go back to the issue of consultation. I was talking with the ACT Chamber of Commerce and Industry and the Contract Cleaners Guild of the ACT, which is the peak body for cleaners in the ACT, as far back as 30 April. Therefore, I have been talking to them for a while about this issue. At that meeting there was in-principle agreement on this portability scheme and they wanted to see the detail of it when the legislation was tabled. I have consulted widely with non-Executive members of this place about the legislation as I have developed it - I think Mr Rugendyke would confirm that statement - as is common practice in this place. If the Government is so virtuous on this issue, why is it not that all of their legislation on any particular subject is not given to the

community before it is tabled in this place? That is rarely done. Sometimes the Government issues exposure drafts, but it is not common for legislation which is to be introduced in this place to be given to the community for consultation.

I turn to the period of consultation. It should be borne in mind that before the introduction of this legislation on 30 June I had been consulting with the industry to determine what the Bill would look like. I introduced it because I wanted to gather their support. I did not want to have a blue with the industry about it.

Let us look at the Bill itself. There is nothing new in this legislation. It is more or less an image of the Long Service Leave (Building and Construction Industry) Act. It mirrors most of the features of that legislation, except for the interstate portability issue, which cannot happen here because there are no schemes similar to this one in the States. Mr Speaker, the Long Service Leave (Building and Construction Industry) Act has been in place since, I think, 1988. It has been a howling success right across the country, save for the Northern Territory. In some States it is now non-contributory; so the bosses do not have to pay anything for the long service leave of their workers. It has been a howling success because of the prudent investment of the funds by the various boards that manage these schemes. They have ended up being self-funding and the bosses do not have to pay at all. I would have thought that that would have been welcomed as paradise: The workers get something and the bosses do not have to pay for it.

Ms Carnell: They have already paid.

MR BERRY: Mr Speaker, the absence of some debate about those facts demonstrates how disingenuous the Government has been in relation to this matter. The fact is that this scheme is no different from the construction industry scheme for long service leave.

Other issues have to be challenged. The Australian Chamber of Commerce and Industry have been late players in this game, coming in at the eleventh hour. I have to tell you that they could never complain that this Bill was being kept a secret because at every opportunity I was advertising the fact that I was going to introduce it. I do not know how many radio interviews I have done in relation to it and I do not know how many press releases I have issued in relation to it. I saw it as a plus and I wanted the entire community to know about it. I would be very surprised if the chamber or some of its members did not know about it, especially when the Australian chamber tells us that it has members who are also members of the ACT chamber and members of the cleaners guild. I do not think the Australian chamber can complain about the level of consultation or allege that this matter has been kept a secret.

Mr Speaker, it is timely that we are dealing with this Bill now in the wake of what has happened to the Oakdale miners. Members, do you know that the only condition protected for the Oakdale miners was their long service leave? The money was held in a central fund for coalminers; that is why the condition was protected. That was the only condition protected when that mine closed. Other conditions now have to be protected by access to that fund. It is a central fund which provides for long service leave for coalminers; so it is timely that we are looking at this issue.

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Mrs Carnell asked why 2 per cent was set as the levy. The long service leave levy for the construction industry was 2.5 per cent at one stage, as I pointed out to the Minister. It also contained a component for training. The construction industry levy now is one per cent. The reason it is one per cent is that reserves have been built up and they do not need to levy at a higher level; so the employers are getting a benefit in relation to that.

Mr Speaker, this levy was struck at 2 per cent after discussions with employers. I do not expect that they would agree with 2 per cent; they would rather be paying nothing. A complaint has been raised about how the levy is set. The levy is set under the legislation and if it were to be reset at a higher or lower level - I suspect the lower level would be more likely - it would have to be done by a majority of the members of this house; so it would have to come back here. It is not something that employers need to worry about in that respect.

Mrs Carnell raised the issue of how this money is administered. If the Chief Minister and former Treasurer had taken the time to look at the legislation, she would have discovered at page 10, under "Division 3 - Finances", how the money of the board would be managed. Clause 25 reads:

The money of the board must be applied only-

- (a) in payment or discharge of the costs, expenses or other obligations of the board under this Act; and
- (b) in payment of remuneration and allowances payable to any person appointed or employed under this Act.

It is entirely self-contained and there is no impost on the Territory. All of the funding would be set by the board. Mr Kaine asked who would manage the fund. The board would manage the fund and it would be self-funding; so there would be no impost on the Territory.

Somebody raised the question of how the levy would be set. It would be set as a result of a triennial investigation by an actuary, as set out in the legislation. It has to be subjected to a triennial actuarial assessment in any event; but, when requested by the board, another one can be conducted. If 2 per cent were considered by the board to be too much or too little at some time in the future, between now and three years hence, they could have it assessed and reduce it if that were shown to be the case.

It would be impossible to make a final assessment of what the immediate liabilities or the immediate numbers might be - who might participate in this scheme - so it would have to be left to the board to make these decisions in due course, to have an actuarial assessment of the incomings and outgoings in order that recommendations could be made to this place to adjust the levy upwards or downwards as may be the case.

My prediction, if I can make one here, is that, with the same sort of prudent investment as has occurred under the long service leave scheme for the construction industry, from day one we would start to move towards a non-contributory scheme. That has been the practice in other places and I cannot see why it would not happen in this respect.

I am very happy that Mr Smyth no longer attempts to rely on shifting this matter to the Industrial Relations Commission so that it can be cleaned out of the awards by Reith's legislation. I am glad that he has dropped that one. I think he was served a bit of a dud there, perhaps an embarrassing one as well.

An issue was raised about the people who operate in New South Wales. The cleaners that operate in the ACT are covered by ACT awards and this scheme would apply to people covered by an ACT award. Under this scheme, they would be required to pay the levy set by this legislation while they were working under an ACT award; it would be as simple as that.

The effect of this legislation on the Territory was raised as an issue. (*Extension of time granted*) It may have been Mr Smyth who said that we ought to be concerned about the effects on the Territory of employers having to pass on the costs to them of this provision. I am surprised that they are not doing it already. I would say that they would be already including 1½ or 2 per cent for costs in their contracts for the ACT. Is it not right that the Territory should be paying for this anyway? What is wrong with paying for an entitlement that workers have under a piece of legislation established by the Territory? It makes sense to me. So far as effects on the Territory are concerned, there should be none.

Let me go back to the issue raised earlier of long-term contracts. Mr Smyth made the point - Mrs Carnell might have made it, too - that some of these contracts were for seven or 10 years. Under the current Act, in seven or 10 years workers who work under those contracts would be entitled to long service leave, so the contractors should be making provision for it. If they are not making prudent provision for their long service leave commitments, then it is their intention to try to manipulate the system to ensure that these workers do not get the leave.

Under the current scheme, the Long Service Leave Act 1976, there is an obligation on employers to provide the benefit to workers and they would certainly become entitled to it in the period of these contracts, certainly a 10-year contract. Why would the contractors not be making provision? Mrs Carnell says that some of them make provision only when they have to pay. I would like to have that sort of money sloshing around. It would not be very prudent of a businessman not to make some provision for long service leave benefits. In fact, I have heard of there being long service leave accounts and those sorts of things to cover it. If they are not providing for it, it is their intention to get out of it. That is what this piece of legislation sets out to prevent.

I think I have answered every question that has been put to me here today.

Ms Carnell: No, you have not.

MR BERRY: Tell me which ones I have not.

Ms Carnell: I do not interject.

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MR BERRY: Mrs Carnell interjects that she does not need to tell me that there is one that I have not answered. I think I have answered them all. The most pressing one, I think, was the issue of long-term contracts. Seven to 10 years was the period used. The entitlements are there then and the contractors should be making provision for them, otherwise they intend to exploit the workers.

I go back to my earlier point. This is not about catching the cheats; it is about providing portability to the scheme to improve access to this benefit, for the same reasons as applied in the construction industry. It is not to catch cheats. Cheats can be caught under the Long Service Leave Act and they are now being caught. I referred earlier to a matter which has been taken to the courts. It involves 50 workers and thousands of dollars. This scheme would prevent some of that occurring. I cannot say that it would prevent all of it occurring, but it would certainly prevent some of it.

Mr Speaker, there is no need for this Bill to go off to a committee. The employers will never agree to this Bill. They have a fundamental ideological opposition to it. It is a benefit to workers. They will complain, as they complained in my office, that it is going to be a tax on jobs and those sorts of things. They would use the same argument for every other benefit that workers receive - their wages, their holiday pay and their sick leave. All of those conditions are a tax on jobs if you adopt that logic.

Mrs Carnell seems to want to embrace a system where workers are exploited by crafty employers. This is an industry where it occurs. I have explained how many employees move around different contractors and how one example of that is in the audience here. She has been 20 years in the business and has no long service leave entitlement. The scheme that I have proposed here is about providing access to long service leave under the ACT Act in a portability scheme which parallels to a large degree one which has applied successfully in the construction industry since 1988. There is no reason to dodge this provision, except on ideological grounds. There is no reason for the Bill to go to a committee. The case for it has been made. We will just hear it all again.

We will hear the employers say that they have seven- to 10-year contracts and we will ask the same questions, such as: "Why are you not providing for this long service leave, then?". We will hear them say that it is a tax on jobs and that they do not provide for it now. We will ask them why they are not providing for it, other than the fact that they might have the intention of avoiding the payment of it or of shifting the workers from one employer to another and those sorts of arrangements. Mr Speaker, I go back to a point that I made earlier in the debate. The only condition of the Oakdale miners that was protected was their long service leave and it was protected because they have a scheme like the one I am proposing.

I recommend that members adopt this Bill and that they not send it to a committee. There is no need for that and it would be an unnecessary delay.

Question resolved in the affirmative.

Bill agreed to in principle.

MR SMYTH (Minister for Urban Services) (12.25): Mr Speaker, pursuant to standing order 174, I move:

That the Long Service Leave (Cleaning, Building and Property) Bill 1999 be referred to the Standing Committee on Urban Services for inquiry and report.

Mr Berry: Are you going to make a case?

MR SMYTH: No. There are things to be resolved. I think the case stands.

MR BERRY (12.26): I want you to make a case and I would like to answer the questions. This is a preposterous situation. We have just been through a debate where a whole range of questions were thrown at me by members in this place. I said to the Chief Minister, "I think I have answered them all", and she said, "No, you have not". I said, "If there are any outstanding ones, let me know", and she said no. I want somebody to get up now and make a case for the referral of this Bill to a committee. It will be a joke if no case is made for the referral; it will be an absolute joke.

I am prepared to stand here and answer any questions that you might wish to raise in relation to the matter and deal with it openly and honestly, but I am not happily going to go through a process where the people opposite impose this sort of charade on this legislature. They really have to make out a case. It is incumbent upon them to make out a case. Which questions were not answered? I am happy to rise and answer them if you will give me the opportunity, but if you are going to sit there quietly and say nothing you have not made out a case.

MS CARNELL (Chief Minister) (12.27): Mr Speaker, just for the record, Mr Kaine and I and others have put a number of questions and Mr Berry in no way answered those questions. I will give an example. One question was whether the employers were going to get their money back if the fund was oversubscribed. He is suggesting that it would just mean that people would not have to pay in the future. There is no real information about that in this legislation. There is no indication of how the fund would work. All sorts of issues still have to be answered and I think our committee structure is the way to do that; it is that simple.

MR CORBELL (12.28): Mr Speaker, this is a quite inappropriate response from the Government. If members of the Government were genuine in saying that they believed that there was merit in this Bill but they just wanted a few questions answered, they would have voted for it in principle, but they did not. They did not vote for it in principle because they are opposed to it in principle; so why are they now referring it to the Urban Services Committee? They are referring it to the Urban Services Committee to delay it - to delay it indefinitely. They know that the agenda of the Urban Services Committee is so full that this matter probably would not be properly considered until around the middle of next year.

Ms Carnell: That is not true.

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MR CORBELL: The Chief Minister says that that is not true. I would refer the Chief Minister to the fact that there are at least a dozen inquiries currently under way with the Urban Services Committee, including at least four of quite a degree of significance in relation to policy in the Territory. Mr Speaker, if the Government thinks that there is a good reason to send the Bill to the committee - I am not ruling out that that should never be an option - it needs to justify it. The Government needs to justify why this Bill should go to the committee, why another important inquiry, which the Government argues it is, should come before this committee. They have refused to do that. They have refused to do that because they are saying no to the Bill. That is why they are doing it. That is the only reason they are doing it. If they thought that the Bill had some merit and they wanted to investigate it further, they would have voted for it in principle, but they did not do that, Mr Speaker. This is simply an attempt to delay the Bill.

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

Leave granted.

MR BERRY: I want to thank the Chief Minister for giving me two questions to answer.

Ms Carnell: Mr Speaker, that is not speaking to the motion.

MR BERRY: You asked a question, Mrs Carnell, and I want to answer it. You asked whether the employers would get their money back if the fund were oversubscribed. That would be a matter for this place because - - -

Ms Carnell: It should be a matter for the committee.

MR BERRY: No, it is not a matter for the committee; it is a matter for this place. We will go to the management of the fund, Mrs Carnell. On page 10, under the heading "Finances", if I can just remind you, the Bill demonstrates clearly how all of the finances would be managed. The provision is a mirror image, essentially, of the way the matter is handled in the construction industry model. It deals with the money received by the board under proposed section 39, which deals with the levy. If the levy has to be adjusted, it has to be adjusted by this place. It would be adjusted, I suggest, on the basis of a triennial investigation required by the legislation or requested by the board. That appears on page 10 of the Bill. I thought you would have noticed that.

Ms Carnell: Are you suggesting that they should pay too much for three years because it is just a figure?

MR BERRY: Mrs Carnell asks me another question: "Are you suggesting that they should pay too much for the first three years?". No, I am not suggesting that they should pay too much or too little. What I have done is made sure that there is a safety valve in there to examine closely at some point in the future the level of funding they are receiving and whether it is sufficient or too much. That triennial report would be the property of the board.

If the board was receiving too much money, I am sure it would let this Assembly know. If they were receiving too little, they would let this Assembly know. There would be a recommendation coming to this place, as there was with the construction industry's long service leave fund and we changed the levy as a result of an actuarial examination of the matter.

Ms Carnell: In three years.

MR BERRY: It is not only in three years. The Bill makes it very clear that it will be when requested by the board or in three years. If the board noticed after six months that they had too much money, they could request that there be an actuarial assessment and then they could come back to us and say that they want the levy to be 1½ per cent or that they want us to deduct a little bit less. You cannot get better than that; it is as good as you can get. You cannot get better than that. It is the ultimate in safety valves; you cannot get better than that. The committee is not going to be able to improve on the model because practice is going to tell the board a lot as time passes by.

Again, it is very clear how the finances of the fund would be managed. It would be done in much the same way as they are successfully managed for the construction industry. It is all set out in the legislation. There has been no question about the way that it has been set out. It is appropriate to deal with it in this way because it is a tried and proven method. I have answered both of those questions. Do you have any more?

MR KAINE (12.33): Mr Speaker, I suspect that the Minister already has the numbers to get his referral to a committee through. That concerns me in that it was a very non-specific referral. I would like to amend his motion by adding words to it. I move:

Add “, the Committee to report by the last sitting day of November 1999”.

At least that puts a time limit on it.

MR SMYTH (Minister for Urban Services) (12.34): Mr Speaker, we would absolutely agree with that. I actually thought that the committee would do it much faster than that. Mr Corbell is on it and I am sure that he will put pressure on it. Mr Rugendyke has a keen interest in the subject and he has said that he thinks that there are issues of concern. The Government is happy with the amendment and it should be put.

Amendment agreed to.

Question put:

That the motion (**Mr Smyth's**), as amended, be agreed to.

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The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Sitting suspended from 12.37 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Canberra Hospital

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. Is the Minister aware of widespread community concern at the impact of the implementation of the Canberra Hospital's budget rectification plan on the haematology and oncology services at the Canberra Hospital? What assessment did the Minister make of the capacity of the oncology unit to absorb any cuts at all?

MR MOORE: I did not have to, Mr Stanhope, because I did not make any cuts. In fact, Mr Stanhope, your press release today that talks about a 20 per cent cut is simply wrong. The facts alleged in the petition of the patient's relative that you repeated are incorrect. It is just another mistake that you have made, Jon. The Government has not imposed cuts in oncology. If only you would check your facts before you put them in press releases and not rely on a citizen coming in and saying, "Well, there has been a \$270,000 cut", and then just using that. It is just not true.

The Government has not imposed cuts in the oncology service. The performance of the oncology service is, in fact, increasing, with about 13 per cent more unweighted separations performed in 1998-99 than in 1997-98. So there is an improvement in the amount of work being done. Let me emphasise that they are unweighted separations. The Government does not direct the allocations the hospital makes to individual units. However, the Government has increased the overall budget for the Canberra Hospital this year, with an increased expenditure, after taking into account the transfer of allied health services, of approximately \$8m, or 3 per cent. We have increased its funding by about 3 per cent.

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The hospital's internal budgeting process has allocated to the medical oncology division of the medical SMT an increased budget of some 5 per cent, from \$3.305m to \$3.471m, or, if you like, an increase of about \$166,000. It is understood that efficiencies are being found in restructuring the secretarial services of the unit so as to protect clinical expenditures. There is a possibility that this may have had some adverse effect on appointment scheduling in the particular patient's case. I hope you are terribly embarrassed by this, Mr Stanhope, having been in the media today. Claiming a reduction of \$270,000 or 20 per cent is simply incorrect.

I do not come into this chamber lightly and say that something is incorrect. My advice is very clear on this matter: In the particular area of medical oncology there is a significant increase of 5 per cent and we have seen an increase, not just against what we have budgeted but against actual expenditure. That is the advice that I have. If you would like to put out another press release saying, "Sorry, I was wrong", then that would enhance my respect for you.

MR STANHOPE: I have a supplementary question. I do hope, in the context of this issue, that the Minister does find himself able to meet with this particular cancer sufferer at some time as requested by the person. Mr Speaker, my supplementary question is this: Can the Minister advise the Assembly of the attempts he made to prioritise the budget saving cuts made to hospital services, or were the cuts to services simply across the board pursuant to a slash and burn approach?

MR MOORE: I am flabbergasted, Mr Speaker and members. This is yet another mistake. I just explained to Mr Stanhope that there was no cut.

Mr Stanhope: You have increased spending, have you?

MR MOORE: There was no cut.

Mr Stanhope: There are no cuts at the Canberra Hospital?

MR MOORE: There was no cut to the budget - - -

Mr Stanhope: Are there no cuts at the Canberra Hospital at all?

Mr Humphries: Not in oncology.

MR MOORE: There was no cut.

Mr Stanhope: That was not my supplementary question. Did you attempt to prioritise the cuts?

Ms Carnell: Well, if there were no cuts in oncology he must have.

MR SPEAKER: Order! Mr Moore has the floor.

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MR MOORE: There was no cut to the Canberra Hospital. The Canberra Hospital over-ran its expenditure significantly last year- - -

Mr Stanhope: Oh, right, I see.

MR MOORE: But in the oncology area - - -

Mr Stanhope: So it is all clear now?

MR MOORE: In the oncology area your mistake is even worse because I pointed out to you just a minute ago that against actual expenditure last year there has been an increase, so there is no cut.

Mr Stanhope: Is there any increase in cancer?

MR MOORE: I have explained all that. You can read through the answer if you like. The thing that I think is most important is that the rectification plan in the Canberra Hospital has been approved by the board and, appropriately, it is done at arm's length for me as to where those cuts are made. It would be entirely inappropriate for a Minister to say, "Well, you had better cut from oncology; you had better cut from women and children". I certainly have not done that. I have asked the hospital to live within its budget, and that is a perfectly reasonable thing. Not only is it a reasonable thing; it is what this Assembly ordered me to do. Basically, you required me to do that. You were very harsh on me about - - -

Mr Stanhope: Rubbish, rubbish.

Mr Berry: Not as harsh as we wanted to be.

MR MOORE: It was a matter of grave concern which I took seriously. What I have said to the board is: "I would expect that before you look at areas of service delivery you will look at the corporate area overheads". The board has come back to me and said, yes, that is the area they are going to look at first, and I think that is entirely reasonable. I have also said that we should be very careful to ensure that patient care is not compromised. The media release from the Canberra Hospital today from Dr Pembury, who is in charge of the medical SMT, the Director of Medical Services, said that claims that the Canberra Hospital's 1999-2000 budget is compromising patient care are unfounded.

Mr Stanhope: Ask the patients.

MR MOORE: This is the medical director.

Mr Stanhope: The one you refused to meet.

MR MOORE: Mr Stanhope says, "Ask the patients". I have to say to you, Mr Stanhope, that out of the 500,000 or so separation service deliveries that we provide in the public hospital system each year there will be, occasionally, some patients who are dissatisfied. If there were 365 of them, or .001 per cent or whatever that is of them, that would still give you a story to run like this every single day; but if that is going to be the case, Jon, at least get your facts right.

Very Fast Train Project

MR KAINE: Mr Speaker, my question, addressed to the Chief Minister, relates to the fast train project. Chief Minister, a bit over a year ago - I think it was on 4 August last year - the Prime Minister announced that the Speedrail Consortium had been selected as the preferred tenderer for the fast train and that Speedrail would then proceed to the next stage of a so-called proving up process to determine whether they could deliver the product or whether they could not. We were told that that proving up period would take six months - in other words, until March of this year. Along the way there have been some rumours that the proposal put forward, and on which Speedrail was selected, has been significantly modified. In fact, what they are offering now is not a two-rail track between here and Sydney but a one-rail track with passing loops, and the price for that has gone up as opposed to the original price that they quoted. In light of all of that, can the Chief Minister indicate whether or not it is true that the Speedrail proposal has been significantly modified since they were given the go ahead for a so-called proving up period? Secondly, since the proving up period was to have been completed in March, can the Chief Minister tell us whether that proving up period has been concluded yet and, if so, what was the result and when is the result going to be published.

MS CARNELL: Thank you very much, Mr Kaine. I am always happy to speak about the fast train project. In fact, yesterday I was at some meetings with Federal Ministers on that particular issue. The Speedrail group is now undertaking additional work on the proving up part of its submission, as I understand it. I understand that this will involve the Speedrail group refining the details of its submission, including issues such as design engineering costs, revenue and other impacts of the project. At the end of this process the Speedrail group is expected to provide a detailed submission that resolves all technical issues and is fully underwritten to the satisfaction of all three governments.

Mr Speaker, I have no information whatsoever from Speedrail, and nor should I, of the outcome of its proving up process at this stage. I understand though that Speedrail expects to submit its prove up document late this year. It will then be addressed to all of the three governments. I think it was in March this year that the Commonwealth Minister for Transport and Regional Services and the New South Wales Minister and I signed a heads of agreement. The Commonwealth understood to take the lead role in the prove up stage of the project, and that is what is happening at this stage. If the prove up stage is satisfactorily completed, the governments then will begin to contract with Speedrail and the environmental assessment and planning processes will commence. These processes will include extensive public consultation prior to any government approval.

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Mr Speaker, this is a very exciting project. It is a major project. The basis of the project, as has been put forward, was that there would be no net cost to government. Those are the sorts of issues that are being trialled. I think members would be aware that there has been work done, such as polling people on the Federal Highway. People have forms to fill in at the airport. All sorts of work has been done with regard to the patronage figures, the track, the technology and the time frames. I have to say, Mr Kaine, that, as I understand it, the issue for lots of discussion has been the access to Sydney from Liverpool in, but I understand that negotiations or discussions are proceeding quite well with the New South Wales Government.

MR KAINE: Mr Speaker, the Chief Minister referred to the no net cost to government, which was the original basis. Given that the so-called six-month proving up period now looks like a one-and-a-half-year proving up period, can the Chief Minister tell us when was the decision made to extend that proving up period by an additional year, and does she still stand by the proposition that this will only proceed if it is at no net cost to government?

MS CARNELL: Mr Speaker, I am not sure that the whole process was extended. It was only in March this year that the Ministers signed the heads of agreement and agreed for the Commonwealth to take the head role in the prove up stage, so I have to say I am not sure about the extension. We were always expecting the prove up stage to come about towards the end of this year, possibly September/October, but it may be a bit later than that now.

In terms of no net cost, that certainly is still the basis of the agreement, but, from an ACT perspective, the very fast train will fundamentally change Canberra and regional New South Wales, and I will certainly be doing everything I can to ensure that the project does go ahead. It will create something like 18,000 jobs during construction and some 2,000 jobs when it is up and running. The Speedrail entity has undertaken to put the maintenance facility here in Canberra, with all of the jobs that will go with that.

Mr Speaker, this is the biggest regional infrastructure project since the Snowy Mountains scheme and that is a pretty exciting thing. I would have to say, from at least my Government's perspective, that we will do everything in our power to get this over the line.

Australian Institute of Sport

MR QUINLAN: Mr Speaker, my question is to the Minister for sport and recreation. I understand that the Federal Minister for Sport, Ms Jackie Kelly, is conducting a broad-ranging national review of the Australian Institute of Sport. Is the ACT Government making a submission to that inquiry?

MR STEFANIAK: Yes, we are. We certainly want to have input in relation to that. I have already indicated several views myself in relation to that broad-ranging review. I think it is very important that we do not lose sight of the fact that sport needs to continue after the Olympics. In fact, we need to maximise the opportunities from the Olympics, and I think there are some real issues in terms of Federal funding around that. I have already made some preliminary views known to my federal counterpart on that.

We are certainly participating in that review, and one would expect we would because we utilise to a very considerable extent the very significant facilities at the AIS, just by way of one example.

MR QUINLAN: Thank you very much for that, Minister. I am reassured. Are there any specific measures that the ACT can take post 2000 when there is the sudden availability of world-class facilities at Homebush and the attraction that they will be to a number of sports? Is there anything specific that the ACT is doing, or can do, to maintain the viability of the ACT campus of the Australian Institute of Sport?

MR STEFANIAK: As you are probably aware, we have always worked in very well with the AIS. We have an excellent relationship with the staff there. Our Academy of Sport has some excellent relationships and in fact complements the AIS. Indeed, we tend often to lose some of our talented athletes from the Academy of Sport who go on to programs in the AIS. I do not necessarily see that as a loss because it enhances their ability. They are effectively Canberra-based athletes to start with.

Apart from our links through the academy and the AIS, many Canberra sports utilise the facilities of the AIS, ranging from swimming groups who regularly utilise the pool, although to a lesser extent now, of course, because of the training requirements of Australia's athletes, through to various soccer groups. Veterans Athletics use the facilities of the AIS athletics track and other parts of the AIS. Indeed, all areas of ACT Athletics regularly utilise the facilities there. I would think there would be very few sports in the ACT which, at some stage or other, have not utilised the AIS, and that means that a fair number of our own sports people utilise those facilities. Certainly, I would be very concerned if there was any adverse effect as a result of this review in terms of the AIS or its facilities. I would hope that that would not be the case.

I think one of the biggest dangers that we face in Australian sport - I am certain that these are points which not only ourselves but other people also are putting forward in terms of this review - is that after the Olympics there might be a natural tendency to overly cut some areas of elite sport that perhaps have less emphasis on the AIS and some of these talented sports programs. Rather than do that, I think we need to keep a focus on those, but never to the detriment of grass roots sports. I think it is very important that we keep a focus on elite sport after the Olympics.

That is not to say that there would not be some programs which might not be performing terribly well which you might not want to continue. There might be new programs you want to put in, but I think it is terribly important that we do not lose the focus or drop the ball, as it were, after the Olympics. I think we have an ideal opportunity not only to use the Olympics to further enhance Australia's international sporting reputation and abilities but also, at the other end of the scale, to encourage more people into physical activity as a result of the hype that will come from the Olympics.

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Small Business and the Canberra Economy

MR HIRD: My question is to the Chief Minister, Mrs Carnell. Can the Chief Minister tell the parliament what the latest Yellow Pages survey has revealed in relation to the performance of small business in Canberra and our local economy?

MS CARNELL: Thank you very much, Mr Hird, for the question. Mr Speaker, the release of the Yellow Pages small business index earlier this week was certainly very bad news indeed for those opposite and for those who attempt to undermine what is really good news for the rest of Canberra and particularly great news for the small business sector. The survey did contain some very, very exciting news for the 12,000 to 13,000 small businesses in Canberra. Canberra is believed to have the highest concentration of small enterprises - that is, firms employing fewer than 20 people - of any capital city in Australia, so small business becomes very important to jobs in the city.

Mr Speaker, over the past five years this Government has worked hard to encourage these small businesses to expand, to look to new markets and to employ new staff. We have put in place a number of policies, such as assistance with payroll tax exemptions for the long-term unemployed and increasing the threshold for payroll tax to \$800,000, so that many of those smaller businesses simply do not pay payroll tax any more. Our aim, Mr Speaker, has been to promote the diversification of our economic base and to target growth in such areas as information technology, telecommunications, advanced technology, environmental management and other clean industries, and we have made significant progress towards that goal, with absolutely no help from those opposite. They have undermined every single step of the way. But, Mr Speaker, the last results of the Yellow Pages survey show that small businesses in Canberra - - -

Mr Quinlan: What are you talking about?

Mr Berry: Tell us about Fujitsu.

MS CARNELL: There you are. See what I am talking about? Absolute negativity all the time.

MR SPEAKER: Order! Let's have some shush.

MS CARNELL: Mr Speaker, the Yellow Pages survey shows that small businesses in Canberra are enjoying the best conditions for growth for the past decade. Indeed, the Yellow Pages own media release states that small businesses in the ACT are leading the nation in sales, profit and capital expenditure growth. This is at a time when, at a national level, the small business sector is on track to record its strongest quarterly figures, sales and profit, for some five years.

Mr Quinlan: It is probably contagious from all the work you have done in the ACT.

Mr Smyth: It probably is.

MS CARNELL: True. Small business is doing well in Australia, but how do we compare with those other States of Australia? The survey found that for the three months to the end of July a net 40 per cent of ACT small business proprietors reported increased sales compared to just 11 per cent, which was the national average for small businesses; so, 40 per cent versus 11 per cent. This net 40 per cent figure was the second highest recorded since the index began to be measured in the ACT and is well ahead of the next best State's results for the last quarter. The next best State, Victoria, recorded a net 24 per cent. So, Mr Speaker, we are at 40 per cent; Victoria, at No. 2, is at 24 per cent.

In terms of profitability, a word I know Mr Berry chokes on - "Oh no, not profit; oh dear" - a net 29 per cent of Canberra small businesses reported an increase in the last three months compared with the national average of only 6 per cent. So, 29 per cent in the ACT, 6 per cent as the national average. I do love saying that word "profit". Mr Berry always blanches when you talk about profitability. In fact, it might even encourage him to do his "evils of profit speech" again at some stage in the near future, and that is always good fun.

The survey also stated that, for employment, the strong growth recorded in the February to April quarter continued during the past three months, with a net 9 per cent taking on new employees. That is what you would expect: More profit, more turnover, more jobs. So a net 9 per cent of people have taken on or are taking on new employees. Mr Speaker, this is second only to New South Wales, where Sydney is going through the boom associated with Olympic construction. Mr Speaker, capital expenditure by small business operators in Canberra also was up to a net 14 percentage points to be the highest in the country and well ahead of the national average of 8 per cent. So in terms of capital expenditure, 14 per cent for us, 8 per cent for the rest of Australia.

Now, before Mr Corbell gets too excited, as I think he did over the last Yellow Pages statistics, the small business sector's approval of this Government's policies improved during the last three months, with more proprietors seeing our policies as working for them rather than against them. It is worth noting that there are only three governments in Australia where this is the case, according to Yellow Pages. Which are those three governments? The Northern Territory, Victoria and the ACT. Interestingly, none are Labor governments. There is not one Labor government. Mr Speaker, this is very interesting, taking into account the slur campaign of those opposite over the last three months. It did not seem to work very well, did it? Mr Speaker, overall a net balance of 65 per cent of - - - .

Mr Stanhope: Is this the one where you broke the law? That campaign? That campaign where you broke the law?

MR SPEAKER: Will you be quiet, Mr Stanhope, and stop making these irrelevant interjections.

Mr Stanhope: Well, I do not know which slur campaign it was.

MR SPEAKER: Interjections are out of order anyway, and irrelevant ones even more so.

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Mr Moore: In this case, Mr Speaker, there was an imputation and a reflection on a vote of the Assembly. The imputation is that the Chief Minister broke the law. That has never been the case. Mr Stanhope not only reflects on a vote of the Assembly, but he also misleads the Assembly with that statement and he ought to withdraw it. It carries an imputation.

MR SPEAKER: Do you wish a withdrawal, Chief Minister?

Mr Moore: You said she broke the law, but she didn't.

Mr Stanhope: No, I didn't. The Chief Minister referred to a slur campaign of the last three months. I am just a bit bemused and confused as to exactly what this slur campaign was. I assume the Chief Minister was referring to the fact that as a result of her Government breaking the law consistently, its breaches of the Financial Management Act which led to the expenditure of \$20m of taxpayers' money without parliamentary - - -

MR SPEAKER: That requires a withdrawal.

Mr Moore: That is a reflection on a vote of the Assembly. It is entirely inappropriate. He needs to withdraw, or boot him.

Mr Stanhope: It is not a reflection on the vote. The Chief Minister was censured. What's the reflection? She was censured.

Mr Humphries: Not for breaking the law.

Mr Stanhope: She was censured as a result of a breach of the Financial Management Act. That is a breach of the law.

Mr Moore: She did not break the law.

Mr Stanhope: I meant no imputation, nor did I impute. I am simply trying to clarify what it was the Chief Minister was referring to - the fact that the Government broke the law?

MR SPEAKER: Can we all get back to question time, please.

MS CARNELL: Mr Speaker, did Mr Stanhope withdraw?

MR SPEAKER: He withdrew any imputation.

Mr Stanhope: I did. Quite clearly.

MR SPEAKER: He did.

MS CARNELL: Fair enough.

Mr Stanhope: But I did not resign from the fact that the law was broken.

MR SPEAKER: Just a moment; we are getting back to question time, not an exchange across the chamber.

Mr Hird: I am trying to hear the answer, sir.

Mr Quinlan: It won't mean anything to you, Harold. You've heard it before.

Mr Kaine: Will you call Mr Hird to order, Mr Speaker?

MR SPEAKER: Order! Both sides will stop interjecting.

MS CARNELL: I am not saying a word.

MR SPEAKER: No, but others are on the government side.

Mr Hird: Mr Kaine interjected.

MR SPEAKER: Be quiet, Mr Hird.

MS CARNELL: Mr Speaker, overall, a net balance of 65 per cent of ACT business operators are positive about their own business prospects over the next 12 months. This level of optimism was second only to South Australia, which was the highest in the country. That is another Liberal government, Mr Speaker. Looking ahead to the next three months, across all indicators, that is, sales value, employment, prices, profitability and capital expenditure, ACT small businesses were well into positive territory in terms of their expectations. Mr Speaker, I certainly do not expect those opposite to be particularly interested in this question. They have shown that the whole way through the answer. After all, let us be fair. Apart possibly from Mr Quinlan, none of them know one thing about business or how you run a small business. For those who are interested, the 13,000 small businesses out there in Canberra, this Yellow Pages index is yet another independent - - -

Mr Quinlan: No, he was a paper boy.

MS CARNELL: Mr Speaker!

MR SPEAKER: Order, please!

Mr Hird: Turf him out.

MR SPEAKER: Be quite, Mr Hird. You are not helping matters.

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MS CARNELL: Mr Speaker, this Yellow Pages index is yet another independent indicator of the sustained period of strong job and business growth that is occurring here in the national capital. We have the second lowest unemployment rate in the country - lower than at any time under Labor - sustained growth in retail trade turnover, and increases in the state final demand figure for each of the last four quarters.

Mr Speaker, those opposite blame us when things are not as good as they think they should be, so it must be our fault that the economic indicators are great and that people in Canberra have jobs. Over the past five years, that is what this Government has been all about, with a 5.7 per cent unemployment rate, the lowest in nine years, 6½ thousand jobs or new jobs since we came to government, and the lowest number of unemployed Canberrans since 1990.

Mr Berry: How many of them are full time?

MS CARNELL: Mr Speaker, you would think even Mr Berry would concede that we must be doing something right, unless he thinks it is John Howard who has done it. I am quite comfortable, whatever he thinks. When you look at these figures, they really do show that this Government is a caring government which is concerned about social welfare, Mr Speaker, because, as we all know, the single issue that produces the best outcomes for quality of life and social justice is having a job. A whole lot more Canberrans have them now than when we came to government.

Fire Brigade

MR HARGREAVES: My question is for the Minister for Justice and Community Safety. Minister, last week the Fire Brigade made an offer to the firefighters union, an offer that equates to 1.5 per cent a year over three years and is tied to productivity and efficiency measures. I understand that the union has rejected the offer. Do you agree that over the last year the Fire Brigade has worked with 20 fewer firefighters, therefore achieving these efficiency gains in the form of productivity increases?

MR HUMPHRIES: No, I do not, Mr Speaker.

MR HARGREAVES: Mr Speaker, I do have a supplementary question, and I thank the Minister for the brevity of his answer. How can the Minister justify making a significant offer to support services to the Chief Minister's Department and yet offer a paltry 1.5 per cent a year to the firefighters? You are the Treasurer.

MR HUMPHRIES: Mr Speaker, the offer which has been made to firefighters is in line with the offer which has been made to workers in the Chief Minister's Department and accepted by workers in that area. As Treasurer, I am quite happy to support a level of - - -

Mr Berry: Will that put out fires?

MR SPEAKER: I will put somebody out of here very shortly if they continue to interject, Mr Berry.

MR HUMPHRIES: I am quite happy to support a level of offer which reflects a level of parity across the board with the Government unless, of course, it is possible for people to produce productivity savings or offsets which provide a way of paying more. This Government, I think quite generously, has been able to indicate that it is prepared to pay workers significantly more than they would otherwise get if the workers themselves, through their industrial organisations or otherwise, can come forward and suggest ways of being able to produce the money that would pay for those pay rises on a sustainable basis. We are not talking about the Government here. It is not me, the Treasurer, who has the money; it is the community.

That is why, Mr Speaker, there has been a significant bonus paid to ACTEW workers. They formed a productivity partnership with the ACTEW management that said, "If you work with us to get savings in the system, reduce our overheads and so on, you can share the profits that flow from that". They have done that. If other areas of government can - - -

Mr Quinlan: Was that prearranged?

MR HUMPHRIES: It was prearranged, yes. It was an agreement in advance. It was worked through and the workers delivered on the agreement and they got the benefits from it, Mr Speaker. The Government will be in those sorts of arrangements across the board if they can be shown to benefit the organisation and produce savings.

I know that Mr Berry and others prefer the sort of one in, all in arrangement where everyone gets the same thing no matter how deserving they might be or how productive their workplace is. The rest of the world has moved away from that kind of industrial environment. The rest of the world has moved into productivity based pay increases and towards working at a workplace level to achieve optimal outcomes for both management and for workers and for the enterprise as a whole. Mr Speaker, the offer stands to firefighters to work with them to be able to find reasonable savings that will in turn produce sustainable pay rises. I do not have the capacity to produce money out of thin air for pay rises that are not funded through that mechanism.

Aborigines

MS TUCKER: My question is to the Chief Minister and is in regard to this Government's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. I would like the Chief Minister to tell the Assembly whether her Government is sympathetic to recommendation 235 that reads:

That policies of government and the practices of agencies which have involvement with Aboriginal juveniles in the welfare and criminal justice systems should recognise and be committed to ensuring, through legislative enactment, that the primary sources of advice about the interests and welfare of Aboriginal juveniles should be the families and community groups of the juveniles and specialist Aboriginal organisations ...

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MS CARNELL: Mr Speaker, we do support that approach and we have continued to do so in terms of the programs that we had at Quamby, and will continue to have at Quamby. The relationship that exists at Quamby between various areas of government, including education, vocational training, health, mental health and the other partnerships that exist across ACT Government, will continue under the new administration approach.

This Government believes, as I am sure everybody does, that wherever possible we should ensure that indigenous people are not placed in a position of having to be incarcerated, whether they be younger people or older people. We attempt to do everything in our power to achieve that outcome, but where there is a need for incarceration at some level, I think we have been right at the forefront of the criminal justice system and also of juvenile justice in ensuring, as much as possible, that those people are safe while they are in custody. That certainly is the case with all the changes we have made to Quamby. Those changes will continue, as I have said, as will the relationships and the partnerships that exist across government.

MS TUCKER: I have a supplementary question. Could you please explain why the Aboriginal community were not consulted at all about your change in administrative measures for Quamby?

MS CARNELL: Mr Speaker, what we have done is an administrative change. In terms of how Quamby - - -

Ms Tucker: That was not my question. Why did you not consult? That was the question.

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, it is actually a bit rich, I reckon. Ms Tucker this morning, in a situation where the major employer groups of this city had not been consulted on Mr Berry's Bill, could not have cared less, Mr Speaker.

Ms Tucker: Could I raise a point of order, Mr Speaker? Is there any obligation to be relevant at all?

MR SPEAKER: Relevance, yes. I do uphold the point of order.

Mr Berry: They lied. They were consulted.

MR SPEAKER: Just a moment. Don't you buy into it, Mr Berry.

MS CARNELL: Mr Speaker, I make the point though that in that particular situation it actually made quite a significant difference to the people involved. With regard to Quamby, how we run the administration, not at the actual Quamby level but at another level, simply will not make a difference to the approach that we take at Quamby to the partnerships that exist. We will continue with the reform process that we have in place.

So, from the perspective of the people using the service or the people who would have every right to be concerned if the service was going to change fundamentally in philosophy or infrastructure, it is simply not going to happen, Mr Speaker. So, for the people who use the service or who are involved in the service, the changes will not impact. Therefore, what is there to consult about?

Release of Prisoner

MR OSBORNE: My question is to the Attorney-General, Mr Humphries. I refer the Minister to a question I asked him last year about the claim that an ACT prisoner was released after a phone call from an ACT Corrective Services officer, despite there being no lawful authority to do so. Minister, I understand that you finally heard from the New South Wales Government on this issue and I thank you for informing me about it, but I do feel that what they had to say about that incident is worth sharing with this Assembly.

MR HUMPHRIES: Yes, Mr Speaker, I think it is worth sharing as well, and I thank Mr Osborne for that question. Members will recall that we had some fairly outrageous claims made earlier this year about how there had been the release of an ACT prisoner from a New South Wales gaol on the strength of a telephone call, initiated by New South Wales Corrective Services or even initiated by ACT Corrective Services, to the relevant gaol officials in New South Wales saying, "Hey, this guy's time is up, let him out", and then, supposedly, the New South Wales justice said, "Sure, here you go, guy, out you go", and this fellow was let out of gaol. I have had some very critical things to say about the New South Wales gaol system but I imagined even that was a rather far-fetched story.

Mr Speaker, I contacted the New South Wales Minister, Mr Debus, and asked him what he was doing about this particular issue. He undertook to conduct an investigation into the claim that there had been some telephone call between the ACT Corrective Services and New South Wales Corrective Services, and that was put in train. I wrote to him on 25 February this year asking about where the matter stood. Actually, the original matter was raised in this place back in April of last year and I wrote in February of this year asking where the investigation stood. I received a reply on 4 May from Mr Debus, and I will quote the relevant part of the letter:

The inquiries revealed that there was some confusion about the release date of the inmate. The sentence received at the ACT Magistrates Court had been back-dated to commence from when Mr Viglatgis was taken into custody. In an attempt to clarify the situation the officers at Cooma Correctional Centre made inquiries of the ACT Magistrates Court and acted on the information received. They did not however, follow all of the required departmental procedures when releasing prisoners sentenced in the ACT.

The officers involved in the incident have been counselled about the matter.

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I am satisfied this was an isolated incident and that inmates are released in NSW with lawful authority.

I am very pleased and reassured that he has that comment to close his letter with, Mr Speaker. I table both my letter to Mr Debus of 25 February and his reply of 4 May.

We can see from that correspondence that there was no phone call from Corrective Services saying, "Let him out". That was obviously made up by somebody who was trying to cover their tracks, and what has been in the past a somewhat unsatisfactory nature of the New South Wales gaol system has been highlighted yet again.

That, I might point out, Mr Speaker, is why the ACT Government has been keen to press ahead with the project for an ACT prison. It is not just because we like the idea of a place somewhere in the Territory with iron bars in it that we can throw people in, much as that might appeal to Mr Hargreaves. The fact is, Mr Speaker, that there needs to be a retreat from a system which is fundamentally just not serving our needs, and that is the New South Wales gaol system. I think we should press ahead with that. Obviously, do the groundwork beforehand, and that is going on, but the need to open that gaol, I think, in the ACT grows more pressing by the month. I believe that we should press ahead with the project as soon as we can.

MR OSBORNE: I have a supplementary question. Are you able to tell us whether it was a privately run or publicly run gaol?

MR HUMPHRIES: It was a government run gaol from which he was released, Mr Speaker.

Mr Stanhope: How much cock and bull in that?

MR HUMPHRIES: None at all, Mr Stanhope. Not a word.

Mr Stanhope: No cock and bull in that. Not a term you use.

MR SPEAKER: Order! Mr Berry has the floor, please.

School Bursars

MR BERRY: Thank you for your protection, Mr Speaker. My question is to the Minister for Education and it is in relation to the much reported attack on school bursars as a result of their industrial action in the school system and the use of the Reith laws against these workers. Why were the school bursars stood down and their pay stopped for failing to carry out work outside their duty statement when the Government has accepted that industrial action in other places is a legitimate part of the bargaining process? Why is it, Minister, that bursars are receiving harsher treatment from you than other workers are from your ministerial colleagues? Why are you being so hard on the bursars, Minister? Would you tell us that?

MR STEFANIAK: Mr Berry, I suggest that you might have a look at a bursar's duty statement, especially, I think, paragraph 1(b). Have a look at the statement and you will see quite clearly a reference to this. I suggest that you also look at section 187AA of the Act which actually says the department must act. When we put those two together, I am quite satisfied the department acted quite properly and according to law. Indeed, in this instance it did not have too much discretion in the matter, so I suggest you have a look at those two things, Mr Berry.

Mr Berry: Rubbish. Why have your ministerial colleagues - - -

Mr Moore: You want him to break the law?

MR STEFANIAK: Do you want me to break the law? Do you want my department to break the law? I am quite happy, Mr Berry, to have a look at - - -

Mr Berry: I will answer that question in a moment.

MR STEFANIAK: I am quite happy to look at what my department does in this instance. I check that out, Mr Berry. I can read Acts as well as anyone else. I used to do that for a living. Section 187AA is very clear indeed. I am quite satisfied that what the department did is quite appropriate. They acted in accordance with the law. In my view, and no-one has done anything to convince me otherwise to date, if they had not done that they would have breached the law.

I recall, Mr Berry, that this very issue was listed for debate in the commission at some stage. It was on a Monday morning some weeks ago. I understand that the CPSU, who listed that particular issue, pulled it. I can only assume that that occurred because they were not terribly confident of the point they were pushing. So, until such time as anyone can categorically point out to me that my department was not acting correctly, I am going to back them on that one. Might I also say, Mr Berry, that a lot of progress has been made on this issue. I think the department has put about four positions on the table and we are currently going through the process of looking at work value, a process which has been agreed upon by the department, the bursars and the CPSU.

MR BERRY: Minister, perhaps you did not hear this part of the question. Why is it that bursars are receiving harsher treatment from you than they are from your ministerial colleagues? Is it not just the case, Minister, that they have been singled out because they are few in number, industrially isolated, all female, part-time workers and are just easy targets?

MR STEFANIAK: A simple "no" to all of those questions, Mr Berry. Our bursars are highly regarded people. I have met with them. They do a very good job in the school system. Even under their current award structure they are quite well remunerated. I think they are paid more than everywhere else, except for one top category of Victorian bursars who get, I think, about 15c an hour more, and they look after multi-campus schools. Our bursars are on a little under \$24 an hour, compared with a little less - - -

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Mr Berry: No, he did not hear me, Mr Speaker. I asked him why he bashes them up and his other colleagues do not.

MR STEFANIAK: Will you shut up and listen, Mr Berry? You might learn something.

Mr Berry: Why do you bash them up?

MR SPEAKER: Sit down, Mr Berry. Mr Stefaniak is answering the question.

MR STEFANIAK: Thank you, Mr Speaker. Our bursars are on a little under \$24 an hour, compared with, for example, the Catholic system here where they get a little under \$19 an hour, which is the same as in New South Wales. They do a good job, but their job has changed and that is why - - -

Mr Berry: Why are you bashing them?

MR STEFANIAK: Mr Berry, we are not. We are looking at work value. From talking to bursars myself, I can see that there are instances where, for example, there is considerable strength for the argument that there should be a reclassification, which is something that the department has offered. The department has made four offers now, Mr Berry, four very good offers indeed. Far from bashing bursars, I think we are now bending over backwards to be as fair as we can. I reiterate that we greatly value the job they do in our system. So, you are talking nonsense.

Canberra Racecourse - Winery Development

MR CORBELL: Mr Speaker, my question is to the Chief Minister. Chief Minister, what contractual arrangements has the ACT entered into with BRL Hardy for the winery development at the Canberra Racecourse, and has there been any assistance provided to BRL Hardy through any government business incentive program?

MS CARNELL: Mr Speaker, yes, there is a government business incentive package that we have announced and have spoken about regularly in this place. I seem to remember that it included some land and some payroll tax, which would be the normal approach for something like that. As we know, BRL Hardy, in the very near future - possibly later this month or next month - will start to build their Northbourne Avenue facility. They will be spending some \$10m in the ACT over the next 18 months or so.

Mr Moore: Jobs

MS CARNELL: That is absolutely right. That will include starting to plant their first lot of grapes out near Mr Berry, I think, in the Holt part of the world, if they have not started that already. The construction of the winery, as I said, will start in the next month or so. I understand that the DA has been lodged, Mr Speaker, so everything is chugging along very well. BRL Hardy is a major employer, Mr Speaker. Apart from making the wine, this involves jobs in a whole range of different areas, such as the tending of the grapes and marketing. As well as that, of course, the BRL Hardy proposal

significantly raises the profile of Canberra region wine because it will be the first winery that will be able to produce enough wine to really get into the national and international markets. I understand that BRL Hardy is aiming at marketing its first Canberra region wine in time for the centenary of federation in 2001, and I think that will be very exciting.

Narrabundah Long-stay Caravan Park

MR WOOD: Mr Speaker, my question is to the Minister for Urban Services. Minister, ACT Housing tenants at Narrabundah long-stay caravan park continue to be concerned about their security of tenure. While you made certain concessions in your recent advice to them, this has not removed all their fears of the potential for detrimental change after a sale. Minister, you have argued that running a caravan park is not core business for ACT Housing, yet at other times you have expressed a need for a diversity of housing provision. Why is it that the provision of a facility that provides much needed low cost accommodation is not a core business of a responsive housing agency, or is it that you simply want the money that a sale would bring?

MR SMYTH: Mr Speaker, the reality is that in order to go and stay in the long-stay caravan park you have to be in possession of a caravan. The tenants have told Mr Wood and I that many of these caravans are worth \$20,000, \$30,000, \$40,000, \$50,000 or \$60,000, which, of course, would put them over the eligibility criteria for ACT Housing.

MR WOOD: I thought that was a bit high. There is no answer there at all.

Mr Smyth: There is an answer. You asked why.

MR WOOD: Nevertheless, let me impose further on the goodwill of the Minister. You are in the process of handing over a number of housing properties, at no cost, I might say, to Community Housing Canberra. Would you consider undertaking the same process for the Narrabundah long-stay caravan park if an appropriate organisation offers to assume management?

MR SMYTH: Mr Speaker, the problem with the Labor Party's understanding of this is that, quite simply, to become a tenant of the long-stay park you have to own, in the main, an asset that takes you over the eligibility criteria. We on this side of the house are very proud because we wanted to extend the eligibility criteria. We wanted to raise the amount of assets that you could possess and be eligible for ACT Housing, but those opposite, with the assistance of the crossbenchers, have sent those reforms to a committee and are stopping people from getting into ACT Housing.

This Government cares about its tenants. This Government wants to get on with looking after the tenants and meeting their needs, but, in relation to the long-stay caravan park, the very fact that you choose to live in such a place and own such a mobile home would, in the main, make you ineligible to be an ACT Housing tenant.

Motor Vehicle Thefts

MR RUGENDYKE: Mr Speaker, my question is to the Attorney-General. Minister, I notice that there has been an increase in the number of motor vehicles stolen in the ACT. Could you advise the Assembly what the AFP is doing to reduce that number, given that a police sergeant whose expertise is in the recovery of stolen motor vehicles and the capture and charging of offenders has been transferred out of that area?

Mr Moore: Dave might go back to the police force.

MR HUMPHRIES: The suggestion has been made to me, Mr Speaker, that Mr Rugendyke might like to volunteer his expertise in this area and go and look at the issue. I am sure we could not do any worse than that, Mr Speaker.

Motor vehicle theft is one of the categories of offences which were reported in the most recent victimisation survey by the Australian Bureau of Statistics as having increased in the ACT, and therefore it is a matter of ongoing concern that there have been rises in that category of offence. Of course, the figures that will come out from the police in a few weeks' time are probably more accurate in that respect. I am not really sure that anyone victimised as a person having a motor vehicle stolen would not also report that to the police, so I am sure that those figures will be confirmed or at least corrected by the official figures coming out from the AFP. Nonetheless, Mr Speaker, I am confident that the trend is heading in the direction of a large increase.

I am of the view, based on the advice of the Australian Federal Police, that a significant number of motor vehicles are stolen in the ACT by people who specifically come here from outside the Territory for the purpose of taking vehicles interstate. There is a business, an industry if you like, that revolves around rebirthing vehicles that have been stolen in one place and taken to another jurisdiction and given a new lease of life. Identifying material on motor vehicles can prevent that, but this applies only to limited parts of a vehicle. Things can be erased or changed and the result is that a vehicle can be rebirthed.

My colleagues the police Ministers have been working together to establish the National Motor Vehicle Theft Reduction Council. I think a spokesperson for that body was on ABC radio yesterday or today, talking about the efforts that are being made to begin to wind back the basis on which that industry occurs. For example, there will be a register of wrecks established across the whole of Australia so that we are able to identify when a vehicle is trashed or is disposed of. We will be able to work out that that particular car has gone out of circulation, and if another vehicle turns up with the identity of that vehicle there is a pretty good chance that that second vehicle has been stolen. I think that kind of national work is necessary to really break the back of that problem of stolen motor vehicles.

Of course, Mr Speaker, as the problem comes into focus in the way that the recent figures have put it, it is incumbent on the AFP to make sure that there are appropriate resources devoted to the task of ensuring that this crime is deterred. There have been successes in recent days in apprehending people in stolen motor vehicles. Members might recall that in Sunday's *Canberra Times*, I think, there was a photograph of people

being apprehended with a stolen motor vehicle in Civic. It is a matter that the police are able to monitor, but I think more work is going to have to be done, and I will continue to consult the AFP on what efforts they are making in that respect. Perhaps a stolen motor vehicles team would be appropriate at some point, Mr Speaker. I will consult Mr Stoll, the Assistant Commissioner, on that subject.

MR RUGENDYKE: I have a supplementary question. Minister, you are no doubt aware that the NRMA provided a motor vehicle to be used by that sergeant for the recovery of stolen motor vehicles. Could you advise the Assembly what that vehicle is being used for now?

MR HUMPHRIES: No, I could not, Mr Speaker, but I will take that question on notice and get back to Mr Rugendyke.

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

Winnunga Nimmitjiah Aboriginal Medical Service

MR MOORE: Mr Speaker, I have an answer to a question I took on notice from Mr Osborne. It was a question about funding for the Winnunga Nimmitjiah health and medical services. I responded to the first part of the question and undertook to get an answer to the supplementary question in terms of how much the Commonwealth will provide for this service. The Commonwealth has maintained the level of funding provided to Winnunga Nimmitjiah Aboriginal Health Service and applied indexation to the amount they received in the 1998-99 financial year. The Commonwealth has informed me that they will be paying a total of \$344,000 to the service in the 1999-2000 financial year.

Canberra Hospital

MR MOORE: Mr Stanhope earlier today asked me as part of his question whether I am willing to meet with the patient. I am willing. To the best of my knowledge, there was no request to my office to meet, although I will clarify that by saying there has been a change of staff at the front desk in my office, so it is possible there was a mix-up there. I am always willing to meet with people. I will be keen to meet with the patient rather than the patient's sister or with both, because to discuss a patient's issues with somebody else leaves my hands incredibly tied in respect of matters of health.

Just to make sure that there is a clear answer to that question, I did receive a letter nearly a month ago from the woman that Mr Stanhope referred to and I have to say that I have not yet replied to her. The reply came in draft form back to my office today. As a general rule I am able to reply within two or three weeks to people. There was some delay in the preparation of this reply, and I am trying to do better than that.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, may I make a statement pursuant to standing order 46?

MR SPEAKER: Yes, you may.

Ms Carnell: Just put it onto the notice paper every day.

MR BERRY: Mrs Carnell interjects, "Put it on the notice paper every day". If you did not make these sorts of personal attacks on me I would not be so hurt and have to rise in this place and respond to them. Mrs Carnell said, as if it were a fact, that I have made some anti-profit speeches and that I blanch at the sound of the word "profit", or words to that effect. I quite support profits, fair profits, for business, Mr Speaker. I cannot be accused of that. In fact, I think profitable businesses who play a socially just role in the community are welcome additions to our community.

Mrs Carnell would be right in saying that I do not support profit if it is profit that is gained from exploiting, say, the public purse or innocent workers. I would not support that, and I do not think any fair thinking person would, Mr Speaker. So I think she has misjudged me there, and rather cruelly.

Mr Speaker, I might as well do these in a batch because it is quicker. Mr Humphries said I supported the one in, all in wage system. I do support elements of one in, all in. I think there has to be some wage justice for workers out there. Many of the workers whom Mr Humphries is responsible for would know that he has just received a substantial pay rise, and they want some of that.

MR SPEAKER: Order! You are now no longer making a personal explanation.

MR BERRY: Where there is fair justification for one in, all in, well, I think the case can be made; but there are exceptions to the rule when workers can gain more than others, but comparative wage - - -

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

MR SPEAKER: You have made your personal explanation, thank you, Mr Berry. Sit down.

MR BERRY: I just make the point, Mr Speaker, that I wish they would stop these cruel attacks.

MR SPEAKER: Sit down.

PAPERS

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, for the information of members, I present, pursuant to section 6 of the Subordinate Laws Act 1989, regulation No. 15 of 1999, Maternal Health Information Regulations 1999, made under the Health Regulation (Maternal Health Information) Act 1998, and notified in *Gazette* No. S52 dated 1 September 1999; and an out of order petition, pursuant to standing order 83A, lodged by Mr Osborne from 616 citizens concerning the Tuggeranong lakeshore master plan.

QUAMBY - ADMINISTRATIVE RESPONSIBILITY

Debate resumed from 25 August 1999, on motion by **Ms Tucker**:

That this Assembly calls on the Chief Minister to remove from the responsibility of the Attorney-General the administration of all matters relating to the powers of the Executive in relation to the Quamby Juvenile Detention Facility and allocate those powers to the Minister for Education, pending the presentation to the Assembly of the Standing Committee on Education's report on its inquiry into Quamby.

MR OSBORNE (3.34): This issue is a very difficult one to come to a decision on. When I sit down I still will not quite have come to a decision, but I look forward to hearing what Ms Tucker has to say when she closes the debate. Quite clearly, this Assembly cannot force the Government to change their mind on this. Section 43 of the ACT (Self-Government) Act states in subsection (1):

A Minister shall administer such matters relating to the powers of the Executive as are allocated to that Minister from time to time by the Chief Minister.

When you read that, Mr Speaker, I do not think there is any room in the Self-Government Act for the Assembly to allocate ministerial responsibilities. The role of the Assembly in general is to exact a measure of accountability from the Ministers. I think that all members of the Select Committee on the Report of the Review of Governance agreed that the Chief Minister should allocate the responsibilities for Ministers. Perhaps you, Mr Speaker, or Mr Stanhope could correct me on that but that is where I think that idea went. Our ideas go more to the heart of accountability and cooperative government rather than forcing the Chief Minister to do as we wish in relation to these different departments.

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The coroner, as I read it, recommended an urgent inquiry into the mix of children at Quamby, the need for careful selection and training of staff to manage Quamby, and whether or not it is appropriate to contain within the one institution all of the types of people currently held at Quamby. He also recommended a change in the administrative arrangements so that Quamby came under the same portfolio as adult justice - that is, a change from the Education portfolio to Justice and Community Safety. He suggested that such a change might usefully be part of any other inquiry about Quamby.

I have to say that I cannot support a motion which forces the Government to reverse their decision. I have to say though that the way in which it was done left me a little bit concerned. Obviously it was done as part of the major restructure within the different portfolio responsibilities of the Ministers; in particular, the Chief Minister relinquishing the role of Treasurer. However, what concerned me was the lack of consultation with the different groups involved, in particular, the Official Visitor and also people within the indigenous population here in Canberra. It is quite clear that of the tenants at Quamby, for want of a better term, the indigenous representation is far greater than it is in the Assembly, so they obviously do have some concerns about what goes on there and about how young people, in particular Aboriginal young people, are dealt with.

I hope I have confused everybody, Mr Speaker, as to what I am going to do because I think I have just confused myself. I am open to supporting some motion which perhaps sends the message that we are not happy with the process, but I do not know what supporting this motion will do, given that I am not prepared to force the Government to do anything. Will it achieve anything if we call on the Government to do something when quite clearly they have indicated that they will not? In discussions that I have had with the Attorney-General he did say to me - correct me if I am wrong - that if the Education Committee came back later and suggested that it go back to Education the Government would then do it. Did you not say that to me?

Mr Humphries: We would take the recommendation very seriously.

Ms Tucker: You said in the Assembly that you would put it back.

MR OSBORNE: Hang on; it has changed now.

Ms Tucker: No, he did say it in the Assembly. I heard him say it too. He said he would put it back.

Mr Humphries: Not quite that blatantly.

Ms Tucker: No, I thought you would back away from it, but that was the impression you gave, definitely.

Mr Humphries: No, I do not think it was, Ms Tucker.

MR OSBORNE: Well, that was my reading of it, Mr Humphries. So the Government will not accept the motion, but they will accept committee recommendations. Anyway, I do not know what this motion will achieve when the Government have made it very clear that they will ignore it.

In summary, Mr Speaker, I am disappointed with the way that it has been handled. I think Ms Tucker and her committee are the best people here to look at this issue. As I said, the Self-Government Act makes it very clear that this Assembly cannot force the Chief Minister to do anything, and I look forward to Ms Tucker's summing up.

MR STEFANIAK (Minister for Education) (3.40): As members no doubt are aware by now, the transfer of Youth Justice, which is Quamby, and young people on community orders to Justice and Community Safety has been done. In fact, the formalities took effect as of Monday, 23 August this year. This step was considered by government. The decision was taken to achieve greater efficiency in the delivery of corrective services in the ACT. As I think several members on this side have said, it is the prerogative of the Chief Minister and the Government to determine the way administrative responsibilities are allocated.

I had a look at the transcript of last week. A large number of members have spoken in this debate, most members, and I think that is appropriate because there were a significant number of recommendations from the coronial inquest. The coronial inquest also referred to the Stevenson report which had recommended about 25 major changes in Quamby. That was a report that was brought down in September of last year that was commented on very favourably by the coroner, who, I note, has effectively duplicated in his recommendations a large number of those recommendations as they were appropriate to this inquest. The Stevenson report was the very significant report last year on the administration of Quamby.

I thank members for their comments last week, having read the transcript, and the very kind words said by Mr Hargreaves and my colleague Mr Smyth. I also note the comments made by Mr Wood in terms of consultations and discussions he has had with people over the last few months; that they have been very favourable to the changes which have been implemented at Quamby over the last 12 months and which came into effect over the last six months. I also would like to put on record in this house comments I have made in the media, and which several members made during the debate last week, praising the work of Michael White, the then Executive Director of Children's, Youth and Family Services, and also the new manager of Quamby, Mr Frank Duggan, who took up his appointment, I think, in March of this year. They have done a considerable amount of work to put into play the 25 or so recommendations of the major report we did last year, together with the largely duplicated recommendations of the coroner.

It is interesting to look at the coroner's report. There are a number of measures there. He made some 14 recommendations. I think three were mentioned last week, but I think it is worth putting the other recommendations on the record. All of them have been implemented. Firstly, the Director of Youth Justice is not to be involved in the day to day management of Quamby. That was recommendation No.4, and that has been implemented. The director position has been deleted. Recommendation 5 is: "Is a manager on call at all times?". The previous system has been abolished and replaced with an improved system. Recommendation No. 6 relates to a review of the policy and procedure manual. That has been implemented and it is under constant review as procedures change.

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There is a recommendation in relation to keys that has been implemented, and, in addition, the Special Needs Unit has remotely controlled doors and closed-circuit TV systems to monitor all activities in the unit. Recommendation No. 8, that single staff access to units be approved in emergency, has been implemented. Recommendation No. 9 is about room searches and reports to the manager after any incident of self-harm. That has been implemented. The recommendation about improved file keeping and tracking of clients, which is very important, has been implemented, and a new assistant manager has been appointed. The case manager has been appointed to implement case management. The recommendation in relation to management of log books and observation books has been implemented, as have the improved staff handovers and the protocol with Mental Health.

Also, in his final recommendation he recommended action against individuals. Four of the staff have left the ACT Public Service and an authorised officer was appointed to inquire into the conduct of the remaining one in the Public Service.

Mr Speaker, the young people and staff have better safety and security, and better health and education programs. These changes are indeed a credit to the management and staff, and the unions involved have already made a big difference there. The important thing for members to appreciate is that the changes in place at Quamby will continue under the new arrangements, and the programs for young offenders will remain separate from those for adult offenders. That is a concern that I think people would rightly have in terms of administrative changes, but that is something the Government is very keen to ensure continues. The outcome for young people at Quamby will be monitored to ensure that the results of the good work done over the past few years will continue under the new administrative arrangements.

The capacity to review the administrative arrangements of these outcomes remains. The arrangements will make sure that youth issues continue to receive the very specialist attention they need and deserve. A new protocol was established in recent months between Family Services and Youth Justice, and that will continue to be an important part of the new system. A new model of service that is working so well in Quamby will continue. The emphasis on effective case management and planning for young offenders will continue, as will the new mental health and the improved educational programs. So there is no question of compromising the needs of young people in the juvenile justice system.

I will table the next document which contains a reiteration of those points which were made in a joint statement by my colleague Mr Humphries and me on 6 August in relation to the Youth Justice move. The salient points there were to recognise the amount of work that had been done to improve conditions; to reiterate that close cooperation with Education and Community Services will ensure that education and training programs continue to be provided under the new arrangements; and also to ensure that those protocols continue under the new administration and that those other programs will continue.

Those statements were made by Mr Humphries and me to reiterate that there is a real separation in terms of the needs of youth in detention from adults in detention. That is something that the Government recognises. That also is something that would be of concern to anyone dealing with this sector and something that would be of concern to the courts.

That being said, what has occurred is just an administrative arrangement, a more efficient process, and I think one does need to look at some of the reasons behind that. The coroner is a very learned magistrate who has been on the bench for some time and he has extensive experience in these matters. Prior to his appointment to the bench he regularly appeared in the Children's Court as well. I remember that from my time in the courts. He has made important recommendations. Yes, there might be a bit of qualification on them, but he has indicated the direction he thinks is sensible.

When one looks at the ACT and the size of the ACT, and also at what has happened in terms of justice issues in the last few years, with the advent of the ACT getting its own prison, there is eminent sense in terms of administrative arrangements such as these, provided the distinction between adult prisoners and juveniles is recognised and maintained. That is something that the Government has indicated quite clearly it will do. At this stage, Mr Speaker, I will table the joint press release by Mr Humphries and me dated 6 August 1999.

The ACT has an adult remand centre, a juvenile remand centre and a juvenile correctional centre in Quamby, and will very soon have its own prison. In the Northern Territory, another small jurisdiction, these services are linked under the one administrative arrangement, as is the case in Western Australia. Western Australia and the Northern Territory are both relatively small jurisdictions and they are administered under the same arrangement. Today in question time I think the Chief Minister made it quite clear that Quamby will remain and continue as it is at present, and that this is an administrative arrangement.

Mr Speaker, I would also indicate that under the Self-Government Act - I think Mr Moore mentioned section 43 - the Chief Minister quite clearly has the authority to assign portfolio responsibilities and she has done so. I think we would be setting a very bad precedent if that were to be compromised. That authority is not something that should be compromised. So, Mr Speaker, in terms of what has occurred, there is eminent sense behind it.

I am particularly pleased at the improvements that have occurred at Quamby. I think it is in a very good state now. It is an institution we have had for many years prior to self-government. It has changed from basically a juvenile remand centre where young people could be incarcerated for up to six months. About 10 years ago, I think, that was increased to two years, and then increased further, as is the case now.

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There have been a number of changes made there in terms of arrangements regarding mixes of young people too, including one this Assembly passed not all that long ago to ensure that young people who were over 18 or had committed offences or had needs which could only be met in the New South Wales system could also be sent there. Those are changes that people also need to bear in mind. Quite clearly, very significant changes have been made and implemented, especially over the last 12 months, which are very much to the benefit of young offenders. It has been a delight to go out there over the last six months and see how they have been operating and how the new staff and the juveniles there are responding to the administration. That is something that will continue. We have reiterated that time and time again, and I think that is the most important point here, together with the fact that we are a relatively small jurisdiction. We have, quite clearly, an indication from the most experienced magistrate in relation to this. Those points are very much behind the decision taken by the Chief Minister to transfer these administrative arrangements.

MR SPEAKER: Mr Rugendyke, before I call upon you I would like to recognise the presence in the gallery of His Worship, the Mayor of Yass, Mr Ken Helm. Welcome.

MR RUGENDYKE (3.51): Mr Speaker, this motion creates several dilemmas for me. My first impression of the move of the administration of matters relating to Quamby from Education to Justice was that it was a good move. Taking into consideration my policing background, I saw it as a good move. One dilemma, Mr Speaker, is that I have been lobbied by colleagues and friends within the youth sector, including the Richmond Fellowship, the Aboriginal community, Barnardos, Marymead and others, who have expressed concern at this move.

Another dilemma I have is that this motion has been brought on by Ms Tucker, who criticises me regularly, as she did last week for not listening to people I purport to have an interest in. This is a type of tactic that is employed regularly and it is destructive. It does alienate people in this Assembly and in the sector outside the Assembly. Irrespective of what Ms Tucker has to say about me, I do have a sense of feeling for the people in Quamby and the people who ultimately may be affected by this move.

Mr Speaker, I believe that Quamby needs a serious shake-up. I think there is an entrenched culture within Quamby that needs to be rectified. I also recognise that there needs to be a strong emphasis on education and rehabilitation, an emphasis that I hope is strongly maintained. I also hope that moving Quamby under the umbrella of Justice is not simply done to bolster numbers, to make an ACT gaol viable by way of numbers. My suspicion is that that is the case.

Mr Humphries: No, it is not. I can assure you that it is not the case.

MR RUGENDYKE: Mr Humphries interjects, "No, it is not", and I will hold him to that. Mr Speaker, I listened carefully to the speech of Mr Osborne, and section 43 of the Self-Government Act makes it quite clear that the Executive have the authority to place portfolio responsibilities where they wish. Personally, my wish would be for Children's Services to be taken out of Education and placed under Health, but it is not up to the Assembly, the legislature, to direct the Executive to make those types of moves.

For that reason, Mr Speaker, I am unable to support the motion, but I do insist that the Government bear in mind the need for education and rehabilitation in the setting of Quamby. That must not be forgotten. The committee will look at those issues and make recommendations in relation to them.

MR STEFANIAK (Minister for Education): Mr Speaker, I seek leave to speak again. There are a couple of things Mr Rugendyke said that I would like to respond to.

Leave granted.

MR STEFANIAK: I thank members. I and previous government speakers have reiterated ad nauseam the education and rehabilitation aspects, but Mr Rugendyke said that Quamby needed a strong shake-up. Quamby has had a very strong shake-up, Mr Speaker. I think it would be painfully obvious to anyone that, as a result of the report last year, which has been mirrored to a very large extent by the coroner's recommendations, there has been a significant shake-up.

There has been a significant replacement of staff. A large number of staff have taken redundancies. The new manager has instituted the recommendations of the report last year. I have listed those recommendations which were mentioned in the coroner's report. The culture at Quamby now is a very different one from what it has been in years gone by. As someone who has some knowledge of that centre in the years prior to self-government, I would be surprised to find, even in its various forms, whether the position of young people there has ever been brighter. Those institutions are always difficult, but to say it needs a further strong shake-up is probably putting some aspersions on the excellent work that Mr White and Mr Duggan have been doing there over the past 12 months at least, in Mr White's case, and six months, in Mr Duggan's case.

I think, Mr Rugendyke, that Quamby has had a very strong shake-up and a very good shake-up. One of the reasons for that was the very thorough, comprehensive and, in most instances, very good recommendations made by Coroner Somes. I simply point that out to Mr Rugendyke. There are some other points that the committee obviously will be looking at, and I think that is terribly important too in terms of any further assistance that can be given to further improve the very significant improvements that have been made in recent times at Quamby.

MR KAINE: Mr Speaker, I think I need to seek leave to speak. I believe I have spoken already.

MR SPEAKER: You have.

MR KAINE: I seek leave to make a few short comments before the debate concludes.

Leave granted.

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MR KAINE: Thank you, Mr Speaker, and thank you, members.. I want to talk about the matters which Mr Osborne raised and which Mr Rugendyke referred to. There seems to be some belief in some quarters in this place that the law in terms of what the Executive may do is totally immutable and cannot be questioned. I think that is something that we in this place need to think about carefully. Certainly, in this case the law says that the Chief Minister may determine the allocation of portfolio responsibilities, but I believe that there are two other factors that we in this place need to have regard to.

The first is that this Government is a minority government. Are Mr Osborne and Mr Rugendyke going to sit here and say that we may never object if the Government does something that, on the face of it, is contrary to strong public opinion? That seems to be the situation here. There is very strong public opinion, in my perception, that suggests that what the Government has done in this case is inappropriate and unacceptable. Are we not to express an opinion about that? That is what this motion in fact does. It suggests to the Government that what they have done is not in the public interest and is not in accordance with the public view. I think that a minority government has to have regard to that.

The situation is even further exacerbated in this case, however, because this minority Government constantly talks about inclusive government. If they mean by inclusive government that they want all of us to be involved in decision-making, why is it that every time anybody on the floor of this house dares to suggest that they should change their view about something they fall back on the law and say, "We can't do that."? They can do that, Mr Rugendyke, and there are times when they should be compelled at least to think about doing it. If they do not mean by inclusive government that they want all of us to express a view and participate in the decision-making, what do they mean by this concept of inclusive government? You cannot simply stand and say in terms of black and white that the law prescribes that the Chief Minister can do this and, therefore, she can and will, without regard for the process by which that decision is made and implemented, and without regard for what the community strongly believes, particularly in a case like this.

I do not quite know where we go from here. I have no strong view personally one way or the other of where Quamby ought to sit in the scheme of things. However, there does seem to me to be some strong justification for suggesting that the decision by the Chief Minister, in this case, to move it from one department to another, from one portfolio to another, from one Minister to another, without regard to what is clearly very strong opinion, very strong public concern, is simply arbitrary. Simply to say, "I can and therefore I will", is hardly justification.

Mr Osborne and Mr Rugendyke fall for the line and get up here and defend the line that because the law says, then we must. I think there are times when the law should and ought to be questioned. Certainly, when it imposes an absolute right on the Chief Minister, as this law does, one needs sometimes to stop and think about whether the absolute exercise of that power without qualification is an acceptable course of action to follow. Should we, as Mr Osborne and Mr Rugendyke are suggesting, accept that as final and accept that we cannot question it? I believe that the day that we accept that as the fundamental of our form of government we might as well submit ourselves to

total dictatorship and say, "This place has no value and no worth whatsoever". I would suggest that Mr Rugendyke and Mr Osborne think more deeply about these questions, rather than accept the line put to them by the Government that "We have the right. Therefore, we will, and you don't have any right to object". I think it would be totally wrong if we accepted that.

As I said, I have no strong view, but I have had it put to me very strongly by community organisations, and a lot of them, representing a very large number of people that they are not happy with the arbitrary way that this is being done. They may well feel comfortable about it had it not been so arbitrary, if they had had some chance to express an opinion, if they had had some opportunity to be part of the decision-making process about people for whom they are concerned; but as things stand there is a lot of disquiet and a lot of concern. If we are going to be told that we may not object, that we may not express a view, that we may not suggest to the Government that they should change their view on this, personally I find that line quite unacceptable. I would expect that the members of this place would use their intelligence where they have a power available to them, and the crossbenchers do on issues like this when there is a minority government. If we opt not to use that power and say to the people out in the community who have these concerns, "We don't care about your concerns; the only thing we are concerned about is making sure that the Government is supported", I think we have a long way to go, Mr Speaker.

MR QUINLAN (4.04): Mr Speaker, I had not intended to participate in this debate, but I have to echo some of the sentiments of Mr Kaine. I find it a little ironic that Mr Osborne and Mr Rugendyke can fall back on fairly standard parliamentary convention when in previous debates in the last three or four months we have ignored Westminster principles totally.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.05): Mr Speaker, I will make a few comments in this debate. I think the argument about the parameters for the operation of the law have been put very clearly by the Government. The Government is not arguing that there should not be an expression of view by the Assembly. Obviously that is not the case. The Assembly will express a view about anything and everything. Given a long enough period of time, I am sure that it will.

The question is whether the Assembly can or should take steps in effect to force the Government to make a decision which is, we would argue, properly a decision for the Government to make. I have spoken in this place many times, Mr Speaker, about the way in which during the 10 years of self-government there has been a shift in the balance of power. Those shifts in balance of power have been occurring for centuries in other democratic processes. Five hundred years ago the Crown in England was a very powerful institution and the parliament was very weak. We have seen over a period of time parliament acquire power versus the Crown. In the ACT context we have had a transition as well. That transition has been rather less dramatic but nonetheless quite appreciable.

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There has been a move away from the classic Westminster type of very powerful government to a government which has traditionally been a minority government in the ACT and which has therefore had some of its traditional prerogatives ceded to or shared with the legislature. For example, whereas the parliament traditionally in other Westminster systems has no role in the making of statutory appointments, in the ACT the parliament has a very distinct role and it has the right to be able to decide whether to question a particular appointment because it is referred by statute to a committee of the parliament.

Mr Speaker, the question here is whether the further step should be taken of having the legislature if not demand then at least strongly suggest to the Executive that it should rearrange the administrative arrangements it has seen fit to put in place; that the legislature say to the Chief Minister of the day, who has the power to appoint under the Self-Government Act, "You should not exercise your power in the way that you have seen fit; you should exercise the power in the way in which the parliament believes you should exercise it". That is perhaps not a large step in itself, Mr Speaker, but I am convinced that if it was taken by the parliament it would result in further change down the line, and that change would be essentially unhelpful. That change would be to give the parliament a power which I do not think you can have in a system with a concept of separation of powers in existence.

The idea of separation of powers is misunderstood in the Westminster system. It occurs in a more realistic sense in the Washington model where there is a very clear distinction between the legislature and the Executive. In the Australian system or the Westminster system, the Executive is part of the legislature, almost invariably, but there have been certain prerogatives left to the Executive in that situation, and one of the most fundamental, I would argue, is the power to appoint members of the government benches to the Executive. Barring some act of impropriety or disqualification to make that decision as the mechanisms of government see fit, whether it is by election among members of the government benches or by dint of the grace and favour of the Chief Minister of the day or head of the government of the day, whatever it might be, that decision has traditionally been preserved to the head of the government, and I would argue it should continue to be.

If the Assembly were to make requirements or demands or calls on the Government of the kind that this motion embodies on a regular basis, I believe that it would be only a matter of time before the Executive would be forced by the legislature to construct its ministry in a particular way. I think that would be very unfortunate. Perhaps others in this place do not feel that that is the case. Perhaps they feel that the Executive should be partly constructed on the will of the Assembly. I have to say, on the basis of the present model, that I do not think that is appropriate. I think we should resist that.

I also suspect, Mr Speaker, that if we were to have this debate at a time when the Labor Party was in government their position would be very different from what it has been today. They would argue against any change, no doubt based on its merits, but they would also argue strongly that it is the Executive's right to make those decisions. Why would they say that? Because historically, Mr Speaker, the Labor Party has been in favour of stronger central government. It has opposed systems which put in place what it

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sees as too many checks and balances on the powers of an elected government to make decisions, so it has opposed historically the power of the Senate and upper houses generally.

The Labor Party has opposed wide use of a vice-regal power. In the present context of the debate about a republic, its members have opposed the appointment or election of a president who would have wider powers than are perceived to be the powers of the present Governor-General, because the Labor Party historically is opposed to the exercise of power outside an Executive. It prefers generally to have that power in the hands of an Executive.

For my part, as a Liberal, I have to say I generally favour a different model where there is a diffusion of power throughout the political process, where you do have checks and balances and where there are brakes on the excesses of government, so that governments are forced to argue their position, and we have achieved something of that in the ACT.

Mr Speaker, I am quite certain that the stunt that we have seen from the ALP in supporting this sort of motion is the kind of position they would not adopt if they were on this side of the chamber. I am also quite sure that had Mr Kaine remained in the Liberal Party his view would have been extremely different from the one he takes at the moment as well.

I want to put on record too, Mr Speaker, a very clear response to Mr Rugendyke's concern about the potential integration, in some form or other, of Quamby or the children's juvenile justice facility with the ACT gaol. I think it is fairly clear that a number of significant barriers present themselves to integrating those two facilities. One of them is the United Nations declaration on the rights of the child which quite specifically says that there should be a separation between adult and juvenile facilities for correction. Even the co-location of those facilities on the same campus would, I think, send an unfortunate signal, and I doubt very much that that would ever be contemplated by any government in the ACT. It is certainly expressly ruled out by the Carnell Government.

Mr Speaker, there are potential advantages in integrating some aspects of the management of those facilities. It is possible to integrate the provision of some services to those facilities - for example, food services, chaplaincy services, and possibly educational services. Those things could be better integrated and we would certainly explore that in a model which allows the Government to have a Minister for Justice responsible for adult corrections and juvenile corrections - adult justice services, if you like, and juvenile justice services. That is about giving the best outcome for both sectors.

Mr Speaker, the Government has made this decision because it believes that there are advantages in bringing together those services, because it believes that the court in this particular coronial inquest also foresaw some advantages in that process, and because we believe that we need to demonstrate that we are actively reviewing the way in which these facilities are constructed and operated. For my part, as a person at some distance before now to the operation of Quamby, I have to say my perception is that Quamby has been isolated from other juvenile justice facilities elsewhere in Australia and from the

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mainstream corrections system within the ACT. We are attempting to overcome that with this level of administrative integration that will allow us to be able to oversee what is going on in both sectors at the one time.

Mr Speaker, I hope members will support a model which allows us to continue to do that and to think of ways of being able to improve the quality of service we deliver into our system. If we do not keep thinking about those things, we run the risk of losing value, and certainly losing a chance to turn around some people who pass through our corrections system.

MS TUCKER (4.15), in reply: I thank members for their comments. It has been an interesting debate. The first thing I want to recapitulate is that there is great community concern about this move by the Government. For the record, I will repeat that we have had expressions of concern from the Official Visitor, from the ACT Council of Social Service, from the youth sector and from members of the Aboriginal community. I have just been told that the Children's Youth and Family Association of the ACT, which includes Barnardos, Galilee, Richmond Fellowship and Marymead, shares the concerns that have already been expressed by other members of the community.

Mrs Carnell says that we should feel okay about this because they do it this way in the Northern Territory. Well, I am sorry to tell Mrs Carnell, if she does not already realise it, that most people would not regard the Northern Territory as the beacon of light or the place of best practice in terms of how juveniles are treated. In fact, this morning, I was talking to the Aboriginal Justice Advisory Committee in the Northern Territory and it was explained to me that now, with mandatory sentencing, a first offence for a very minor property offence receives 28 days. I probably do not need to tell members that Aboriginal youth are very well represented in detention facilities. Also, I should not have to remind members that the black deaths in custody report recommends that detention be avoided if possible. We are not hearing good things about what is happening in the Northern Territory. It cannot be used as a reason for us to put juvenile justice into adult corrections.

The other area that was mentioned by Mrs Carnell was Western Australia. It does not have the same structure; it has a separate division within justice. I have also been talking to people in Perth about how that is working. Obviously there has been limited time for me to talk to all these people, but I talked to someone who has been involved in the Institute of Criminology who did raise concerns about that model as well in terms of the impact that it has had on the treatment of juveniles, even when it has a separate division, which is a bit similar to the one that this Government seems to be proposing.

The Chief Minister also said that it will make no difference at all; that this is just an administrative move. Mr Stefaniak said the same thing; that it will just make it more efficient. Well, we still have not heard exactly how it is going to make it more efficient. If it is just such a simple administrative change with no problem, the question still has to be asked: Why was the community not consulted? If it is such a benign move, if it is such an acceptable move, what is the problem with bringing the community along with you? This is the question I have to ask the Government: What is the problem with

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bringing the members of the Legislative Assembly along with you if this is such a great move? You would be expecting our support if it is such a great move, but you did not consult at all.

The other main argument that has been put here today is that Mrs Carnell, as Chief Minister, has the right under self-government to make these sorts of administrative changes. Well, of course she has the right. I hate to be using the cliché but we often link responsibilities with rights. The responsibilities that the ACT community feel lie with the Chief Minister and the Government are that they work in sympathy and consistently with their stated public aims and policies. They have failed to do this, absolutely. The Chief Minister has a responsibility, not only a right. The Chief Minister has a responsibility to consult with the community. She produced a consultation protocol with great fanfare. It is not being used. Let me read the very first section about when it is useful to consult. It says:

... the issue directly affects a significant group in the community.

Our officers have obviously had communication from a significant group in the community. The protocol continues:

a significant number of people, or particular groups, are likely to have strong views on the issue.

Obviously they do. I quote:

It is equally important not to leave consulting until so late in the process that citizens' views cannot influence the outcome.

Obviously that is a problem, although Mr Humphries did say it could be changed after six months. We are not sure now whether he said that. He seems to be saying he did not say it, but if he did say that then okay, maybe it can influence the outcome. It seems a very inefficient way of running government if you are going to move something for six months and then move it back just because a committee says so. Actually the Government would not listen to the Assembly when they make a clear direction. Here is another quote from the consultation protocol:

If the issue for consultation is particularly controversial, it may be necessary to consider a possible Assembly Committee Inquiry in the timeline for the consultation.

Obviously it is controversial. There has been so much community concern expressed. There is a responsibility also for the Government to not just say it is committed to reconciliation. There is a responsibility that comes with the right to govern to be true to the words of statements about reconciliation. This document says clearly that there needs to be an ability for the Aboriginal and indigenous community to participate in decisions which will affect them.

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I asked in question time about black deaths in custody, and that answer was not a satisfactory answer at all. There are consistent claims by the Government that they want to involve the Aboriginal and Torres Strait Islander community in decisions around juvenile justice and justice generally. In the implementation report of November 1997 to November 1998 there are mentions in several sections of this Government's commitment to liaising with the community around Aboriginal issues and the justice system. This has not occurred. There is a responsibility upon a government which claims to be inclusive in its practices in this Assembly as a minority government to actually do that. They have also failed significantly in that way, and we have heard that concern expressed from members in this place during the debate.

Basically, what we have seen happen here is a major social policy initiative which has made many people in the community who have a direct relationship with the area very concerned. We are seeing an argument put in this place that this minority government, which claims to be interested in inclusive practices, which claims to be interested in consultation, which claims to be interested in reconciliation, has the right to do this regardless of the views of the community because it will not make a difference. That is only their view. Obviously, many people in the community are fearful that it will make a difference. It has made a difference in other places in Australia. I have already spoken about what happened in Queensland and I am happy to remind members about that. In Queensland they did do this. It had a significant impact. Particularly, it was very worrying that they lost the ability to have good coordination across the services that are related to the area.

We heard Mr Stefaniak say - I think it was him but I am not sure who it was - that they have just put in a protocol to ensure communication between Mental Health and, I think, Justice. The point is though that through the Social Policy Committee in the last Assembly and through this committee we have consistently been told that there are real difficulties for government in ensuring a cross-sectoral or interdisciplinary approach to the delivery of social services. It is a problem and it is acknowledged, not only in the ACT. It is acknowledged in a recent national report on homelessness. Integrating the concerns and working in a holistic and coordinated way in social policy areas such as social service delivery is a major problem for government. It comes up over and over again. The ACT is not alone in this.

What we are seeing now is a proclaimed commitment from government to ensure that, in fact, juvenile justice is going to remain about the social issues, about education, about reintegration and about family issues. The emphasis will not be punitive and correctional. The emphasis will be on reintegrating these young children back into society. They are children, basically.

We hear this commitment from the Government, and what do they do to support these stated aims? They move it. They move it away. In fact, we just heard Mr Humphries say he is concerned because juvenile justice has been isolated from the mainstream correction service. What is he actually saying? That is supposed to be the benefit of it. This service, very specifically, has to be oriented towards a strong focus on rehabilitation and so on. The Aboriginal and Torres Strait Islander people issues are also incredibly important. As we have seen so much work in the Australian community on these issues, it is very disturbing to see how easily this Government can just say,

“We know better. We know it’s not a problem. Too bad if everyone in the community thinks it’s a problem. They are wrong. We are right. It is just administrative”. I am saying that the Government has failed in its responsibilities. I am not interested in the argument about the right of this Government when they have so miserably failed in their responsibilities. (*Extension of time granted*)

I was concerned to hear Mr Rugendyke put as a reason for having concerns about voting for my motion the fact that I have upset him. I am sorry, Mr Rugendyke, but you have a responsibility as an elected representative to vote in this chamber on the issues, not on whether or not someone has offended you. I am sorry if I did offend Mr Rugendyke. I can assure you, Mr Speaker, that the discussion he is referring to is very minor compared to some of the discussions I have been in with other members in this place. I think most of us move on from that. Anyway, if Mr Rugendyke has been offended, that is not a reason to influence a vote in this place. He has a responsibility to look at the issues.

In conclusion, I would like to ask Mr Osborne particularly to consider his role in this matter as an Independent on the crossbench. Basically, if he will not support this motion, what he seems to be saying and agreeing with the Government on is that they are able to use this argument of right even if they have failed so terribly in their responsibilities. It does nothing for the ACT community’s confidence in how this Assembly is working and it says nothing about this Government operating as a minority government. It clearly does not have to regard itself as a minority government if these arguments are supported by the crossbench.

An incident having occurred in the gallery -

MR SPEAKER: Order! Remove that person, please.

Question put:

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

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

INTERNATIONAL AIRPORT AND VERY FAST TRAIN - PROMOTION OF CANBERRA

Debate resumed from 25 August 1999, on motion by **Mr Hird**, as amended:

- (1) That the Assembly notes the importance that an International Airport in Canberra and the Very High Speed Train would have in promoting investment and employment in the Capital Region and providing the means for deferring the construction of a second Sydney Airport;
- (2) That the Assembly agrees that this motion should be forwarded to the Commonwealth Minister for Transport and Regional Services, the Hon. John Anderson MP, advising him of the outcome of the motion for his consideration.

MR HIRD: I seek leave to speak to this motion, Mr Deputy Speaker.

Leave granted.

MR HIRD: The Carnell Government has strong policies, supported by strong practices, in the area of transport development. We have strongly proposed the improvement of Canberra's transport links to the rest of Australia, we have worked hard to get Canberra's airport upgraded to international status, we have set as a priority the establishment of a high-speed train link to Sydney and we are working closely with the Commonwealth Government, including agencies such as the Department of Transport and Regional Development and the National Capital Authority, to make the national capital more accessible to Australians and international visitors.

Over a number of years, the Government has built up a comprehensive transport strategy that focuses on the critical links into and out of the Territory. We aim to ensure that the improvement of these links supports the development opportunities for the region and builds on the internal efficiencies of transport movement within Canberra itself. Part of the overall strategy is to develop an interface or node for internal and external traffic in the Majura Valley, with the airport as the hub or, as it has been described, the travelport. The concept is simply that there be an efficient interchange between air, rail and road traffic.

That brings me to the proposal for an international airport in Canberra. The Commonwealth Government completed the privatisation of Canberra Airport in mid 1998 and we were fortunate that a local consortium took the opportunity to purchase the airport. This Government has worked closely with the new owners in developing a management plan that will directly benefit and line up with our vision for the airport.

In the five years from 1998, Canberra's international airport group will be assisted in expanding usage of the airport through actions such as encouraging regional airlines to locate at the airport, developing regional services, extending the runway apron, encouraging regular international charters and generating further economic development through increased activities, such as a service station, expanded car hire, parking and accommodation facilities. The airport could be upgraded for, say, 747 and 767 aircraft and other large international aircraft to become a major domestic hub servicing regional and interstate destinations, including regional feeder flights to Sydney and elsewhere.

The airport could also support regular international charters and niche scheduled international flights. The airport precinct offers real potential as an engine for growth in Canberra, with the potential to accommodate an industry park for export-oriented businesses, special needs hotel and conference facilities, and recreational facilities. Detailed studies of airports in major cities highlight their influence in driving economic growth and creating wealth and employment in their communities - jobs.

Mr Deputy Speaker, the potential for jobs growth related to transport development in the region is enormous. The impacts on employment-related social equity cannot be overstated - jobs. The Government is working closely with Canberra's international airport group in talking to regional airline operators. Studies by the Institute of Transport Studies have shown that there would be significant opportunities for regional airlines to dramatically grow their businesses if they based their operations at Canberra Airport.

We now have the opportunity to look at the really big picture. Here is a real challenge, but are we big enough to accept that challenge? I believe that we are. We are now looking at the opportunity to put in place the biggest infrastructure since the construction of the new Parliament House. I am asking this parliament to support my proposal that the ACT should immediately and formally advise the Commonwealth of the benefits Canberra offers as a major alternative in considering Sydney's international airport problems.

The Chief Minister has already begun the process with her public announcement of a grand vision which sees Brisbane, Sydney, Canberra and Melbourne linked in a coordinated modern transport network. The big issues surrounding the development of a second Sydney airport highlight once again the great opportunities that Canberra has to offer. The constraints in the Sydney basin on noise and air pollution suggest that a capacity should be developed further away from Sydney. Over recent weeks an increasing number of commentators have looked beyond Sydney for a solution. An area south of Newcastle known as Cooranbong is one example.

For a number of years we have been promoting the idea that Canberra Airport could be linked to Sydney airports, including Mascot, and assist with regional connections through Bankstown. The chairman of the Capital Airport Group, Mr Terry Snow, stated recently that the airport master plan predicted passenger numbers at the airport to grow from 1.8 million a year at present to 4.4 million in 20 years from now, and that is within its present boundaries and without extending runways. Mr Snow said that that shows

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how underutilised the asset is. In relation to Sydney's problems he said that he was not sure that all possible solutions had been taken into account, referring to the Canberra option.

Mr Deputy Speaker, why not take the next step? Why not develop an international airport in Canberra and the very fast train as the alternative to further runways at Mascot or the suggested development at Badgerys Creek? As Mrs Carnell, the Chief Minister, stated recently, Canberra cannot take on the role of a full international airport, but technology developments in both aircraft engineering and facility design and construction may well change this position at a later time.

The cost estimates of developing a second Sydney airport have ranged from \$6 billion to double that figure - significant amounts of money when most people are not sure that it would actually solve Sydney's problems. To many commentators the solution is straightforward - spend the billions of dollars on a project that would provide an infrastructure that not only reduced the pressure on Sydney airport but also assisted Australia's regional development. As the Chief Minister stated earlier this week, Mr Deputy Speaker, that is what Australia needs. It would be an infusion for regional Australia. We might only be the ACT Government, but we are big enough to think Australian.

With private sector participation, the amounts required to be spent on the development of a second airport in Sydney could build a fast rail network that linked Brisbane, Sydney, Canberra and Melbourne. That would provide a tremendous fillip to the entire corridor and arrest the decline being experienced in so many parts of regional Australia.

That brings me to the very fast train proposal. The ACT Government has been a strong supporter of the VFT from the time it was proposed to the Government by the private sector in the late 1980s. Since that time, the project has been through a rigorous assessment process that has highlighted the issues that governments face in assessing and securing resources for large infrastructure projects. The recent completion of the Victorian CityLink project demonstrates that these projects can be successfully financed and completed by the private sector.

In August 1998, the governments of New South Wales, the Commonwealth and the ACT selected Speedrail as the preferred proponent to undertake the prove-up process. (*Extension of time granted*) The Speedrail group is now undertaking additional work to prove-up its submission. At question time, Mr Kaine asked a question of the Chief Minister in respect of this matter. I know that he has a keen interest in it. I hope all other member of this chamber do, too. That will involve the Speedrail group refining the details of its submission, including issues such as design, engineering, costs, revenues and other impacts of the project.

At the end of that process the Speedrail group is expected to provide a detailed submission that resolves all technical issues and is fully underwritten to the satisfaction of the three governments involved. Speedrail expects to submit its prove-up document later this year. It will then be assessed by the three governments involved. If the

prove-up stage is satisfactorily completed, governments can then begin to contract with Speedrail and the environmental assessment and planning processes can commence - jobs.

The fast train is expected to have a domino effect on the development of Canberra and the region - and let us not forget the region. There are a number of projects awaiting the decision of the governments for the development to go ahead. The decision regarding this project will be the most significant for Canberra's development and that of the region into the next millennium.

Decisions about Sydney's second airport would be much clearer once there was certainty regarding the development of the fast train and vice versa. Why not look at both problems together? There are currently 12 million Canberra-Sydney trips in the corridor and Speedrail is hoping to capture 25 per cent of them. Consistent with the travelport concept, the Speedrail station is planned to be in the airport precinct. That would mean that approximately two million to three million passengers would arrive at and depart from the airport precinct each year by rail alone, and that would be without Melbourne being in the Speedrail equation at this stage.

The 45-month construction phase of the \$3.5 billion Canberra-Sydney VFT would involve up to 15,000 jobs - I repeat, up to 15,000 jobs - on site and in supplying components and support services. Once in operation the Speedrail service and the flow-on activity would create 1,800 jobs in New South Wales and the ACT and region. With good planning, the construction of the VFT could commence as construction work for the Sydney Olympics winds down, efficiently reorganising resources brought together for the Olympics' construction program.

With services running both ways every 45 minutes and having a journey time of just over 80 minutes, the VFT service would free up an estimated 60 take-off and landing movements at Sydney airport per day. The impact on Sydney airport could be even greater if the fast train serviced an airport that provided a hub for regional services and a second base for international services. The VFT could provide a high-quality service to regional commuters and take them conveniently to any location serviced by Sydney airport. Of course, the option of a Brisbane-Sydney-Canberra-Melbourne link would open up enormous possibilities. Members should all stand and applaud Mrs Carnell for her foresight in leading discussion on this issue. Congratulations, Chief Minister! It is another move forward by the Carnell Government, which is concerned about jobs.

Mr Quinlan: They will still drop you, Harold.

MR HIRD: Canberra Airport would have the potential to help solve many of the problems being experienced at Sydney Airport if the decision-makers were prepared to look beyond the Sydney basin. (*Further extension of time granted*) The shadow Treasurer interjected. If he were to get into government he would be thinking that this project was great and he would be saying, "Thanks, Mrs Carnell, for giving me those job opportunities". Jobs are what we are about, Mr Quinlan. The combination of Canberra Airport and the fast train service presents a far cheaper option than funding a second airport on a greenfields site in the Sydney basin. I am sure that Mr Quinlan would agree with that. I know that you would, Mr Deputy Speaker.

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The private-public partnership and regional solution also provide a platform for tremendous regional economic growth. Mr Deputy Speaker, as I asked earlier, are we game enough to accept this challenge? I believe that we have to be if we are serious about representing the ambitions of the people not only of this great Territory but also of the region of New South Wales which surrounds it. Let us talk to the Commonwealth right now. The decision-makers and the movers and shakers must not be allowed to make their decisions without being fully aware of what we have to offer. This may be the greatest opportunity yet for us to leave a real and lasting legacy for the future of the region as we move into the next millennium. Let us not miss it.

MR QUINLAN (4.49): Firstly, I congratulate Mr Hird, who continues to shine on the government side in the area of policy examination and development, if not creation. We witness that in his incisive questions at question time and his frequent dissenting reports to committees, erudite and well-constructed dissenting reports. To give a little perspective, I understand that the concept of a very fast train to Canberra predates the introduction of local government for the ACT. It has, I think, enjoyed universal support from the outset.

There are, of course, a number of sceptics who question the ultimate viability of the train and therefore the probability that it will actually eventuate. However, few Canberrans, if any, are against its construction and few, if any, need to be convinced that it carries great potential for bringing economic benefit to the ACT. It is one of those attractive projects that a politician or government might be drawn to embrace ostentatiously, particularly a politician or a government that depends upon continued contrived image projection more than real substance.

When this motion first appeared upon the notice paper, I assumed that it had been brought forward by Mr Hird as a vehicle for some government announcement on the progress towards the introduction of the train or some further developments with the airport. If that is the case, let us get on with that announcement, shall we.

Ms Carnell: We did this week - Bishop Austrans.

MR QUINLAN: I did suspect that it might have been contrived to set up a bidding war as to who supports the train most and for the Chief Minister to claim credit for the fact that trains go pretty quickly these days. Anyway, since last week, we have witnessed a burst of publicity that has put the VFT on the front pages of the newspapers and on the television, so I trust I can rest my mind that things are normal in this place and are occurring as they normally occur. I hope that it was not simply an exercise that will degenerate into a session of self-indulgence on private members day, with someone saying, "Our support is bigger than yours". The continual attempts to attract prime credit for these projects are nothing short of propaganda.

The ALP wholeheartedly supports the introduction of the VFT. Who does not? In fact, I have an earlier version of a schematic of the airport and the train station hanging on my office wall and it has hung there for more than a year. In terms of the train itself, some of us may have liked to have seen Maglev stay in the forefront of the race to construct the facility. We realise that Maglev is more costly, but it does offer

considerable advantages in terms of the environment and access to land in the train line corridor. Maglev is tomorrow's technology while Speedrail is today's. Speedrail will commence its slide into obsolescence immediately upon construction. Nevertheless, it is the lower cost option and therefore may have more chance of being assessed as viable.

The ALP is also very interested in development of the airport within the constraints, such as the impact upon the environment and upon the people of Canberra themselves. We want to see economic development for the ultimate benefit of the people and not at the ultimate expense of the people. We see great value in continued development of a regional transport hub. There is great potential for Canberra to enhance its position as a regional centre. A developing airport, the potential of a VFT and the probability of improved road access all provide the potential for growth of a regional product distribution centre with or without the train. We certainly hope that the train will arrive, but we have witnessed some scepticism and had some back of the envelope numbers published which argue against it. Nevertheless, a well-developed distribution centre has the potential to increase local production of the items that are distributed.

As well as stimulating international tourism to Canberra, the airport could allow Canberra to supplant, in part, Sydney for some rural folk who want or need to travel to the big city. If we could attract commuter traffic to increased services into and out of Canberra we could see people coming for more specialised medical services, legal and financial services, shopping and recreation. If you live in Dubbo and you want to see a podiatrist, do a bit of shopping and then go to see the latest movie available, where do you go? Sydney has been the conventional answer. There could be an alternative that does not have all of the characteristics of Sydney, those characteristics of Sydney that some of us find unpleasant. A number of Canberra enterprises would benefit - the podiatrist in Braddon, the shopping malls, the big screen theatres - from being accessible for country folk by jumping into one of Hazelton's or Kendell's aircraft or by catching the local Murrays' bus.

I do believe that there is a point of critical mass beyond which growth in transport and business activity will occur automatically. I would like to see detailed alternative plans developed for Canberra as a regional centre and as a transport and distribution centre. Until then, I strongly support the introduction of the very fast train, quite obviously. I also support the rational development of the airport, both as an international terminal and as a regional terminal. I further suggest that there be plans drawn up for Canberra's access roads to complement the airport expansion and, hopefully, the arrival of the very fast train.

Let me devote just a little time to the second part of the motion. I have to say that the action suggested by Mr Hird in the second part of the motion is likely to be an exercise in futility. Would any speaker from the Government who follows me please give this Assembly some assurance that communicating with any Minister in the Howard Government on the importance of these developments to the capital region would make one jot of difference? I would like to hear that. I would like to see that. Has there been some 180-degree change in the attitude of Mr Howard and his Government? That is Mr John Howard of Kirribilli, the one who will not reside in the capital of the nation of which he is the Prime Minister.

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I suggest that the communication would be a total waste of time. I hope to be convinced otherwise during the remainder of this debate. If this debate is just another contrivance to claim personal ownership of the VFT project for the Government or for the Chief Minister, I would ask that we not have motions of this kind wasting the Assembly's time. As I have said, the ALP shares with all of Canberra in the hope of the economic stimulus that trains and planes might bring. We do, however, also have a wider vision of the Canberra of tomorrow as Australia's "Bostington", Australia's equivalent of both Washington and Boston in the United States, the nation's capital and a prime centre of excellence operating a knowledge-based economy – a knowledge-based economy developed in a structured manner. If any members should like to know about and understand a knowledge-based economy, which is a little bit wider than just heading for silicon valley, I have a few handouts available over here and a couple of files on it.

MS TUCKER (4.59): The Greens will not be supporting this motion as it is a much too simplistic response to a complex transport infrastructure issue. I cannot support a motion like this one until much more work has been done on assessing both the viability and the environmental and social impacts of these proposals. Mr Hird's motion promotes both an international airport for Canberra and a high-speed train link with Sydney, but both of those proposals have their problems. The issue of a second Sydney airport is very vexed and I have great sympathy for those Sydney residents who have to live with planes going over their head every five minutes.

At 5.00 pm the debate was interrupted in accordance with standing order 34; the motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS TUCKER: The Federal and New South Wales governments have been avoiding making hard decisions about this issue for too long, but I do not think that the decision-making process is helped by ad hoc calls for a new airport to be in this spot or that spot. Any decision on where a new airport should go needs to be based on a comprehensive analysis of the suitability of the suggested sites in terms of infrastructure requirements, local environmental and social impacts and economic viability. The development of Canberra Airport into a full international airport would just transfer the environmental problems of Sydney airport from Sydney residents to Canberra residents.

I cannot support this motion until a full feasibility study and an environmental impact assessment are undertaken of any proposal to expand the operations of Canberra Airport to cover international flights. I am aware, of course, that Canberra Airport already has approval for use by international charter flights, but I understand that this has not eventuated yet. Aircraft noise is already an issue for many inner-north residents. Some of the problems have been alleviated through changed flight patterns, but any expansion into international flights would certainly increase noise levels in that area and over Queanbeyan. Any expansion of the purpose of the airport must occur only after consultation with the residents who would be affected by the aircraft traffic. I do not want to pre-empt that community debate by supporting the motion.

The high-speed train proposal has been around for a number of years. Of course, the Greens are basically supportive of rail travel, but a process is already under way with government for assessing the viability of this proposal. Whilst the Speedrail proposal has been selected by the Federal, ACT and New South Wales governments as the preferred train system, the commercial viability of the proposal has yet to be proved and considerable doubts have been raised in public forums about its viability. Also, the environmental impacts of the proposal need further examination. I am not able to support this motion at this point.

MR KAINÉ (5.02): Unlike Ms Tucker, I do support this motion. I have long been both a proponent of and advocate for a fast train in south-eastern Australia and, in conjunction with that, the upgrading of the Canberra Airport to international standard, recognising the difficulties that there are in the latter. I believe that they are necessary. I note that there has been some coverage in the media of the very fast train proposal over the last couple of days. The timing is interesting. I wonder whether Mr Hird generated that to coincide with this debate. The latest coverage had to do with the original notion of the fast train being a much bigger project than just between Canberra and Sydney, and inevitably it must be.

With a very high percentage of the population of Australia concentrated in the south-east corner and spreading up the east coast, I do not believe that in the national interest we can persist for much longer with the transportation system generally developed in the first half of this century. The demands of the mobile population into the next century are going to require that we have a much better surface transportation system than we have at the moment. I see, and I have always seen, the very fast train project as being essential in the national interest to deal with that increasing demand.

There is no question whatsoever in my mind that this project is essential. It is essential that it come through Canberra. It is essential in the connection of the major capital cities by a very fast train that Canberra Airport be upgraded in some fashion. Mr Hird says that it is necessary to take some pressure off Sydney. That may be a by-product. I am more interested in that development because of its contribution to this economy and that of the half a million people, approximately, either in Canberra or in the surrounding districts.

I support Mr Hird's motion. I really cannot see how anybody looking at the best interests of the country or the region can possibly object to such a motion or oppose it. But in supporting it, I do think I need to cover in some respects the matter I raised in question time today. My concern is that the time scale of this project seems to be extending, for no good reason. As I pointed out in question time, the original decision to proceed with this project was made one year ago and there was to be a six-month proving-up period for the successful contender.

The six months from August of last year ended in February of this year, but the Chief Minister has said and Mr Hird said in his speech that a submission on the final proposals will not be on the table until later this year. What does that mean? It is already September. There is some concern - I think it is genuine concern - about the fact that the timing for this project seems to be slipping and there does not seem to be any urgency being devoted to meeting deadlines and getting a final submission on the table for

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consideration to determine whether, and this the stage we are at, Speedrail has the capacity to do what it has been said it can do. That is the first step. That is what the proving-up period was for. We are not even at that stage yet.

Along with that, there are some disquieting stories around. I do not know whether they are true, but the original Speedrail proposal was for a two-rail track between here and Sydney and the suggestion is that we are now being offered a single rail track with passing loops along the way. If that is the case, I would have to say that the other proponents who were excluded would surely have good cause to come back and say, "Hang on a bit. The goalposts have changed significantly since the proposal of the successful proponent was accepted by the Commonwealth, New South Wales and ACT governments. Had that proposal been the one that we were competing with two or three years ago, we may have been more successful than we were". If there is any validity to the claim that the nature of the project is changing, and I have not heard any public announcement about any changes, I think it is cause for some concern. I am a bit worried about this matter.

Whilst I support the concept - and always have done - and want to see a fast train operating as quickly as possible and want to see the airport upgraded in Canberra as part of all of that, I am a bit concerned that things seem to be getting away from us. We are not yet certain of its practicability. We are not yet certain that the successful "contender" can in fact do what they won the tender to do. Is the project changing? Is it being reduced in scope or dimension? Is there still the commitment - a question that I asked the Chief Minister earlier - that it will be a private sector project at no net cost to the taxpayers? In my view, changing any of those things puts the project in jeopardy and I would not want to see that happen.

We need to have some information on the table about what is happening currently behind the scenes. The sooner we get that information on the table the better. Despite all of that, as I have said, I support Mr Hird's motion.

MS CARNELL (Chief Minister) (5.08): I think Mr Kaine is totally right; it is hard to believe that anyone could not support this motion. I believe really strongly that it is an important motion for us to debate in this place. Could there be a more important project for Canberra than the upgrading of our airport and the proposed very high-speed train in terms of our capacity to change fundamentally the way that this city works from a business and a social perspective? This project now has the Bishop Austrans trial track as part of it plus, as members will see from the plans for the travelport that are being worked up by the Capital Airport Group, the coach terminal and the new international terminal. It really is a very exciting proposal.

But I have to say that none of these things ever just happens. This motion is not just about saying that we all support the international airport and very high-speed train proposals. It is also about the Assembly as a whole, maybe without Ms Tucker, pushing the approach that having an international airport in Canberra plus the high-speed train could be a great means of deferring the construction of a second Sydney airport, something that is on the agenda in Australia at this stage.

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Mr Kaine was talking about there being no net cost to government. As Mr Kaine will remember, the only proposal that really met that criterion was the Speedrail proposal. No net cost means that the proposal has to be able to operate at no net cost to government - there inevitably will be some - after taking into account the improved tax base, the improved employment situation and all of the other things which go with a project like this one. I have to say that the most important thing that this proposal can do for the governments generally is to defer significantly the need for a second airport. A second airport at Badgerys Creek or wherever would cost the Federal Government and other governments, depending on whose figures you believe, \$7 billion to \$9 billion.

There would be significant infrastructure costs associated with getting to and from Badgerys Creek, to start with. There would be all of the costs of building a major airport and all of the environmental problems of a major airport. That would involve spending a lot of the taxpayers' money. By upgrading Canberra Airport, implementing the very fast train proposal, upgrading Bankstown Airport, which is something that I would like to speak about in a moment, and, as Mr Quinlan said, looking to Canberra as a regional hub for the smaller airlines and bringing those things together we would have all of a sudden an answer for Federal Cabinet that would save them significant dollars and significant political hassles and also improve not just Canberra but the whole of regional New South Wales in terms of the economy, livability, quality of life and capacity for growth outside the major cities. I am pleased that Mr Hird has brought up this matter because I think it is important that we all sing the same song on that.

Mr Quinlan: Good on you, Harold - a great idea.

MS CARNELL: It was his idea. Mr Deputy Speaker, it is important that we all get behind this approach, because this is a major issue right now for Federal Cabinet and Federal politicians of all colours. In all of the forums that we have an opportunity to speak to people on both sides of Federal politics - those opposite should be pushing the issue with their New South Wales Labor colleagues - we should take advantage of the opportunity to try to convince them and their governments that the proposal we have here for a travelport and an upgrading of Bankstown Airport is an answer and is an answer that would cost government significantly less.

As well as that, it has the great potential of being able to improve the sustainability of Sydney's expansion. Sydney is currently expanding to the north-west and to the south-west into areas, as we know, that have no schools, no infrastructure and no hospitals. This series of proposals would inevitably mean that the sprawl of Sydney would go down the corridor between Canberra and Sydney where there are already schools and hospitals, many of which are struggling. The environmental and other benefits of that for regional New South Wales would be quite significant.

I totally agree with Mr Quinlan in terms of the benefits of that to Canberra. It would be nice to have international flights, but they are not central to this whole approach. Central to it is making sure that the ACT is seen as a hub for regional airlines. As members will know, we have been working with the Capital Airport Group on a bid concerning Hazelton Airlines. Just in the last week I had representatives of Impulse Airlines in my office. We need to ensure that those proposals get air time with the media and at the

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various meetings and venues in which we are all involved. They are all very different because, obviously, we all have different contacts. It is certainly going to be hard for Canberra to achieve those ends; but, given the benefits that just Hazelton moving to Canberra would bring, it has to be worth giving it our best shot. There would be an increase in the number of overnight stays in Canberra. As Mr Quinlan said, the prospect of people from areas right round New South Wales using Canberra for their doctor, lawyer, shopping or whatever is very real.

The number of people who go from, say, Wagga to Brisbane via Sydney is ridiculous. They could easily go via Canberra if they could fly to Canberra, which has never been terribly easy to do in regional New South Wales. It is these sorts of things that we need to get behind. We are very lucky in Canberra that, as part of the sale process for airports round Australia, a local consortium has bought our airport and is, I am sure we would all agree, absolutely committed to making this whole approach work. I am sure that members would agree with me that if these things happened - Bankstown Airport, fast train, Canberra Airport, Bishop Austrans, regional hub - we would change this city forever in terms of the opportunities, the jobs and the future of the city.

Mr Berry laughs, but I think that there are some things that we in this place have to share. Probably not Ms Tucker, it appears; but, for the rest of us, let us make sure that we all give it every chance and push it at every opportunity. We all have the capacity to do that. I am, I suppose, urging those from the Labor Party to use whatever opportunities they have to push the New South Wales Government to see Canberra and the region as a very important part of their ongoing strategy for regional jobs, for country jobs and for the Sydney sprawl.

Mr Berry: It would be easier if we were in government. If you were prepared to hand over the reins, we would do that.

MS CARNELL: Mr Quinlan and, by interjection, Mr Berry have made some pretty unfortunate comments about the approach the Government has taken. We have done everything possible, including putting dollars on the table, to ensure that the fast train proposal has a chance.

When you think about it, at the beginning neither the Federal Government nor the New South Wales Government was all that keen on it. It was the ACT Government that established the working party that set up the office for the very fast train bid. We have put in one-third of the money - the same amount as New South Wales and the Federal Government - to keep the process moving. We put in money when nobody else did, to keep the process moving. That, I think, is exactly what you would expect us to do.

This motion is not just about the media or whatever. It is about urging everyone in this Assembly to get behind the Capital Airport Group - Terry Snow and his people - and get behind this whole proposal by taking every opportunity we have to convince the Federal Government that Badgerys Creek is not a goer, but the fast train-Bankstown Airport-Canberra Airport proposal is a goer.

MR SMYTH (Minister for Urban Services) (5.19): Some years back a book was published by, I think, University of New South Wales Press called *Handle with care*. As I remember, the author was a gentleman by the name of Doug Cox who was then working with the CSIRO. The book looked at the whole of the Australian continent in terms of environmental and social impacts. One of the points that Mr Cox made in his book was the need for appropriate infrastructure. At that time we were talking about very fast trains and Mr Cox actually said that the technology then - I think the book was published very early in the 1990s - was not fast enough and we should be going for a bloody fast train, as he termed it. I guess we see that encompassed now in the very high-speed train project.

Mr Cox made the point that he saw great value in extending this project constantly - do the Sydney-Canberra link and then the Canberra-Melbourne link - and building an infrastructure that went ultimately from Melbourne to Adelaide and from Sydney to Brisbane and extended through to Cairns. If I recall the figures correctly, he said that linking it to feeder lines would give 15 million of the 18 million Australians access to a very high-speed rail link. He said that his analysis of what had let Australia down was that we did not have the sort of infrastructure that we needed to support a modern nation.

In terms of getting the nation to think about itself, the importance of the very high-speed train project may for some just become a dream and may for some become an icon, but I hope that for the city of Canberra it will become a reality. It needs to become a reality because it really would change the way that Canberra would be reached by all Australians. Until recently, until the Federal Government put money into the Federal Highway upgrade and ultimately the Barton Highway upgrade, Canberra really was at the end of a bit of a dog track. Given the number of accidents and deaths we had on particularly the Lake George stretch of the Federal Highway, we would have been perhaps the least well served national capital anywhere in the world because you simply came along a two-lane highway.

In focusing the debate today, Mr Hird's motion talks about the importance of having an international airport and the importance of having a very high-speed train to promote investment and employment in the capital region and provide the means for deferring other projects that may or may not go ahead in Sydney. I am a member of the Australian Transport Ministers Council. The meetings that I went to very early on were simply focused, and I think overly focused, on road transport - bigger trucks, more trucks and better highways. The focus recently has come down to opening the highways to trucks with larger mass limits and the need to upgrade the bridge infrastructure to allow those trucks to travel across the country.

For us it is a question of providing some \$15m to upgrade all our bridges so as to allow B-doubles with higher mass limits into the ACT. The New South Wales Minister, Mr Scully, said that something like \$750m worth of bridge upgrades would be required to allow larger trucks to traverse his network. The other States had varying degrees of expenditure on a varying number of bridges. But it came down to the fact that between \$1 billion and \$2 billion of taxpayers' money would be required to be spent on upgrading road infrastructure without, I believe, a serious debate on the appropriate infrastructure for all of Australia.

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We discussed this matter further and there was a suggestion that the transport Ministers set up a land transport commission. I think initially that was code for establishing another road transport commission, but then it was road and rail. In the end we rejected that. We said that we should have a small secretariat advising us on the appropriate transport infrastructure for tying road, rail, air and sea ports together to best serve the needs of the people of Australia. I think the very high-speed train project has played a role in exciting the imagination of people and focusing their attention on issues such as the impact that a high-speed rail link would have on the whole nation, not just on Canberra.

I do not know how accurate the reporting in the *Daily Telegraph* has been that Federal Cabinet is considering these things. I hope that they are considering them. I hope that the Federal Cabinet will look at the sorts of sums that have been bandied around for building Badgerys Creek and consider whether we can reasonably put that money into other projects that would better serve the nation on all sorts of grounds, such as a very high-speed rail link that might extend across the eastern seaboard. All that just focuses attention back on Canberra. I think it is very important that everybody appreciates the impact that it would have on us as a city. That is why this debate today is important. We might vary on the detail. Some of us have other favourites. All of us looked at Maglev and the technology of the future and wondered which one was better and how they would go, but the committee that did the work came down with Speedrail and Speedrail has been given time to firm up their proposal.

In terms of Canberra as a city, the proposal brings a focus to all the things that we could become, that we should become and that we can become. We always talk about Canberra's technology industries and its computing industries. All of those will be required to build a very high-speed train that works. That is mirrored by Monday's announcement that Bishop Austrans actually sees the ACT as the place where it would like to set up the test track that will prove the technologies of the next millennium.

Let us not underplay how important Bishop Austrans can be, not just for Canberra, but for the world. The technologies that will be required to put Bishop Austrans' proposal into operation are the very things that we are talking about here in Canberra - about a clever, caring city, about improving amenity to residents and about building on what we have to take us forward into the next decade, the next century, the next millennium. It is those industries, harnessed for the good of us all, that will continue to make Canberra a tremendous city. We see the train proposal coming to Canberra and we see the airport going to private ownership and, hopefully, a dramatic expansion of that airport to service our needs and the needs of the rest of the nation.

That, then, draws into it a man like Mr Bishop, who holds some of the most significant patents worldwide on steering - I think it is rack and pinion steering - that he developed. He has those patents. He has used that knowledge that he has to overcome some of the difficulties that, say, monorail systems face. Among the difficulties they have is their inability to climb above a certain gradient and to corner, so there is the amazing outcome in Sydney that the monorail actually passes through the corner of a building, which you would have to say is somewhat curious.

The new technology that Mr Bishop and his group have come up with has harnessed his inventing capacity so that we now have potentially a very effective and very efficient people-moving system that can climb a gradient and can turn very sharp corners safely. If it can be perfected here, it has application to every city in the world. The ability to retrofit a city with a people-moving system is something that I am sure has stumped most planners, but the answer may be developed here in Canberra.

What the Austrans group clearly saw was the technological ability, the development that goes on here and the supercomputers that are available at our universities which would help develop not only the technology but also the ticketing system. It is great to have the technology, but it has to work and it has to deliver. Smartcard technology and supercomputing programming have the potential to allow the people-moving system to work more efficiently and meet our needs. What we have is a very high-speed train project on which a lot of work has been done in Canberra and a lot of leadership has been shown by the Carnell Government, particularly by the Chief Minister. There were times when both the Federal Government and the New South Wales Government, you would have to say, were less than interested. We put up the money, we put up the secretariat and the work has been done.

I hope that the proving-up period will be over quickly and that it will prove that it is viable and can go ahead. You would then link that to the concept that the Capital Airport Group has for an international airport - not just an airport and not just a place where planes would come and go; it would become a destination in its own right, with a vision for the future that includes all the sorts of things that Canberra should be promoting. (*Extension of time granted*) I refer not only to environmental trade zones and the concept of an engineering or a technological university of some sort but also to bringing those regional airlines through the ACT, allowing the people of all the regions of southern New South Wales to see us as a natural place that they would go to for the sorts of services that they require, whether they be medical, financial, shopping or recreation. That all adds to what we are as a city and the viability of this place as a city.

These are tremendous days. It is great that the country is at last thinking about a big project which really has the ability to tie us together as a nation, but it ties us together with Canberra at the centre of that nation. Instead of all roads leading to Canberra, hopefully all rail and airline routes ultimately will lead to Canberra through these three projects.

MR HIRD (5.30), in reply: I wish to reply quickly to some of the matters that were raised by previous speakers. I must say that I was delighted with the enthusiasm shown by a number of speakers in respect of this motion. Whilst Mr Quinlan gave me a pat on the back, he also gave me a jab in the ribs by saying that he and the Labor Party had some scepticism in respect of this motion. There should be no scepticism in respect of this motion. Indeed, Mr Kaine, more than anyone else, and Mr Cornwell will recall that I raised this question of having an international air terminal back in 1979 when people were looking at constructing a third runway in Sydney. The proposal has been enhanced even more by the very fast train project.

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I join Mr Quinlan and other speakers, including the Chief Minister, in expressing the view that the region can benefit from using the facilities of the ACT for shopping, medical services or educational services. I know that even Mr Berry has a passion for trains and planes. I am delighted that the members of the Labor Party will join us in this motion and I trust that they will talk to their Federal and New South Wales colleagues.

The crux of the matter in raising it at this time is twofold. One is that the issue of Badgerys Creek is being discussed by Federal Cabinet right now. The other is that there is a good opportunity, as I said in my earlier remarks, to join both projects together, that is, the very fast train project and the development of Canberra Airport as a travelport. I was surprised, however, to hear the words of the member for the Greens, Ms Tucker. Someone may well say that it is typical of her to want to do nothing, but when I analysed what she said I thought that it went against her own philosophies and those of the Greens. She is arguing for more usage of motor vehicles on the highways because, as this region develops, the movement of freight and normal transport for the residents of this region will become greater and the only way that the needs could be satisfied in the transport area would be by road, which would mean more heavy vehicles and more pollution.

I was delighted that Mr Kaine complimented the motion. I know that he has been a great supporter of the very fast train project from the early days when he was Chief Minister. Certainly, as a pilot, he has been in favour of upgrading Canberra Airport.

Someone - I think it was Mr Kaine - said that I had generated a media report about the Brisbane-Sydney-Canberra-Melbourne corridor for the very fast train. Let me tell members that I placed this motion before the Administration and Procedure Committee just over a week ago and Mrs Carnell came up with the idea of a Brisbane-Sydney-Canberra-Melbourne corridor as an alternative to Badgerys Creek in the press on the weekend.

The benefits that can be derived from this proposal at the end of the day can be seen from the latest journal I have of the Canberra Tourism and Events Corporation - the quarterly report for April to June 1999. The 30-day Floriade attracted 467,000 visitors in 1998, half of whom were tourists. Collectively, they contributed \$19.2m to the ACT economy and generated 700 full-time and part-time equivalent jobs, with benefits flowing through to all sectors of the local tourist industry, particularly the attractions and accommodation sectors. That shows what is happening right now with the resources that we have. If we have this infrastructure and these sorts of resources, the benefits would be tenfold.

I am very pleased that I have the support of members of this chamber and I do trust that the Howard Government, especially the Minister for Transport and Regional Development, will take note of the recommendations of the motion. I am sure that they will seriously consider the proposition because Badgerys Creek is a problem that they will have to come to grips with as their own members with electorates in the area may well cross the floor in respect of the issue. Before I finish, I seek leave to table the Capital Airport Group's site plan for a travelport.

Leave granted.

MR HIRD: I thank members. I table the document.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MS TUCKER: I seek leave to make a personal explanation under standing order 47.

MR SPEAKER: Proceed

MS TUCKER: I just heard Mr Hird totally misrepresent what I said in my speech. I do not know whether he was not listening or whether he misunderstood. The Greens of course are supportive of rail transport. I ask Mr Hird to read *Hansard* later so that he understands what I said. I will not go through my whole speech again. I said that while we do support rail transport we want to see a proper assessment of the commercial viability as well as environmental issues done first, which is a reasonable process and one that I understand is normally supported by people in this Government. I did not want to pre-empt the process by supporting this motion.

AGENTS (AMENDMENT) BILL 1998

Debate resumed from 24 June 1998, on motion by **Mr Berry:**

That this Bill be agreed to in principle.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.38): The Government will not be supporting this Bill. I hope that members will consider very carefully the basis on which it is brought forward. It has not had a particularly large amount of public scrutiny or debate in the last year or so since it was introduced. It is a matter of some concern to me that this Bill has come in somewhat under the radar. It represents a very significant change to the way in which agents in the ACT, particularly employment agents, are regulated in a way which I suspect many members of the industry do not appreciate.

Mr Speaker, there are three reasons I would ask members to oppose this legislation. One is a lack of consultation on the legislation. There is a very serious concern about the way in which this has been handled. The second is the cost it imposes on the industry, a cost which has not been justified in any way. The third is the most serious and important argument. There is potential for conflict between the position of the Commonwealth with respect to employment agents and the position of the ACT. An ACT law may conflict with the requirements of the Commonwealth with respect to the operation of employment agents.

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I will take these three concerns in turn. The first, lack of consultation, goes to the way in which Mr Berry has handled this legislation. When he tabled his Agents (Amendment) Bill, the Government thought it was curious that the people we spoke to had no inclination of its coming down the pipeline to become law and seemed unsure about what it meant and how it would operate. We took the step of writing to all 73 ACT employment agents, as we could best determine the number, seeking their views on the implications of the Bill for their agencies. We asked whether they had any comments in favour or against the Bill and generally gave them the chance to comment on this, for them, very significant piece of legislation. Of the 73 agents contacted, only one of those that responded supported the introduction of the licensing regime.

Mr Berry: How many responded?

MR HUMPHRIES: About 20 per cent of those who were written to responded. All of those who responded, but one, opposed the introduction of this licensing regime. The one agency which did support the proposal did so on the understanding that the licensing fee would be the same as for New South Wales, about \$100. In a minute I will explain why it will not be anything like \$100. It will be much greater than that. That ought to be a matter of concern to members in this place who have argued before about not making significant decisions imposing on an industry unless the industry has a chance to be consulted about the matter. I can cite endless examples of members citing these very kinds of criteria in rejecting proposals, as often as not, from government when Bills have been put forward.

This is a very significant change for the operation of employment agents in the ACT and, to the best of our observation, nobody was consulted before the Bill was introduced. Mr Berry has a chance in his summing-up to tell me who was consulted. No-one who responded to the Government's invitation indicated that they had been previously consulted. That should send a warning signal to us, and I would urge members to consider that as a basis, if not for rejecting this legislation outright, for giving an appropriate committee of the Assembly a chance to consider whether this is fair legislation for employment agents.

The second reason I put forward for opposing the legislation is the cost involved. There are 73 employment agents, more or less, in the ACT. The basis on which schemes for the regulation of industries like this have been determined in the past is that the cost of the provision of the licensing or registration scheme is borne by the industry.

Mr Berry: Not always.

MR HUMPHRIES: Generally speaking, that is the case. It is more or less the case, as I understand it, with respect to the Agents Act, and the opportunity for people to be - - -

Mr Berry: More or less?

MR HUMPHRIES: Yes, more or less. The important thing is that we not ask the taxpayers, members of the public, to subsidise a scheme of this kind. It ought to be self-supporting. The cost of operating the scheme has been estimated by my department

to be a little over \$100,000. Mr Berry sought information about that in the Estimates Committee last year and received that information. That information was put on the table. I do not need to repeat it in this place today, because it is already clearly there.

We are looking at \$100,000 in operating the scheme over 73 agents in the ACT. Do not forget that these are not big business organisations of the kind that Mr Berry is fond of excoriating. We are talking about some charitable organisations like ACROD, which looks after the placement of people with disabilities, and other charitable or semi-charitable organisations involved in the provision of employment services to people. They would need to bear a cost in excess of \$1,000 a year to be part of a system of registration and licensing under Mr Berry's proposed scheme.

Over \$1,000 a year is being imposed on businesses in the ACT individually by Mr Berry's legislation. They do not know that as yet. The Government's letter to them was a very straight letter which simply explained the terms of what was put forward in the legislation and asked for their point of view. It did not go into details of what individual members would have to pay. It indicated the total cost of providing the scheme, but I have no doubt at all that if a fee of \$1,000 or so is to be charged members will be greatly concerned.

Mr Berry might choose to say that we should subsidise the provision of this licensing regime for employment agents. The question has to be asked: What benefit does the public derive from having this form of registration and licensing imposed on them? I hope members are listening to the arguments that I am putting here. Some of these individual employment agents being asked to pay \$1,000 are charities or organisations such as ACROD providing services to disabled people in the ACT. There is no basis for any organisations to be exempted from the fees. If they wish to be licensed or registered as employment agents, they have to pay their registration fee.

If Mr Berry wanted to provide that kind of system, it was incumbent on him to get back to the agents concerned and say to them, "I am going to license the industry. We are proposing to charge you about \$1,000 a year to be able to do that. How do you feel about that?"

Mr Berry: That is your number.

MR HUMPHRIES: That is the estimate by my department. It is an estimate which has been - - -

Mr Berry: Come up with a number that makes it hard.

MR HUMPHRIES: Mr Speaker, I heard Mr Berry in complete silence when he presented this legislation, and I would ask him to extend the same courtesy to me.

MR SPEAKER: Yes, I would ask that that be continued. You will have the opportunity to respond, Mr Berry.

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MR HUMPHRIES: That is the estimate by my department. It includes the cost of administering the system, the cost of providing staff to be able to register people and the cost of enforcement to make sure, as Mr Berry proposes, that people are not being charged fees for placement in jobs under this scheme. I have no doubt that that costing is accurate. Even if it is double the appropriate amount, we are still talking about \$500 for people to be registered in the ACT. It is a very significant impost.

The other question that has to be asked in this context is: What is the public benefit we will derive from having this sort of regulation? Before the Government regulates these days - indeed, this is a requirement that we now have imposed upon us by the national competition policy - the requirement on the Government before it introduces legislation is to ask itself, "What is the public benefit that we derive from this particular scheme that we seek to impose, and can the benefits be obtained in some other way? Is the ill being cured greater or less than the cure itself?".

Mr Berry, in bringing forth the legislation, has not described what the public ill is at all. Mr Berry has not satisfied the Assembly - in fact, he has not even attempted to satisfy the Assembly - that there are concerns or complaints about the number of people in the ACT who are being ripped off by employment agents. Mr Berry is obviously concerned about people being charged exorbitant amounts, or charged at all, for the privilege of having a job found for them.

The Consumer Affairs Bureau reports to me that they have had no complaints concerning the activities of employment agents in the ACT. As a member of the Assembly responsible ministerially for consumer affairs and for the Agents Act, I have had no complaints from any people in this respect. I invite members in this place who have had any concerns about these matters to indicate whether they have had a complaint. (*Quorum formed*)

Mr Speaker, I thank members for coming down to the chamber, because this is quite an important matter and I hope that members will consider this. There has been no public debate about this legislation at all. It has been on the table for a year now, and there has been no public debate. The only information that has been provided to agents in the ACT about this legislation came from the Government, when the Government wrote to employment agents in the ACT and asked them what they thought about the legislation. Mr Berry has not contacted agents in the ACT to ask them their views.

Ms Carnell: You mean he has not consulted?

MR HUMPHRIES: He has not consulted any of the employment agents, those we have been able to find, about this legislation. I think that is a matter of serious concern. We are about to impose on the ACT a scheme under which individual agents will be hit by annual licensing fees of \$1,000 a year. That is the real cost of providing the licensing scheme. It is a relatively small industry. Some of the agents are charities. Some, such as ACROD, are non-profit organisations. They are going to be hit with steep fees in these circumstances. It is a matter of serious concern.

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The second concern I raise is how we balance the cost against the benefits that are derived from the scheme. I put this question to members and ask them to answer it themselves. We have here a scheme which is going to cost \$100,000 a year to administer. Those costs are going to have to come from the agents themselves. The agents themselves are going to have to pass the costs on to their clients. So \$100,000 is going back onto the community to administer the scheme.

What is the ill that we are curing with this scheme? Is it that people are being ripped off by employment agents who are charging too much? If that is the case, I invite members in this place, Mr Berry included, to put on the table correspondence or concerns expressed by individuals in the community who have in fact been ripped off by employment agents in those terms. I invite them to put that information forward in this place to explain the concern that we are addressing.

It is conceivable that we are using a \$100,000 sledgehammer to fix an ill, a nut, which in fact does not exist. We have had no evidence put before us by the proponent of this legislation to explain where the problem is that we are trying to address. I suspect that there is no problem with respect to this matter that Mr Berry refers to. As a community, we should regulate as a matter of policy only where there is a strong public interest such as safety or the protection of public moneys or whatever, and in the first place should develop a process of self-regulation if that is possible.

My final argument is very simple. I put this on the record very clearly at this stage. There is a conflict potentially between the obligations on employment agents with respect to the Commonwealth and those on them with respect to the ACT. The Commonwealth Government is now requiring employment agents, some of whom are directly funded by them, to find own-source revenue, that is, revenue from their clients - for example, people who already have jobs but are seeking help with finding a new job, developing a resume or whatever it might be. These are not destitute unemployed people; these are people potentially in very good jobs. You might even say they are the Paul Barretts of this world.

They are the sorts of people the Commonwealth is now requiring employment agents to charge, and the ACT will be requiring them not to be charged. What does the employment agent do? What they will have to do, if we pass the legislation, is simply not take on as clients people who do not fit the Commonwealth's requirements - if they can. But they may be in breach of their contract or other service arrangement with the Commonwealth if they do that.

We have not considered the implication for employment agents in the ACT. We may be putting those agents in an unenviable situation. I strongly ask members not to rush into passing this legislation. It is a very ill thought through and dangerous piece of legislation.

MR RUGENDYKE (5.56): Until about an hour ago, I had not heard boo about this Bill. When I read the explanatory memorandum, I note that the principal aim of this Bill is to prevent the exploitation of job seekers by employment agencies; so at first blush it looks like something worth supporting. During the debate this afternoon we have heard of potential problems with this legislation. I do not know where the \$1,000 fee comes

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from. It is a number dreamed up by somebody. If it is the case that the scheme is more expensive than it needs to be, then it might mean that money is not going where it should go but rather going to feed the bureaucracy. Other problems have been identified. I would be prepared to support the Bill in principle and see it referred to a committee for investigation and report on those issues that have been brought up.

MR OSBORNE (5.58): My understanding is that the legislation has the numbers to be supported in principle. I will support it. Once again we are faced with some information coming out of left field. This legislation has been on the table for 18 months. It was one of the first Bills tabled in this Assembly, so I am intrigued by the delay in someone providing those of us on the crossbench with information which may impact on our decision. I have given Mr Berry an undertaking to support the legislation. I will do that, but I am prepared to take it to the Justice Committee to have a look at some of the things raised by the Government.

The approach of some people in throwing issues on the table on the day the Bill is debated is regrettable. I think all of us have shown patience, but my patience is wearing thin. As I said, this Bill has been on the table for a long time. I had no discussion with anyone from the Government about it until either late yesterday or today. I will be supporting it in principle and I am happy to look at it in committee, but it will be only a short inquiry.

MS TUCKER (6.00): The Greens support Mr Berry's amendments to the Agent Act. We think it is very important in the current volatile employment market of contracts, poor job security and redundancies that consumers have adequate protection. Considering that most providers are funded by the Commonwealth funded Job Network, I do not believe this will be a burden to the industry. Job Network service providers and those agents funded by the ACT Government are required to meet contractual requirements that cover conflict of interest, privacy and financial probity issues.

Mr Berry's amendments ensure that agents who are not government service providers are regulated. This is important. We have had positive feedback about this legislation from the community sector that we have consulted with. I think it is quite appropriate. I will support it in principle. If it is going to go to a committee, I hope it is not for very long.

MR BERRY (6.01), in reply: Now that the Bill is obviously going to head off to a committee - I am prepared to accept that - it is probably unnecessary for me to go into extensive detail about the issues that Mr Humphries raised. But it is necessary for me to make a few points. The first one is that this legislation essentially mirrors what occurs in New South Wales. New South Wales, Queensland and Western Australia have similar legislation. On many occasions we have argued in this place that if it is an improvement we ought to use New South Wales as a guide. We have argued, on the other hand, that if there would be a detrimental effect we might not use New South Wales. I think this is an improvement. It goes to the issue of prohibiting agents from charging a potential employee for their job - no more than that. It looks rather more complex because it fits into a scheme of regulation for other agents and there are a number of agents involved.

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Mr Humphries drew attention to consultation. This one has grey whiskers on it. It has been around for a year and a quarter. He says that it has not had much public debate. That has not been without Mr Humphries' urging. He issued a number of press releases calling on me to do all sorts of things, including withdraw the Bill. I have taken the opportunity to respond to those things, so there has been plenty of public discussion of the issue. It has been no secret. One does not put legislation in this place and keep it a secret, certainly not if it is legislation which is broadly accepted by the community sector.

Many businesses do not want to be regulated at all. That is a common thread to the argument. Mr Humphries advises us that 20 of the 70-odd people who were written to opposed this sort of legislation. Who is surprised at that? He raised the figure of \$1,000. I reckon that was a figure raised to make people uncomfortable with the legislation rather than to reflect the real cost to the ACT.

Mr Humphries says that these sorts of arrangements more or less support themselves. More or less they might, but in certain circumstances where it is in the interests of the Territory to protect its citizens the Territory makes a little contribution too. It is not always a case of user pays. It cannot be in a socially just society. But I am happy to have all of those issues looked at in the context of the committee. I have circulated some amendments that the committee can also have a look at. They arise from the scrutiny of Bills committee report.

So far as consultation with the industry is concerned, as I said, intelligence about this legislation has been distributed far and wide. I want to thank Mr Humphries for writing to all of those people in the industry, because he rather helped me out, given my meagre stamp allowance. I did not have to do it. As a result of him writing to those people, I got one visit from one agent and we had a bit of a discussion. Concern about the issue waned and that was the end of it. I have not seen them since. So I would not say there is a lot of concern out there about the issue. I have had no further phone calls, and it has not been of concern. I have seen people on the television saying in news reports that it was a good idea.

I will leave it at that, Mr Speaker, and thank members for their support in principle for this Bill. I look forward to its speedy assessment by Mr Osborne's committee.

Question resolved in the affirmative.

Bill agreed to in principle.

MS CARNELL (Chief Minister) (6.05): Pursuant to standing order 174, I move:

That the Agents (Amendment) Bill 1998 be referred to the Standing Committee on Justice and Community Safety for inquiry and report.

Question resolved in the affirmative.

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ADJOURNMENT

Motion (by **Ms Carnell**) proposed:

That the Assembly do now adjourn.

Impounded Trailer

MR BERRY (6.06): Mr Speaker, a few days ago I asked the Chief Minister a question about government expenditure on the collection and return of an unregistered motor vehicle. I understood that \$300 was outstanding. I asked the Chief Minister whether she would check to make sure that that figure was the full amount and whether or not a bill had been sent to the person involved. I also asked whether the person had paid the bill. I want to make it clear that I am not going to drop off this issue. I see some petty corruption within the system somewhere, and somebody has to get to the bottom of it. This is like fixing a parking ticket. You have heard how this has impacted on lawyers.

Ms Carnell: I answered the question.

MR BERRY: You answered it in the context of question time. I want a complete answer. What is owed, what has been paid and when will it be fixed up? I do not care if you are prepared to take it on notice and give me the advice tomorrow. Has the money been paid or not?

Ms Carnell: I told you that no bill was issued.

MR BERRY: Mrs Carnell tells us that no bill was issued. Has the person involved offered to pay?

Ms Carnell: He has not got a bill.

MR BERRY: As I said to you the other day, there has been a cost to the ACT which is outstanding. Something has happened within the system which I am going to get to the bottom of somehow. Until I do I am going to keep raising the matter in this place. I would like you to bear that in mind. I am happy for you to rise and get stuck into me, but it is not going to send this matter away. I want to get to the bottom of it.

Ms Carnell: I do not mind if you waste every question time.

MR BERRY: This is not question time. Tomorrow night I will be doing the same thing if I have not got a full and complete answer to everything that happened.

North Carolina Legislature

MR SMYTH (Minister for Urban Services) (6.08): Mr Speaker, some very important information has come to my attention about how parliamentary standards are observed in Raleigh, North Carolina. I read a small news item:

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In a decisive 91-8 vote on Monday, the North Carolina Legislature elected Rep. David Schare [a Democrat from Wilmington] to run out and get some cigarettes for his fellow legislators. "Mister Speaker and all my distinguished colleagues, I am honoured to accept the post of Smokesman-At-Arms," Schare said following the vote. "I will do my very best to fulfill my duties faithfully and diligently. So, who wants menthols?" Schare is the 49th person to hold the recently renamed post, which had been called "Faggoteer General" since the state's first assembly in 1789.

I look forward to the Tobacco (Amendment) Bill in the morning.

Impounded Trailer

MS CARNELL (Chief Minister) (6.09), in reply: The comments Mr Berry made are totally unacceptable. They are sleazy comments. He is using this place to make comments about petty corruption. Of course the corruption must have been by Mr Smyth's department, must it not, if there was any? I answered the question fully. If Mr Berry had bothered to look at *Hansard*, he would know that what I said, on advice, during question time was that there were legal questions about the right of the rangers to remove the trailer and therefore it was returned.

Mr Berry: Would you be prepared to table the legal advice?

MS CARNELL: What legal advice? I indicated that that particular legal issue had subsequently been resolved. No bill was raised. No bill was sent. Therefore, no bill could have been paid. It is my advice that there were issues about whether the ranger had the right to move the trailer. The other issue here is that Mr Berry has nothing better to do with his time than to talk about an unregistered trailer. Mr Speaker, how long do you think that trailer had been there? Ten years? It has been there for a very long time. When those opposite were in power, it was there.

Mr Moore: Did they not remove it when they were in power?

MS CARNELL: No. it must have been some corrupt practice. Mr Speaker, this is patently ridiculous. It is just smearing a very important member of our community or alternatively Mr Smyth's department - one or the other.

Mr Berry: Give me all the details or I will be back tomorrow night and I will really lay it on.

MS CARNELL: Mr Speaker, I have given all of the details. Every time Mr Berry sinks to a new low, it just makes sure that we will win the next election.

Question resolved in the affirmative.

Assembly adjourned at 6.11 pm