



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

19 May 1993

## Wednesday, 19 May 1993

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**MADAM SPEAKER** (Ms McRae) took the chair at 10.30 am and read the prayer.

**DOG CONTROL (AMENDMENT) BILL 1993**

Debate resumed from 12 May 1993, on motion by **Ms Szuty**:

That this Bill be agreed to in principle.

**Mr Wood**: Madam Speaker, I think the best thing for us to do is to get on with these amendments. I think we generally seem to have agreement on them. We may have some further debate, which will be useful as we explore these important issues, but I would like now to get onto the next stage of consideration.

**Ms Szuty**: Madam Speaker, I hesitated to rise earlier because I believe that I close the debate at the in-principle stage.

**MADAM SPEAKER**: That is correct.

**MR DE DOMENICO** (10.32): Madam Speaker, when this Bill came before the house for consideration last Wednesday it was my understanding and the understanding of the Liberal Party that it was to be adjourned until the working party set up by the Minister had had time to consider all the suggested amendments, so that what we would finish up with would be a unanimous agreement from all parties concerned. We would then have the best result in amending the Dog Control Act, not a half-baked one and not a series of amendments from all sides of the house.

It was the Liberal Party's very clear impression, Madam Speaker, that there had been general agreement by the Government, the Opposition and Ms Szuty on the need to toughen and tighten the Dog Control Act to prevent, in the main, the occurrence of dog attacks in the ACT. Basically that is what it is all about. That is what brought on this legislation. That is why the Minister is consulting widely on it. What we are addressing is the need to bring a stop to the risks that our community is being exposed to with regard to dogs, in particular, dangerous dogs. Madam Speaker, we in the Liberal Party do not wish to obstruct the efforts of Ms Szuty in her attempts to meet this need. To that end, we will support her Bill. However, as I said in the house the other day, or Mr Westende in particular said the other day, it seems a pity to be debating this Bill when, in the not too distant future, we will be discussing further amendments to the Dog Control Act to achieve, in essence, the same goal as Ms Szuty.

What has become very clear to the Liberal Party since focusing on this issue is that the whole matter of dog control is a very complex one. There are not many people in our community not affected by it. What we come up with as an Assembly is therefore extremely important. It is one of those matters on which not one person, organisation or political party has the complete answer; rather, it is one where the solution lies in an amalgamation of thought and input.

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We in the Liberal Party are quite happy to wait and see what the Minister comes up with through the processes of his working party. We are quite happy to stall with our proposed amendments, and we will provide those as our input to the working party itself.

We cannot see any value in politicising the matter of amendments to the Dog Control Act, particularly when the Government has been indicating its intention to deal firmly with the matter and to approach it in a bipartisan way. It is mainly for this reason that we would have preferred Ms Szuty to have held off for the time being. However, it was mentioned last week also that we feel that there are some errors in Ms Szuty's Bill that raise further questions, such as the definition of "former keeper" when not even "keeper" is defined in the Dog Control Act. We felt that the matter of the Territory picking up the tab for a dog found to be innocent of a charge left open the possibility of people making frivolous charges simply to get a dog out of the way for a few weeks. However, we may find that these kinds of matters will be brought forward when the Act is further amended in due course. Madam Speaker, we will support Ms Szuty's Bill, but with the reservations that we have outlined.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.35): Madam Speaker, I seek leave to make a further speech on this Bill.

Leave granted.

**MR WOOD:** I note what Mr De Domenico has said. It is certainly the case that there is no doubt that the Assembly as a whole is keen to discuss this in a bipartisan, tripartisan or multipartisan way. I hope that there has been no confusion about this. I said in my discussions with Mr Westende, who is very interested in the subject, that I would be quite happy for it all to be delayed until we could look at the consolidated effort, as it were. I have also made the point, Mr De Domenico, that this is a private members Bill and that the timing of it is up to Ms Szuty. I indicated my view. Ms Szuty has said that she prefers to take it through now, and I think that says it all. These amendments, I think, are sound. I do not think they will inhibit, impinge unnecessarily on or restrict future discussions. I do emphasise the point that it is private members business and it is in Ms Szuty's hands as to how she sees it should be run.

**MR STEVENSON** (10.37): Many people in Australia believe that the country is going to the dogs. If this Bill goes through, the saying, "It's a dog's life" could take on a whole new meaning.

**Mr De Domenico:** I think you are barking up the wrong tree.

**MR STEVENSON:** I certainly agree with what Mr De Domenico mentioned before. I think that is by far the better approach to take. However, there is something else that I think is highly relevant and that nobody else has mentioned. Ms Szuty said in her speech:

Under the proposed amendment, inspectors can enter premises if they believe that the keeper of a dog is in breach of any section of the Act.

She underlined "any section of the Act". I do not believe that people agree with that. I think we well understand that there is no private property in the ACT; it is all leasehold under the Crown. But if it were private, and perhaps this relates to leasehold land anyway, people have a right to privacy.

I fully agree with and encourage an amendment that allows the immediate apprehension of a dog when that dog is known to have caused a vicious attack. There is no doubt whatsoever about that. There are many cases where the authorities, if they are around at the time, do not have the power to enter any premises, so that is a good thing. To be able to enter premises under any section of the Act is bizarre legislation that, yet again, removes our rights. People in their properties, in their homes, have a right to be protected from unwarranted intrusion. The authorities should be able to do so immediately after the event, by all means. If there are other issues, they should be proceeded with by warrant. As I have said, it just goes on and on; people's rights are infringed by politicians who decide that they know best and that they know how to handle things. That is one of the reasons why I agree with Mr De Domenico's suggestion that it would be far better to look at the issue overall and to come up with the most workable situation from all members of this Assembly.

There is no doubt that Canberrans - we have surveyed this - are very concerned about the situation of dogs in the ACT. I fully agree with that. I have asked question after question in this house and I have spoken on the matter previously, suggesting that something should be done, and there has been action taken. But the idea that inspectors can enter premises if they believe that the keeper of a dog is in breach of any section of the Act is unwarranted. I also note Ms Szuty's statement about convicted dogs. Perhaps it is the owner of the dog that is convicted and not the dog.

**MR MOORE** (10.40): Madam Speaker, I rise to support this Bill. It is particularly interesting for me because my family recently procured a dog. It has just about reached the six-month stage and is about due for registration. I think it is really important to understand that these amendments are not seen to be anti-dog or anti-dog owners in any way. I think they are to be welcomed by people who are sensible and responsible dog owners, and I think that is really important.

The issue raised by Mr Wood in terms of timing is important; but Ms Szuty is quite correct in proceeding with the Bill at this point, because it does improve the situation as it is now and my understanding is that it does not undermine in any way further discussion or further development. The whole subject of not only dogs but companion animals is one that I think this Assembly will be dealing with over the next few years. The notion of responsible ownership, no matter what the animal is, particularly in a city but also in the rural areas, is one that we are going to have to deal with in this Assembly. Madam Speaker, it is with pleasure that I support these very sensible amendments to assist people in general, and also to assist sensible, rational, responsible dog owners.

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**MS SZUTY** (10.42), in reply: I would like to thank members for their contributions in this debate. I will address some of the issues that they raised towards the conclusion of my speech. I would like to inform members of the very wide distribution of copies of the Dog Control (Amendment) Bill to key groups and individuals who are concerned about dog control matters, and it is interesting that the vast majority of those key groups and individuals have supported the amendments proposed. I have received many individual letters of support and I also have received support from key groups and organisations such as the RSPCA, the Australian and New Zealand Federation of Animal Societies and the Animal Liberation organisation.

I must say that I am also very supportive of the Minister's efforts to convene a seminar to address issues of concern regarding dogs, a seminar which was held several weeks ago. Unfortunately, I was unable to attend the seminar due to my regular commitments with the Planning, Development and Infrastructure Committee, which meets on Friday mornings, but I would have attended if I had been able to. The working party which was convened as a result of that seminar met last week and Karen Nicholson, my private secretary, attended on behalf of my office. I understand that many issues were raised during the seminar and a wide variety of issues have been raised with me arising from the numerous submissions and representations that I have had on this Dog Control (Amendment) Bill.

A number of the issues cover a very wide range of areas. I suppose that this is indicative of a need, overall, to really have a look at our Dog Control Act 1975 and reform it in a lot of key areas. One issue which has come up is that perhaps owners convicted of having had their dogs attack people should be barred from owning other dogs of a similar type in the future. Other issues which have been raised with me concern the proximity of dogs to neighbours' residences, and dog exercise areas where dogs are off the lead and presumably are under the control of their keepers. I have also had the issue of insurance raised with me. What happens when people are injured by an attacking dog and how can they achieve some sort of compensation for the injuries received?

I have also heard a lot about the dog control unit, its administration of the Act and its hours of operation. Many people have commented that it is limiting that the dog control unit is available on weekdays from 9.00 am to 5.00 pm but really has no power to take dogs in overnight and on weekends, for example, and public holidays. I also became aware of a suggestion that the RSPCA would like to act as inspectors to help enforce the provisions of the Dog Control Act - a move that I would support. They also feel very strongly that it is the deed of the dog and not the breed of the dog, necessarily, that needs to be addressed. Other issues such as the desexing of dogs and penalties for keepers of dogs found to have attacked other animals have been raised.

There is also the very general issue of taking an educative approach to dog ownership in the ACT, and I believe that there is a lot that could be done in that area. Other issues include obedience training and the need for a mongrel dog association to complement the existing Canberra Kennel Association, which is an umbrella group of pedigree dog clubs and organisations in the ACT. I also have had representations about invisible fence arrangements for properties and also a suggestion that there be a marginal increase in dog registration fees to cover the cost of the dog control unit more effectively. I think that basically covers all the issues that have been raised with me.

While I have indicated support for the Minister's seminar and the ongoing deliberative process, I also firmly believe that these amendments which I have proposed are important in that they address the particular issue of dogs which have attacked people and other animals - an issue about which the community has expressed its deep concern. Mr Westende raised a number of matters and questions about the amendments in the Assembly last week in his in-principle speech. He also presented me with a copy of his draft Bill concerning the Dog Control Act yesterday, and I will be looking forward to discussing the issues with him when it is appropriate to do so.

Mr Westende has said to me that he is surprised that the Bill has been scheduled for debate today, as he believed that debate would be adjourned until the Minister's working party had finalised its deliberations. This had never been my intention, Madam Speaker. I believe that this issue of attacking dogs is one that we need to address for the benefit of the community. Indeed, the commencement clause of my Dog Control (Amendment) Bill was specifically dated 1 July 1993 to impress upon the Assembly the urgency of taking some action on this issue. This amendment Bill seeks to address major concerns expressed to me about attacking dogs and, while I support the Minister's broader initiatives, I believe that it still needs to be passed today.

I want to reply specifically to some of Mr Westende's questions which he raised last week in the Assembly. In respect of the provision about the courts in most instances being required to order the destruction of a dog, Mr Westende asked, "Does the court still make a decision on the basis of the evidence?". The answer would be yes. It will be up to the court in every case to look into an issue of where a dog has attacked a person or another animal, and the decision would be based on the evidence which is presented. I forwarded my amendment Bill to the Chief Magistrate and he has assured me that he is happy with the provisions as they stand. Mr Westende also referred to the word "keeper", which, as he rightly says, is not defined in the Dog Control Act. Neither is the word "owner". I checked this yesterday. I am assured by parliamentary counsel that that is no problem in terms of the interpretation of this Act or, indeed, the amendment Bill.

He also raised a question about my amendment in clause 8(e) which requires that the Territory foot the bill where owners of dogs are not convicted of an offence. That, Madam Speaker, is the situation which currently exists. In fact, my amendment Bill will require convicted owners of dogs to pay the costs of keeping their dogs in the pound. The situation for every other dog is that the Territory bears the cost of keeping those dogs at the present time. In closing, Madam Speaker, I would like once again to thank members for their contributions to this debate, and I indicate that I will be supporting the Minister's amendment to clause 8(e) of the Bill when he presents it.

Question resolved in the affirmative.

Bill agreed to in principle.

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### Detail Stage

Clauses 1 to 6, by leave, taken together, and agreed to.

Clause 7

**MR STEVENSON** (10.50): Once again I rise on the particular point of the amendment being all empowering. I think it is worth while noting that the ACT is not like Sydney, where, if you have a dog, if you need it, or if you feel that you need it to look after the security of the property, you can build fences to ensure that the dog cannot get out.

**Mr Berry**: You can here, too.

**MR STEVENSON**: Not in the same way as in Sydney. You do not have people coming onto your property under the authority of dozens of Acts like this one which allow officers to come in for various things, in many cases unwarranted. Some are absolutely valid, of course, like the police. But in many cases it is unwarranted. There is little personal privacy in people's homes these days. Look at the point about companion animals. I think most of us would support companion animals, although it is probably worth while noting that some people do not. It is the principle of some extreme thinkers in the Animal Liberation movement to ban companion animals totally. They would require that no-one have a companion animal. The difficulty with the Bill is its all encompassing nature. I agree with the thrust of it; but I do not agree with destroying people's inalienable rights, as it does. I will vote against it for that principle.

**MS SZUTY** (10.52): It is interesting that Mr Stevenson mentioned the Animal Liberation organisation, because they were in fact one of the groups who responded to my amendment Bill and indicated that they supported it. I think that that is very interesting.

**Mr Stevenson**: I mentioned it about companion animals. Keep it in context.

**MS SZUTY**: I did neglect to address Mr Stevenson's concerns in his speech at the in-principle stage and - - -

**Mr Berry**: This is like the big fib about people having the right to bear arms, Dennis.

**Mr Stevenson**: Your nose will grow longer; watch it. Your glasses will fall off.

**MADAM SPEAKER**: Could we have some order, please! Ms Szuty has the floor.

**MS SZUTY**: Thank you, Madam Speaker. Basically my amendment extends the provisions of the Act. We extend the provision of section 18A whereby inspectors at the moment can seize dogs only if they believe that an owner has breached the Act by keeping more than the number of dogs that he or she is allowed to have on the premises, being three. It seemed to me an anomaly that inspectors could inspect properties on this basis, where more than three dogs are suspected to be on the premises, and not be able to seize dangerous animals which have attacked people in the community.

**MR MOORE** (10.53): In rising to speak to Mr Stevenson's point, Madam Speaker, I can understand some concern for people's privacy. But, of course, that privacy concern is always balanced against the need to protect the community and to take a socially responsible attitude. I should assure Mr Stevenson that we are not talking about sniffer dogs, so he does not have to be concerned in that respect.

**Mr Berry:** Or Customs officers.

**MR MOORE:** Or Customs officers. Under Mr Stevenson's system they might be the ones needing protection. What we are dealing with in this case clearly is dogs which have caused a nuisance and which, unfortunately, have irresponsible owners. Responsible owners do not train their dogs in this sort of way. It seems to me, Madam Speaker, that the issue of fences is entirely irrelevant. Yes, in Sydney they do have front fences; but in the ACT you can have fences right up to an appropriate spot in your yard, and dogs and other animals can be contained. That is what we are dealing with, and we are dealing with the right of an officer, under quite extreme circumstances, to be able to deal with a situation they were not able to deal with. The community has been quite concerned about a number of dog attacks, and quite rightly so. Ms Szuty has now taken action to provide an appropriate power for an appropriate officer to be able to deal with that. That is why we should support this clause.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.55): Madam Speaker, it is correct that in legislation, and in practice, we are careful not to intrude on anybody's privacy, on anybody's property, without proper cause. Let me assure Mr Stevenson that the Act specifies the circumstances in which an inspector may enter premises. If an inspector were to abuse that, then that person could be in trouble. So it is quite specific. There is no willy-nilly running around entering property. I repeat that these provisions were placed in there with caution and are exercised with caution.

I want to embarrass, Mr Moore. As a legislator in this Assembly, he would be - and I know that he is - an honest, upright and law-abiding citizen. With that in mind, if he could borrow Ms Szuty's copy of the Act, I refer him to paragraph 19(2)(b) on page 10 of the Act. He will see there a provision relating to the registration of dogs. It is not six months, Mr Moore; it is three months.

**Mr Moore:** I am lucky my dog is only three months old.

**Mr Kaine:** Send the inspectors out today.

**MR WOOD:** Mr Kaine suggests that I send inspectors out today. There is, of course, a degree of acceptance that people will register their dogs; sometimes they are not exactly on time at three months. Mr Moore, we will attend to your needs very quickly when you front up.

I would also comment on what Ms Szuty said about the availability of the dog control unit. The office of the unit is open from 8.30 am to 4.30 pm. However, dog patrol officers are on duty from 6.00 am to 6.00 pm in winter and 6.00 am to 8.00 pm in summer. They are out there on patrol. They are rostered to do so. Out of hours, they are available on the call-out system. So, in effect, there is a dog patrol officer always available. It could be the case, of course, if a number of calls come in at the same time, that they cannot always instantly attend, but they are out there with a wide service that operates 24 hours a day.

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**MR MOORE** (10.58): Madam Speaker, Mr Wood, having drawn my attention to my misreading of the Act on a previous occasion - you know how it is when we have however many Acts it is to pursue - will be pleased to know that I have discussed the matter with one of his officers in the last minute and a half. He has been kind enough to assure me that he will send me a form so that we can take care of this matter as soon as possible. Having had this matter drawn to my attention, I can act as quickly as possible to rectify the situation.

**MR DE DOMENICO** (10.59): Madam Speaker, whilst we are in question mode - this is something that I am not concerned about, but other people might be - I heard someone say that one can have only three dogs at any one time in the backyard, or something. If that is true, I would ask the Minister this question: What happens if your bitch has puppies and there are more than three dogs? Is that catered for? As you are probably aware, Mr Minister, apparently you need a breeder's licence. What happens if some young dog jumps the fence and does something naughty to your pedigree bitch? I do not think you need a breeder's licence. Perhaps you might look at the Animal Welfare Act, or whatever.

**MS SZUTY** (11.00): For Mr De Domenico's benefit, on my subsequent rereading of the Act at present, it is okay as long as the dog has not attained the age of three months.

**MR STEVENSON** (11.00): Words of assurance by the Minister suggesting that people's privacy is being protected are nice to hear, but the Bill clearly increases the powers of inspectors under section 18H to enter premises to investigate any - once again that is underlined - alleged breaches of the Act. That is the concern. Once upon a time members of the Liberal Party of Australia would have been fighting tooth and nail to prevent such laws being introduced - and a good thing too. Unfortunately, it is not all that uncommon these days.

**Mr De Domenico:** That is not true. We have not gone to the dogs, Mr Stevenson. It is not true.

**MR STEVENSON:** I have not said that you have gone to the dogs, but if you would go back to the original policies and start fighting for what the Liberal Party believed in, with a pre-eminence on individual rights, I think we would all do a lot better. It is unfortunate that often I am the only one who stands up in this Assembly for the principles. I grant that not everybody might know that these things are being done. Indeed, why I will vote against the Bill may not even be reported in the media. Someone might say that people are tremendously concerned about dogs in the ACT and Stevenson voted against it.

**Mr Moore:** Yep.

**MR STEVENSON:** Mr Moore says, "Yep". That is a misrepresentation. It is typical of what Mr Moore gets up to when he misrepresents things. I would not doubt that he would be one of the people who would suggest just that. What we need to do, as members of parliament, above all else, is protect the rights of individuals. By all means let us have a balanced debate on dogs. Let us introduce legislation that will not cause a problem. Let us introduce legislation that gives fair powers to inspectors. As I said, certainly they should have the opportunity to go onto property immediately and handle vicious dogs.

There is no doubt whatsoever about that. The people of Canberra are very concerned about many matters related to dog control, but to pass an amendment that includes the right of inspectors to enter premises - not only the premises of the dog owner, but any premises; yours, behind your fence, Michael, or any others - - -

**Mr Berry:** They can come in as long as they kick the lawn-mower over while they are there.

**MR STEVENSON:** Mr Berry says, "They can come in as long as they kick the lawn-mower over". He might want to get out and mow a few of those places that people have said are not being mowed as often since self-government came in. Why does he not run along the road pushing a mower in front of him and make use of the exercise? As I said, I consider it a very important point that we not take away people's right to privacy. It is true that we should do something about the problem of dogs in the ACT. It is long past the time when we should take that action. But to give a carte blanche right for inspectors to enter private property, under any action on the Bill, is not okay.

Clause agreed to.

Clause 8

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.04): Madam Speaker, I move:

Page 2, paragraph (e), lines 26 and 27, omit the paragraph, substitute the following paragraph:

- "(e) by omitting paragraphs (3)(a) and (b) and substituting the following paragraphs:
- '(a) before the expiration of 28 days after the day on which the dog was seized, the Registrar believes on reasonable grounds that the Director of Public Prosecutions will not institute proceedings for an offence against section 25;
- (b) at the expiration of the period referred to in paragraph (a) proceedings for such an offence have not been instituted; or
- (c) such proceedings have been instituted, but the court does not order the destruction of the dog;".

I believe that Ms Szuty will agree with it. This is done for two reasons. One is that the subclause relating to the cost of impounding the dog being borne by the Territory is unnecessary. If we are stuck with the dog, we are stuck with the costs. Secondly, the major import of this amendment is that it will enable the pound, or whoever takes the dog in, to release the dog as soon as it becomes clear, as specified here, that the dog is not going to be destroyed and is able to be returned to its owner. It was likely, the way it was drafted before, that the dog had to be kept for a full 28 days. We have just tidied that up.

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**MS SZUTY** (11.05): As I indicated to the Assembly before, Madam Speaker, I will be supporting the amendment. It is interesting that section 31 of the Dog Control Act is very problematic. It has three subsections and is very difficult to read. The Minister's amendment improves the situation considerably.

**MR WESTENDE** (11.05): Very briefly, the Liberal Party, likewise, will support Mr Wood's amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Title agreed to.

Question put:

That this Bill, as amended, be agreed to.

*A vote having been called for and the bells being rung -*

**Mr Lamont:** Madam Speaker, I wish to advise that Mr Connolly is absent from the Assembly this week and that we have been advised that Mr Humphries is ill.

The Assembly voted -

*AYES, 14*

*NOES, 1*

Mr Berry  
Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Ms Ellis  
Ms Follett  
Mrs Grassby  
Mr Kaine  
Mr Lamont  
Ms McRae  
Mr Moore  
Ms Szuty  
Mr Westende  
Mr Wood

Mr Stevenson

Question so resolved in the affirmative.

Bill, as amended, agreed to.

#### **LEAVE OF ABSENCE TO MEMBER**

**MR DE DOMENICO** (11.08): Madam Speaker, I move:

That leave of absence be given to Mr Humphries for today, 19 May 1993.

Apparently Mr Humphries has a bad bout of sore back.

Question resolved in the affirmative.

## TEMPORARY ORDER - ANSWERS TO QUESTIONS ON NOTICE

Debate resumed from 16 December 1992, on motion by **Mr Humphries**:

That the following temporary order operate for the remainder of this Assembly:

### Answers to questions on notice

118A. If a Minister does not answer a question on notice (including a question taken on notice during questions without notice) asked by a Member, within 30 days of the asking of that question, and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member of why an answer has not yet been provided, then:

- (a) at the conclusion of questions without notice on any day after that period, the Member may ask the relevant Minister for such an explanation; and
- (b) the Member may, at the conclusion of the explanation, move without notice "That the Assembly takes note of the explanation"; or
- (c) in the event that the Minister does not provide an explanation, the Member may, without notice, move a motion with regard to the Minister's failure to provide either an answer or an explanation.

**MS FOLLETT** (Chief Minister and Treasurer) (11.09): Madam Temporary Deputy Speaker, I seek leave of the Assembly to speak again on this matter.

Leave granted.

**MS FOLLETT**: I thank members. The last time I spoke on this motion of Mr Humphries's I indicated that the Government did not wish to support it because basically we believed that it was unnecessary. If you look at recent numbers of questions on the notice paper, I think that view is reinforced. By my count there are some 74 questions on the notice paper today and it seems to me that eight of them appeared for the first time today. Of the remaining 66 questions which are unanswered, there are some 13 which are over a month old. I think that, given that many of those questions are complex, that is not a bad record. I would put forward to members that, in terms of answering questions in a timely fashion, the Government has made every effort to do just that, and has achieved it in the overwhelming majority of cases.

What we are dealing with here is not a pattern of failure to answer questions; it is rather an attempt by Mr Humphries to score some political points out of the process of questions on notice. If you look carefully at Mr Humphries's motion, there is clearly an intention on his part to put Ministers under the spotlight, to attempt to embarrass them, to, I think unreasonably, politicise the question and answer process. Madam Temporary Deputy Speaker, it is a fact, when you look

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at the motion by Mr Humphries, that it is highly likely that no Minister will ever be able to give an explanation of a delay in answering a question that would satisfy members opposite. I believe that in those circumstances it would be Mr Humphries's intention simply to exploit the matter in a political fashion, rather than to seek to get an adequate answer or to seek to get the full information that the questioner had asked for. So I do reiterate my concern; the motion, in my view, is not necessary.

I would also like again to say to members that I think there is a capacity for this kind of hard and fast rule to jeopardise the Government's efficient use of its resources. I do understand, Madam Temporary Deputy Speaker, that members have many questions to ask, and of course they have a right to the information; but I do believe that there is a capacity, if we were to adopt this course of action, for questions to tie up the resources of government to an extent that may not be acceptable and that may not allow the Government to get on with its business. I would seek an assurance from members opposite who are speaking on this matter that that is not their intention, and I would seek an assurance from them that, where there is a delay in answering the question, a Minister's response or a Minister's explanation will be accepted. I think it is only fair that those questions be asked of members supporting this motion, because it seems inevitable to me that if the Assembly adopts this motion it will lead to situations where questions simply cannot be answered within a month. As I have already indicated, last year when the matter was debated, and again today, there was a very small number of questions which could not be answered within a month.

What will happen, Madam Temporary Deputy Speaker, is that a member, on being provided with an interim reply and/or an explanation as to why the matter cannot be handled within a month, may be called upon or may be requested to rephrase the question. If that is the case, again I seek an assurance from members opposite that they will be cooperative in those circumstances. As I say, it is quite inevitable that from time to time a question will not be able to be answered within a month. If I could give one example, before the last Federal election Mr Kaine asked me an extremely lengthy and detailed question about the effects of the GST on the ACT economy. Putting together a response to that question utilised a significant amount of my Treasury resources, and in the event I was not able to provide Mr Kaine with a response until after the Federal election. I deeply regret that. Mr Kaine does not.

**Mr Kaine:** So do I.

**MS FOLLETT:** Mr Kaine does not, because it is a simple fact that the effects of the GST on the ACT economy would have been absolutely devastating. The answer to the question demonstrated that. That is an example of the kind of question where the information has to be especially sought, has to be especially collated, has to be assessed and estimated in order to provide some sort of a rigorous basis for the response to the questioner.

Madam Temporary Deputy Speaker, as I say, it is inevitable, if this motion is adopted, that the Assembly runs the risk of having questioners requested to rephrase their question in such a way that it can be dealt with more readily. It also will lead, I believe, to a situation where a Minister, having explained a delay, which in the Minister's view is a quite reasonable explanation, is then

exposed in a political fashion to a debate on that, and possibly also to censure on that. I think the last part of Mr Humphries's motion quite clearly indicates that that is his intention. I reiterate that I do not believe that this motion is necessary. We have, at present, 13 questions which are more than a month old out of a total of 74. I think that is a very good record. I do not believe that the reality that we have in this Assembly in any way supports the kind of action that Mr Humphries's motion envisages.

**MR MOORE** (11.16): It seems to me, Madam Temporary Deputy Speaker, that the worries that are presented by the Chief Minister are not really confirmed in a close reading of the proposals. It seems to me that where a question like Mr Kaine's has been asked an explanation can be provided as to why you are not provided with an answer within 30 days. It puts a discipline on the system. I must say, Madam Temporary Deputy Speaker, that I have found, particularly recently, that the questions that I have put on the notice paper have been answered particularly promptly, much more so, I must say, than they were under the Alliance Government. That is something that I have appreciated.

We are doing a general review of standing orders, Madam Temporary Deputy Speaker, and I think that one of the reasons why we ought to support this motion at the moment is to give us a very short while to test the system, to look at it and to consider it as part of the overall review of standing orders. I am not sure that 30 days is the exact time, and that is why I would be comfortable with that review. For the time being I think it is appropriate that we support this motion. I am going to support the motion with that in mind; that we are going through that process of review in the committee that is chaired by the Speaker. From what we hear from the Ministers, they are already doing it, so it will not be a big problem. If there is a problem with a particular question, then I think that most members are perfectly reasonable in accepting an explanation. We understand it.

**Mr Berry:** Okay, you and us, Michael.

**MR MOORE:** Mr Berry knows that, whenever he explains anything to me, I am perfectly reasonable. I listen very carefully and understand it. I hope that that reasonable approach will continue. Even if an individual member is not reasonable, the Minister will have the opportunity to explain in the Assembly and the Assembly can decide whether that is reasonable or not.

**MR KAINE** (11.19): Madam Temporary Deputy Speaker, I think that the Chief Minister is seeing phantoms behind every bush on this motion. If we were doing this, they would be saying that we were seeing reds under every bed.

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Grassby): Mr Kaine, just a moment. You have spoken already. You need leave to speak.

**MR KAINE:** I thought somebody might pick that up. I seek leave to speak again to this subject.

Leave granted.

**MADAM TEMPORARY DEPUTY SPEAKER:** You may go ahead, Mr Kaine. You have your full 10 minutes now.

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**MR KAINE:** The Clerk is right on the ball. I think that the Chief Minister's comments deserve some rejoinder. She attempted to make the point that members of the Opposition would never accept an explanation as being satisfactory, that the Government could never provide an answer that the members of the Opposition would find satisfactory. I think those were her words. That is an absurdity. It is only under certain circumstances, where within 30 days the Minister has not supplied an answer or has not explained why an answer cannot be provided in 30 days, that the consequences flow from this. There is no provision here for the Assembly to censure the Minister or to take some action of that kind because he or she has not provided a satisfactory answer. I think that the Chief Minister is making too much of it. In fact, Mr Moore has made the point that, generally speaking, answers come fairly quickly. Sometimes they do not come very comprehensively, and that is another matter; but they do come quickly.

At times, for inexplicable reasons, it takes an inordinately long time to get an answer to a question. In fact, earlier this year I asked the Chief Minister why it was that I had not received an answer to a question that had been on the notice paper for a year. Quite by coincidence, I am sure, the answer was provided the next day. One can only assume that perhaps an answer is sitting in the Minister's in-tray and he or she has not got around to looking at it yet, or perhaps the department has not taken a question as seriously as the member asking it might have regarded it. It is under circumstances such as that that a member ought to have the right to ask a Minister to account for the fact that a question has not been answered.

I do not expect that anybody on this side of the house is going to be unreasonable about it. When a question is asked it is reasonable to assume that you will get an answer and that you will get it quickly. Twelve months later is not good enough. Even three months later is not good enough very often, because the question can relate to a contemporary matter, something that is on the agenda right now. To get an answer in three months' time does not address the issue. The issue is over and done with by then.

In my view, the course of action that is being proposed here is not an unreasonable one. I think that the Government are a bit jittery because once in a while they will get caught out - and they will - and they can then be asked by the member to explain why they have not done it. The worst that can happen to them is that they get their memory jogged a bit, and I do not see anything harmful in that. I cannot imagine why anybody, including the members of the Government, would not support this proposal, because one day they are going to be in opposition and I am sure that they will find this provision very useful when they are.

**MS SZUTY (11.23):** Madam Temporary Deputy Speaker, I think it is a reasonable expectation of members of this Assembly that questions on the notice paper will have a fairly swift turnaround period. We are referring here to a limited number of members of this Assembly who are able to place questions on the notice paper for answer. Some non-government members use questions on the notice paper more extensively than others. I acknowledge that; that is all part of the parliamentary process. I have used questions on the notice paper to a limited extent thus far in this Assembly, and have asked questions of Ministers Berry, Wood and Connolly.

Generally the responses to the questions have been of a high standard. However, the turnaround time is often longer than I would have hoped for. Often it is constituents' requests that we are awaiting answers for and it is difficult to explain to them that this process at the moment is an open-ended one. Analogies can be effectively drawn with the 30-day period for freedom of information requests, which are generally required to be proceeded with within 30 days. Further analogies can be effectively drawn with the current Senate arrangements, which also require questions on notice from some 44 members to be responded to within 30 days.

I would therefore conclude that Mr Humphries's motion regarding questions on the notice paper is a reasonable one and is worthy of the support of this Assembly. I acknowledge that a review of the 30-day period would be useful, and I trust that the Administration and Procedures Committee of this Assembly will look at that carefully.

**MR BERRY** (Deputy Chief Minister) (11.24): I would like to refer to the drafting of the motion, first of all. I see that Mr Humphries is not here, and he is responsible for it. I do not particularly relish talking about him when he is not here, but he would be comfortable with that process, being a member of the Liberal Party, because they do a bit of that sort of stuff. The motion does not make a lot of sense. As was previously pointed out, it would be hard to find an explanation that would be satisfactory to a member were a member to be agitated about delay in answering the question and the political point could be made. We accept that.

**Mr Kaine:** In my case just explain why you cannot produce the answer and I will be satisfied.

**MR BERRY:** Mr Kaine is presented as an honourable person in this place on some occasions, but I have to say that there have been some points of time in history when I do not think there was an explanation that could have satisfied him on a whole range of issues, once he had made up his mind. The motion, in that sense, is poorly drafted because it does not provide any interpretation of what is satisfactory. It is a very subjective - - -

**Mrs Carnell:** Satisfactory to the Assembly.

**MR BERRY:** No, no; it is a subjective assessment of what is satisfactory to a member. If a member says, "No, I do not like that; I am not happy", that is the end of the issue.

**Mr De Domenico:** Then the Assembly will decide, like it will on this matter, Mr Berry.

**MR BERRY:** No. I am afraid, no. If you have a look at the drafting of the motion, no, the Assembly will not decide. Read it closely. I will explain a little later on why it will not decide. Go down to the last paragraph. Leave out all the stuff in the middle, paragraphs (a) and (b). Look at paragraph (c). It says:

in the event that the Minister does not provide an explanation, the Member may, without notice, move a motion with regard to the Minister's failure to provide either an answer or an explanation.

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If I provide an answer or an explanation, whether or not it is satisfactory, there cannot be a motion, it seems to me, so the whole thing is a nonsense.

**Mrs Carnell:** Would you rather we amend it to say "satisfaction"?

**Mr De Domenico:** Well, move an amendment to it.

**MR BERRY:** I am glad that you agree with me. The motion is nonsense. We all understand the politics of question time. It is fair enough for members of this Assembly to be able to interrogate the Government and to keep the pressure on it about particular issues. This motion is just part of those politics. But we have to be aware of some of the things that people get up to - the less honourable ones. They set out to bog down the Government with questions. They even then try to create the impression that there is a delay because there is a massive number of questions - leave aside the value of the questions - on the notice paper. Then we go to this sort of motion and they move to bog it down again so that they can highlight some sort of so-called inadequacy in a particular Minister's approach.

At the same time, if you listen to the Liberals, they will always be attacking the number of bureaucrats that we have answering all these questions - doing all of this administrative work instead of being out there at the sharp end delivering services - by saying, "What is the Government doing? They have all those bureaucrats sitting around answering questions".

**Mr Kaine:** If they cannot explain to you what they are doing, Minister, you should get rid of them.

**MR BERRY:** Hang on a minute. I raise a particular issue. Mr Moore asked me a very long and involved question. I am not going to discuss the - - -

**Mr Moore:** Is this just on the notice paper?

**MR BERRY:** It was about the graduate nurse employment program. It was a very long question.

**Mr Moore:** Yes. It took nearly a year to answer.

**MR BERRY:** That is right. I apologise for not answering, but it was a very long question. It ought not to have happened.

**Mr Kaine:** The main reason you could not answer the question was that you could not understand it, I suppose.

**MR BERRY:** The question is 14 points long. It is involved and it requires a lot of information. There is no question about that. I think we agree on that score. I asked my staff to keep their eye on how much time they spend answering questions. I am told that this took about 16 hours and involved about nine staff. It is not hard to imagine a range of questions that would bog down the whole department, if you really stuck to the rule - - -

**Mr Kaine:** We know that the Labor Party worked on that principle when they were in opposition.

**MR BERRY:** Hang on a minute. If you really stuck to the rule the 30-day rule would apply if it was set in concrete. From time to time you are going to get - - -

**Mr Moore:** Sixteen hours, and it took a year to deliver the answer, by which time it was redundant.

**MR BERRY:** I have already said that we accept that.

**Mr Kaine:** Yes, they could have delivered the answer the next day if it took only 16 hours.

**MR BERRY:** Well, there you go. Stop everything. Do not worry about the sharp end; just worry about your question. We cannot do that. You can create all sorts of agitation about questions. It is part of the political process, and we accept that. But from time to time you will be told that we cannot do it; that our resources do not permit us to do it. I will not divert my officials. We have to decide what the priorities are.

**Mr Kaine:** Especially if it is an embarrassing question.

**MR BERRY:** You have never asked one yet. You have got lots of embarrassing answers. Take yesterday as a classic example. You got an embarrassing answer yesterday. Mrs Carnell, what a joke!

**Mr Kaine:** Which one was that?

**MR BERRY:** That is right; she gets lots of embarrassing answers, I know, Trevor. You sometimes get notice on the telephone, "We are going to ask you a question about a particular subject at question time". They do not give you any more detail than that. Then all of a sudden you get a question which requires some detail in relation to a particular matter. I have been the subject of that sort of stunt.

**Mr Kaine:** You also used it when you were in opposition.

**MR BERRY:** No, no; we would not go as low as that. The Liberals are lower than a snake's belly on some of these issues. They use rough tactics, rough as bags. Madam Temporary Deputy Speaker, this is part of the political process and we accept that, but at the end of the day members will have to accept that there are times when we are not going to be able to comply with the 30-day rule. I think the most appropriate thing to do would be for wiser minds to sit down and look at the issue in terms of the standing orders and think it through carefully, rather than adopt the poorly drafted approach which has been put together by Mr Humphries, because it means nothing in real terms.

**Mrs Carnell:** You should not be worried by it.

**MR BERRY:** I am not worried about it, because if it is interpreted as it is written it means nothing; but we know that that will not be the case if it becomes an issue. Madam Temporary Deputy Speaker, the Government will oppose the motion because it is nonsensical and has not been well thought through, which is something Mr Humphries often complains about, as I recall. It would be better sorted out by the Administration and Procedures Committee, as far as the

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Government is concerned, in order that we come up with something which is workable and makes some sense and looks presentable in the standing orders, not something that is poorly drafted and drags the standing orders down rather than adding to their credibility. That is the Government's position. We accept that the motion will pass and we will do our very best to comply with the 30-day rule, but there will be cases where we will not be able to.

**MR STEVENSON** (11.33): This is a great idea; like many of the questions on notice, it is long overdue. Mr Berry makes sense when he talks about the motion saying that the answer needs to satisfy the member. That is a difficulty. However, Mr Lamont makes the point that as the standing orders are being reviewed it can certainly be looked at, and if there is a better way to present that it can be done.

Mr Berry complains about being told a little while before question time that he will be asked a question on a specific subject. That can be misleading quite often, he says, because the question is a detailed one and what he was told about it does not give him an indication of what it is really about. In my case I do not give him a brief indication before question time; I give him weeks and weeks to get the information so that he will have it ready to answer during questions without notice. Unfortunately, that was abused. On the one hand he complains about people not giving him any indication. Unfortunately, as I said yesterday, our office usually gets no acknowledgment whatsoever from the Ministers. On less than 10 per cent of all the questions I have set up did they ever come back to us and tell us, "Yes, the answer is ready". As I said yesterday, it is a damn poor show. This is a very good idea to move towards getting our questions answered.

**MR LAMONT** (11.35): Madam Temporary Deputy Speaker, this motion was discussed last December and debate was adjourned. At that stage it was indicated that the Standing Committee on Administration and Procedures was to conduct a review of the standing orders. That review is being undertaken at present. It is probably halfway through in terms of the total work that will be required. Obviously, consideration of any alterations has not yet been finalised by the Administration and Procedures Committee, but you can rest assured that one of the questions that have been raised is the operation of this temporary order.

The process by which Mr Stevenson's questions have been dealt with by the Government has varied according to the type of question asked. Mr Stevenson regards a process that he attempted to outline this morning as not workable. The obvious observation which Mr Stevenson needs to bear in mind is that there is a process called questions on notice. That is an appropriate form for Mr Stevenson to use in these circumstances.

**Mr Kaine:** They can take a year to answer, too.

**MR LAMONT:** That, I understand, is not a complaint which Mr Stevenson has made, Mr Kaine. This proposition would answer the issues that Mr Stevenson has raised this morning and has raised previously this week. I would suggest that there are difficulties with the wording, as both the Deputy Chief Minister and Mr Stevenson have pointed out, because it is almost impossible, were an individual member to set his or her mind to it, to satisfy the questioner.

Some may suggest that it is a semantic point; nevertheless it is one which is quite valid when we have in this chamber some quite literal interpretations by individual members as to what the standing orders mean. As you are aware, Madam Temporary Deputy Speaker, standing orders are interpreted to suit the particular point that individuals may try to make from time to time. Of course, nobody on this side of the house takes that attitude, but we have seen it adopted by some other members in the Assembly in the last 14 months.

In an information sense the proposition that needs to be addressed is whether or not, as an individual member, I am entitled to demand the content within the context of an answer when I have put in a question. The simple fact is that, while we are entitled to ask any question, we are not necessarily entitled to expect an answer in the form in which we, for political or personal reasons, wish to have it. That has to be accepted by the Assembly. There will be differences of opinion about the content of an answer, the implications of an answer and the context within which that answer is given.

Obviously, at times, we put questions on notice to elicit specific information to pursue other objectives. It may be that as a tactic the Opposition wish to pursue a particular issue. To elicit information on that issue they will put in a quite complicated and quite complex question, trying to trip the answers which may be given to questions without notice. The context of answers to questions on notice at times will not satisfy the person asking the questions. That is the point that has to be borne in mind when the Assembly, this day, passes this proposition. Again, it should also be quite clear that the Administration and Procedures Committee is currently reviewing the standing orders, and those standing orders will come back to this Assembly for ratification if the committee proposes any alterations.

There is another question that arises out of all of this, and it is whether or not we get a result at the end, because paragraph (c) of the motion says:

in the event that the Minister does not provide an explanation, the Member may, without notice, move a motion with regard to the Minister's failure to provide either an answer or an explanation.

In reality, what does that mean? Does it mean that this Assembly says to the Minister, "You are a naughty person; you have not given the appropriate answer"? That is the end of it. What does it mean?

**Mr De Domenico:** No; "You have not given an answer or an explanation".

**MR LAMONT:** What does it mean?

**Mr Kaine:** It means that you can move for his censure because he is not doing his job right.

**MR LAMONT:** Well, is that the case?

**Mr Kaine:** It might be.

**MR LAMONT:** Is that the case?

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**Mr Kaine:** It is one option.

**MR LAMONT:** Yes. What are the other options? I would have thought that in a motion such as this, if there was to be some "penalty" for failure to comply, or failure to answer, or inability to answer or whatever - - -

**Mr De Domenico:** A \$200 fine perhaps.

**MR LAMONT:** You are sin-binning or whatever, Mr De Domenico.

**Mr Kaine:** The Assembly can simply require the Minister to answer within seven days or something, which is not unreasonable.

**MR LAMONT:** Then the Minister can answer within seven days, but what if you are unhappy with the political context within which the question has been answered? All I am saying to you is that the way in which this proposal is cobbled together does not provide for an appropriate resolution of any impasse. That may very well be a question that the Administration and Procedures Committee needs to address specifically. The rules provide at the moment that, if anybody is unhappy with the way in which anything occurs or the way in which any Minister conducts affairs, that person can move a censure motion. It is quite simple. It is provided for in the standing orders. If that is one of the resolutions, that provision is already there. That provision already being there, why do we need what I consider to be a quite semantic lead-in to this proposition?

**Mr Kaine:** Because we want to bring home to the Ministers the importance of answering questions.

**MR LAMONT:** I understand the question. I understand that that is the position.

**Mr Kaine:** Well, just sit down. You have the point. You are right. You are okay.

**MR LAMONT:** Thank you, Mr Kaine. When I need to address you for advice on tactics it will be a very cold day in hell. I thank you for your interjection, but I again reject the advice as being ill founded and not appropriate.

**Mr Kaine:** You must be pretty lonely if you never seek anybody's advice.

**MR LAMONT:** I do seek people's advice, but generally from people who I know can give me some substance to that advice, Mr Kaine.

What is being said this morning, Madam Temporary Deputy Speaker, is that the way in which this particular temporary order is being constructed is not appropriate, in our view; that there are considerable problems, as outlined by both the Chief Minister and the Deputy Chief Minister; but that because the standing orders are being reviewed, and because the questions that have been raised will, hopefully, be addressed by that process, the danger or the damage that can result from this temporary order sitting on the table for that period is, to some extent, ameliorated. This motion will pass this morning. As part of the process of open government and in accordance with the rights of members of this Assembly, there is a well-accepted practice that questions on notice are an appropriate way to elicit information. With all of that in mind, as I say, it will pass this morning, but I do hope that all members regard the response which they will receive to questions on notice in the context of the comments that have been made this day.

**MRS CARNELL** (Leader of the Opposition) (11.44): This motion that we have debated over quite a number of months is a very simple motion. It is not as difficult as many people have said.

**Ms Follett:** Yes, we are perfectly clear on it.

**MRS CARNELL:** Great, fantastic! It is a simple motion. All it requires is that Ministers answer questions within 30 days unless they have a reasonable excuse not to do so. That mirrors the operation that takes place in the Senate, something that has worked efficiently since September 1988. It is not an abnormal approach. It is not something that has not worked very well in a substantially bigger place than here.

**Mr Berry:** Are they the exact words?

**MRS CARNELL:** They are very similar.

**Mr Lamont:** Very similar. Are they the same?

**MRS CARNELL:** No, they are not.

**Mr Lamont:** They are not the same, are they? These are not the same as the ones that operate in the Senate?

**MRS CARNELL:** No, not exactly. It is the same intent.

**Mr Lamont:** No, it is not.

**MRS CARNELL:** Why did you not - - -

**Mr Lamont:** The same intent or content?

**MRS CARNELL:** Intent.

**Mr Lamont:** We think, possibly, maybe.

**Mr De Domenico:** Who has the floor?

**Mr Lamont:** I do apologise, Mr De Domenico.

**MRS CARNELL:** It is all right. We are right. Some Ministers, I agree, are very good at answering questions; but there really are some Ministers that are absolutely terrible, and this motion is aimed at bringing those Ministers into line and providing some consistency. That is about good government. That is about an effective system for this Assembly to operate under and an efficient approach to scrutiny of the Government. Thirty days should be plenty of time for a department to answer any normal question. As I said, it works for 78 senators; why would it not work for 17 in this house?

The Minister for Health earlier made comments about people being reasonable in their approach. He made the comment that he did not believe that we on this side of the house would be reasonable about a need for longer than 30 days. I bring to his attention a number of questions that I have put on the notice paper and that in the end have not been answered at all. They have not been answered for, I think, good reasons. I have accepted that. I asked at one stage for some

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morbidity data from Woden Valley Hospital. It was explained to me that Woden Valley, unfortunately, does not have that data or that because of the form in which it does have it, it would be exceedingly difficult to produce and would take a very large amount of time to produce. Obviously, I accepted that. I do not accept that we do not have morbidity data, but I accepted the view that I should not expect public servants to be taken away from their jobs for a prolonged period to produce some data that I was just interested in. That is an appropriate approach, and it is the sort of approach that all of my colleagues would take in this sort of situation.

When this motion was drafted it was regularly taking well in excess of three months for my questions to be answered - in fact, just about any of my questions to be answered. A rough estimate was taken at that time that showed that the average length of time for questions to remain unanswered was four months. Mr Cornwell has alluded to a question about community consultation that took seven months to answer. Mr Kaine, I think, had a question to the Minister for Sport on government appointments that took some eight months, I think, to answer. Mr De Domenico had a question on the Canberra map that was asked on 21 May 1992 and was answered on 22 March 1993.

**Mr De Domenico:** Nearly a year.

**MRS CARNELL:** Yes, nearly a year - 10 months later. Mr Berry made the comment that a lot of the questions that we have a problem with are exceedingly detailed. I refer to our current notice paper and a question that I have on the notice paper from 16 February. That is three months. That question is very simple. It asks how many beds were closed at Woden Valley Hospital and Calvary for the Christmas shutdown? What was the major purpose of that shutdown? What were the dates of the shutdown? The question goes on. It is to the point and a factual question; yet it has been three months awaiting an answer. Quite honestly, I think the Opposition has every reason to be dissatisfied with that approach.

Ms Szuty made a very important comment when she said that a lot of the questions that we put on the notice paper are there to get information for our constituents. We need to be able to give that information in a timeframe that is acceptable to those people, the people of Canberra, the people who vote, the people who have a right to get information. If we can tell them, "Yes, we will ask that question", and, "Yes, we will have it back within 30 days", we will be able to look after those people substantially better than we can now. I think Ms Szuty was quite right when she made those comments. We also have to look at the fact that questions on notice are a very legitimate way of obtaining information that members cannot otherwise access, particularly, may I say, from Mr Berry, who seems to have a very large problem with providing briefings.

**Mr Berry:** No trouble at all.

**MRS CARNELL:** Say that again. No trouble at all in a timeframe, like the February letter that I sent you asking for a briefing! It might actually happen one day.

**Mr Berry:** A briefing about what?

**MRS CARNELL:** About Woden Valley Hospital. Anyway, we will talk about that later.

**Mr De Domenico:** The kiosk at Woden Valley Hospital?

**MRS CARNELL:** That is right, the newsagent at Woden Valley Hospital.

**Mr De Domenico:** Even Mr Cumberland had to sort of beg to get to see him.

**MRS CARNELL:** Yes, that is the one.

**MADAM SPEAKER:** Order! Could I have remarks addressed to the Chair.

**MRS CARNELL:** Certainly. Mr Lamont was wrong when he made his comments. He was talking about the answers, and whether members were happy about the answers. This motion is not about the answers; it is about the lack of answers. If a Minister answers a question in a way that we are not happy with, so be it; we can ask it again. This motion is about situations where we do not get an answer. What we on this side of the house are after is a more businesslike approach, a more professional approach, a more effective system of operation for this Assembly, and a more appropriate way to approach scrutiny of the Government. From that perspective, this motion deserves to be passed.

Question resolved in the affirmative.

### **CANCER REGISTRY**

**MRS CARNELL** (Leader of the Opposition) (11.51): I move:

That this Assembly urge the Government to act as a matter of urgency to establish an Independent Cancer Registry and that such a registry -

- (1) be used to facilitate the compilation of accurate and complete records;
- (2) to provide the data to facilitate the accumulation of information on trends;
- (3) establish a basis for the provision of cancer related health and support services;
- (4) enable the monitoring of community cancer prevention measures;
- (5) provide data for epidemiological research on the causes of cancer and yield information to enhance cancer education among the public; and
- (6) enable accurate forward planning with regard to health services requirements in the area of cancer.

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Madam Speaker, in Australia, as in other developed countries, cancer has placed an increasingly greater burden on our society this century than any other major disease. In 1907, for example, cancer was the eighth most common cause of death, but by 1947 it had assumed second ranking to cardiovascular disease - a position that it retains today. Cancer specialists have warned our Federal counterparts that by the end of this decade cancer will become the major cause of death, taking over from cardiovascular disease.

The Australian Cancer Society is anticipating that the total number of cases of new cancer will increase from 52,000 in 1985 to 78,000 by 2001 - a 50 per cent increase. An even greater increase is expected in the ACT, where for unknown reasons cancer deaths among women are particularly prevalent. In the ACT, two-thirds of female deaths in the 55-64 age group are due to cancer, while nationally the proportion is only one-half. In all of this, there are no accurate figures for cancer incidence in the ACT, because there is no requirement to report cancer and there is no cancer registry. It is imperative that in the future cancer prevention assume an even higher priority than it has today in the health care system and that more resources be devoted to preventive research and the implementation of cohesive, effective and efficient programs. This cannot be done without the relevant database which is needed for that to work.

Madam Speaker, in every other State there is mandatory reporting of cancer. Tasmania has just recently converted from a voluntary system to mandatory reporting. In the ACT what reporting we have is to New South Wales. However, it takes some time for the separation of the ACT statistics, which places the ACT at something of a disadvantage. For example, Madam Speaker, the latest figures available for breast cancer in the ACT come from a report for the period 1978 to 1982 which was produced by the New South Wales Cancer Council and which included some predicted figures, so the figures themselves were not necessarily right. While the New South Wales Cancer Council does receive some funding, it is a community organisation and is working under great pressure, without necessarily receiving increased resources to handle ACT figures. It is only reasonable to expect that the New South Wales Cancer Council would place first statistics which are relevant to New South Wales.

Madam Speaker, there is a desperate need for a separate cancer registry in the ACT. To take but one example of the disease, breast cancer, I know that the Government has a concern in this particular area, because, to the Government's credit, it has established a breast screening clinic - a clinic which was needed and which is doing a very good job. But to properly plan and resource breast cancer screening and breast cancer treatment generally we need to know the level of the problem and what the projections for the future might be. We also need the facts about other cancers.

Madam Speaker, breast cancer is now at epidemic proportions, killing about 250,000 women annually in the developed world alone. In Australia about 2,500 women die from breast cancer each year. This cancer, the most serious cancer for Australian women, is killing six women each day. Breast cancer is particularly prevalent in the ACT, with about 90 new cases being reported annually. But, because reporting cancer is not mandatory in the ACT, no-one really knows whether these figures are accurate. It is more than likely that they in fact understate the incidence of breast cancer in Canberra's women. The Canberra in the Year 2020 study predicted that the levels of all cancers, except chest cancer in men, would continue to rise.

There is obviously a desperate need for a separate registry in the ACT. Some discussion has already taken place on whether it would be best to have an employee of ACT Health or a dedicated employee of the ACT or, for that matter, the New South Wales Cancer Council collate the statistics for the ACT. This decision would be for the Government to make. Whichever it is, the Government must address the needs of Canberra and be independent from New South Wales. We need to make a decision, and we really need to make that decision now. To my knowledge, there have been discussions about a cancer registry in the ACT since before self-government. Quite honestly, putting it off any longer is not acceptable.

Notification of cancer has been compulsory in New South Wales since the Health Act was amended in 1985. As I have mentioned, there is no requirement to report cancer in the ACT. Every other State in Australia has mandatory reporting, and every other State in Australia has a cancer registry. Canberra needs a Canberra registry, Madam Speaker. Voluntary reporting in the ACT is deficient, because private hospitals and pathologists do not necessarily report cases of cancer. While the public hospitals voluntarily report cancer cases, they do not necessarily report every case. Because of this, any cancer statistics in the ACT, as I have already said, fall short and are therefore inaccurate and somewhat unreliable.

The New South Wales Cancer Council registry collects whatever data is available from the ACT, but this is done because so many people in New South Wales are treated in the ACT. The New South Wales council is naturally keen to collect all data which relates to New South Wales, so on that basis they are happy to collect the ACT data that they have collected. From time to time the New South Wales registry produces reports on the ACT; but, as I have said, the last report was for the period 1978 to 1982. This means that the latest detailed information available on cancer in the ACT is 10 years old, and that is simply not good enough for ACT Health to be able to plan ahead in any meaningful manner.

Madam Speaker, how can we plan for future treatment levels, for education and for requirements for this disease if we do not have accurate figures upon which to base our future planning? How can we expect to go anywhere near getting it right? This week we have heard many comments about the Government's 2020 plan, and I am sure that we will hear some more tomorrow. But the comments in that statement about cancer and about future directions really beg the question of how. How can we know what direction to take? To know what direction to take we need to know the trends, to make provisions not only for treatment but also for education and for the analysis - the epidemiology - of what we are going to do about cancer in the future.

The increasing incidence of cancer will inevitably cause a burden on our health services. A cancer registry, with mandatory reporting of cancer, will provide the basis of meaningful forward planning. To facilitate the compilation of accurate and complete records, the legislation in the ACT must ensure complete coverage of the entire population. Comprehensive cancer registration in the ACT would provide the data to facilitate the accumulation of information on trends, provide a basis for the provision of cancer related health support services, enable the monitoring of community cancer prevention measures, provide for the epidemiological research on the causes of cancer and yield information to enhance cancer education.

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Madam Speaker, it could be thought that figures from the Australian Bureau of Statistics would be of assistance. But, in addition to the deficient records forwarded by the New South Wales cancer registry, the ABS records only death from cancer in the ACT. Incidence statistics are far more accurate than mortality figures, and far more useful, because incidence records record those who have or have had particular types of cancer, even when people have recovered or when the cancer has not been recorded as the final cause of death. That is very important, because regularly people die of some other cause, not cancer. Thereby, we would get a substantially more accurate figure.

Both the ACT Cancer Council and the ACT Australian Medical Association support the move for a cancer registry in the ACT. The ACT AMA has indicated that, whilst some individual doctors may see mandatory reporting as bureaucratic interference and an invasion of privacy, the ACT AMA as a body would welcome the introduction of legislation to make the reporting of cancer mandatory. In fact, reporting would be an important step forward in the ACT, according to the AMA. It should be remembered that reporting would not include necessarily the full names and addresses of the people involved. Privacy would definitely be taken into account. We would be looking only at the incidence related statistical data. We would not be looking at making any sorts of inroads into the privacy of individuals. The ACT Cancer Council believe that without such a registry we are really working in the dark.

I think it is important to talk about the national perspective in this area as well. As I am sure the Minister would be aware, in 1986 the Australian Institute of Health - the AIH - in collaboration with the Australian Association of Cancer Registries, of which the ACT is not a member for obvious reasons, appointed or moved to establish the national cancer statistics clearing house. That means that since 1986 we have been moving as a nation, to quote the specific objectives of the national cancer statistics clearing house, to enable compilation and publication of national statistics on cancer; to allow tracking of interstate movements of cancer cases - and that is to see whether cancer is any worse in some places than in other places; to facilitate the conduct of epidemiological studies; to promote standardisation in the collection of cancer data and the classifications of cancer; to promote Australian participation in international collaborative projects; and to link cancer case information with the national death index. All of those things are exceedingly important if we are going to look at health in Australia on any sort of national, let alone international, base. The ACT is the only part of Australia that is not part of that overall national approach.

Madam Speaker, a comprehensive reporting and registration approach in the ACT is essential. I therefore have moved that this Assembly urge the Government to act as a matter of urgency to establish an independent cancer registry which will be used to facilitate the compilation of accurate and complete records of cancer incidence in the ACT; to provide the data to facilitate the accumulation of information on trends; to establish a basis upon which the provision of cancer related health and support services can be planned; to enable the monitoring of community cancer prevention measures; to provide data for epidemiological research on the causes of cancer and produce information to enhance cancer education amongst the public; and to enable accurate forward planning with regard to health service requirements in the ACT in the area of cancer.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (12.06): Madam Speaker, Mrs Carnell tugs at the heartstrings again. Cancer is a very serious illness and is recognised as such in the community, but what Mrs Carnell has not focused on is what this Government has done. She is trying to draw attention away from the very positive things that this Government has done in relation to the treatment of cancer in the community. This Labor Government has come from a long way behind, and the advances that we have made in this Territory are unprecedented. It is shameful for Mrs Carnell to ignore those very important facts in drawing attention to this particular issue. All that you have done again is tug at the heartstrings. You did not deal with the issues or the treatment which is being provided by this Government.

This Government has set aside millions of dollars to detect, treat and prevent cancer as well as to collect data. Of course, a registry is a matter which we will get to, but it has to stand amongst all the other priorities in health. It is all very well for the Opposition to screech about this issue; but it is bad, and it is misinformation for the community, for them not to mention the positive things the Government has done. Next week, for example, I will open the \$3.9m cancer treatment unit at Woden Valley Hospital. That will include a new \$2m linear accelerator. The Opposition do not want to mention that. That is a positive move by the Government.

**Mrs Carnell:** How do you know that it is going to be big enough?

**MR BERRY:** What do we do in the meantime - just not do anything?

**Mrs Carnell:** Get some statistics.

**MR BERRY:** Statistics collected across Australia show very clearly where we stand on cancer. The Federal and ACT governments have committed \$3m over two years to the breast cancer screening unit. You did mention that as a positive for the Government. That is only one. That has been functioning since February. Also, \$800,000 has been committed over three years for a cervical screening program which has been running for more than a year. A pap smear register is being established. It will play an important role in the prevention and monitoring of cervical cancer. That register will become operational soon. It is not just a matter of getting a piece of paper with some columns on it for various types of cancer and filling in the names. You have to deal with very important privacy issues. You have to consult widely with the community, make sure that you get it right and make sure that the approach is up to date.

Madam Speaker, we have a difficulty here in the ACT, as does the rest of Australia, with an ageing population and cancer. As I have said - and I will repeat some of these things - the ACT Labor Government has made unprecedented progress in the treatment of cancer in the ACT. For Mrs Carnell to screech about a registry - a registry that will come - without mentioning in the same breath all the positive advances that we have made in relation to the treatment of cancer is unfair to the community and for those people who may unfortunately be suffering with cancer, who can get a full range of services from the ACT Government. This is more scare campaigning by the Liberals, and that is the model that you have always used.

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The breast screening clinic is a new program, but it is expected that it will reduce the mortality from breast cancer by 30 per cent in the screened population. The cervical screening program, which is part of the organised approach to the prevention of cancer of the cervix, supports health workers in their roles of taking pap smears. It will set up a cervical cytology register and run education and recruitment campaigns for women. The program aims to increase the number of women having two-yearly pap smears, to provide support and training for service providers, to monitor the quality of the program and ultimately to reduce the number of deaths from cervical cancer. Mrs Carnell suggests that nothing much else is going on. Heaps is going on, and it is all happening under Labor government. We have made more advances than - - -

**Mrs Carnell:** I did not say that you did not.

**MR BERRY:** Why did you not draw attention to the phenomenal advances that we have made in the ACT since the Labor Government took office? No, you would not do that because it would not help you politically, and it would be a full supply of correct information to the community - and you have never been famous for that.

The Community Nursing Service has specialist oncology nurses who provide a service to patients with cancer in the community. We are drawing all of these issues to the attention of the community. The palliative care program provides a nursing service for patients with terminal malignancies who wish to remain in their homes. The Government, of course, has committed itself to a hospice. The Alcohol and Drugs Service runs programs which emphasise the Government's commitment to discourage tobacco smoking and to reduce passive smoking, both of which are major contributors to lung cancer and other respiratory tract cancers. So this Government has made massive moves.

The Government has taken strong action to reduce tobacco related harm, including banning most remaining forms of tobacco advertising, raising the minimum age of people who may buy tobacco to 18, restricting the availability of vending machines and increasing cigarette prices - all aimed at reducing cancer in the community. We have done this at a time of shrinking budgets, as a result of Commonwealth funding, and rebuilding our hospital system. There is massive work going on in the ACT community to provide better health in the community, both in treatment and in health promotion.

Increased cigarette prices have generated funds to provide a program which can prevent the occurrence of cancer in the first place. The Government also proposes to introduce smoke-free enclosed public places and workplaces and to introduce a new strengthened set of health warnings on tobacco products. I notice that the Liberals in Victoria are resisting the new health warnings that were adopted in MCDS. Shame on the Liberals! What are you doing about that, Mrs Carnell?

**Mr De Domenico:** The Victorian Liberals.

**MR BERRY:** They are all the same, all tarred with the same brush. They are all big "L" Liberals. We saw you people kowtowing to Dr Hewson in the Federal election. Then, immediately it was over, you were all distancing yourselves from him, all treating him like a leper. I know what a Liberal looks like - big "L", blue - - -

**Mr De Domenico:** Are you the same as your Federal colleagues? Are you the same as Mrs Kelly?

**MR BERRY:** She is one of ours. We speak as one.

**Mr De Domenico:** One of yours? You speak as one with Mrs Kelly, do you?

**MR BERRY:** On Labor Party policy, you betcha! There is a distinct difference between us Labor Party people and you Liberal people opposite.

**Mr De Domenico:** So you support the privatisation of all the Federal things?

**MR BERRY:** No, of course I do not. The Government has a good record in the area of education and prevention programs to address cancer. It was the first Labor Government which established the Health Promotion Fund. The Health Promotion Fund directed a large percentage of its resources into preventive programs supporting both the Cancer Society and the Heart Foundation. Mrs Carnell, why could you not be generous enough to say, in your public screeching, that the Government has a good record in doing something about cancer? Why did you not say that? Why did you not say, "You have a very good record, but it would be even a little bit better if you added a cancer registry"? You did not say that either. It is disingenuous. Mrs Carnell's concern about cancer sufferers out there is - - -

**Mr Cornwell:** Why are you so sensitive, Minister?

**MR BERRY:** I am sensitive because of the misinformation which is being created by the Liberals - as if the only area of cancer treatment were a registry. There are a whole host of things going on. The Cancer Society received \$65,000 from the Health Promotion Fund and is currently targeting smoking related cancers and skin cancer through its SunSmart and Quit campaigns - both good campaigns. The National Heart Foundation is also in receipt of grants from the Health Promotion Fund totalling about \$87,000.

The Health Promotion Fund, through its sponsorship program, is able to link health and anti-cancer messages to a range of sporting and other activities - all resulting from initiatives of a Labor government. The education programs in schools link Health Promotion Fund sponsorship to a range of sports which carry healthy messages and information necessary for our children's future health. The Government has also initiated a special stop smoking fund of \$200,000 in 1992-93. I am pleased to announce that three of the Cancer Society's applications have been successful and that they will be receiving a further \$88,000 to support stop smoking campaigns. So the Government's record in establishing new initiatives and supporting established programs which aim to effectively prevent and minimise the impact of cancer is unprecedented.

It is fair to say that a cancer registry is something that the Government has to deal with, and we are dealing with it; but we are not going to deal with it by firing from the hip. We are going to deal with it in a proper way, and we will get to it. You cannot drop everything every time Mrs Carnell gets a bright idea about something. That is what she seeks for us to do. We will not drop everything just to deal with her bright ideas. It is all right to present in this Assembly motions which cannot be opposed in principle - - -

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**Mr De Domenico:** Then support it.

**MR BERRY:** It will take its place amongst the priorities of health. The motion will not be opposed, but it is an outrageous strategy to deal with these sorts of services in that way without painting the complete picture. That is a luxury that you have in opposition. You do not have to deliver. All you have to do is screech and complain, and I accept that. But be responsible at the same time. You are not being responsible. You are frightening people who may be sufferers of cancer or who might fear cancer.

**Mr De Domenico:** Have you issued a press release on this item?

**MR BERRY:** Indeed, I will be doing so. What the Liberals have done is take attention away from the very important services that are provided. You are pretending that we are doing nothing, instead of drawing to the attention of the community what very important services are available in the ACT. A cancer registry is fine, and it will come; but it will have to stand up against other health priorities. Cancer is not the only thing that people die of. Cancer is not the only thing that makes people ill. We have a health system to run. A cancer registry will not treat one person - and the treatment has to be provided. The cancer registry will come. As has been said, it is an important tool in the treatment of cancer; but by itself it cannot cure one person.

We have to focus on a complete package of services to the community. We have to deal with the treatment. We have to provide the money for it, and we will continue to do that. Next week you will see the \$2m linear accelerator which will be provided for the people of the ACT for cancer treatment. Where are the accolades for providing that? Where are the accolades from the Liberal Party to the Government for providing that service? There is not a sound. All we hear is a screech in relation to the matter of a registry.

Our record stands. We have a good record in relation to the treatment of cancer patients in the ACT, and we will get better at it. We have a hospital system which has been in decline and is being rebuilt. This Government's focus has always been on providing a strong public hospital service - unlike the Liberals, who would force many public patients into expensive private beds that they cannot afford. They are still following the policies of John Hewson and John Howard on those issues. There has been no change at all. Who would run the cancer registry in Mrs Carnell's ideal world? Would you contract it out? She likes to contract services out.

This motion, which will not be opposed by the Government, cannot be opposed because a cancer registry is something that we will have to have, but it will have to stand on its own merit amongst all the other priorities in health. It will be a matter for decision by the Government amongst other decisions which are taken by the Government from time to time.

**MR MOORE (12.21):** Madam Speaker, I think it is appropriate to continue the tone that Mr Berry started. The Government has a good record in taking positive action in health promotion and cancer prevention. Mr Berry made that very clear and enumerated some government initiatives. Mrs Carnell's motion draws attention to a small gap in the overall plans. I think that is a quite important gap to draw attention to.

Madam Speaker, I will take time to quote from a book called *States of Health* by Alan Davis and Janet George. On page 154, in talking about a situation before the turn of the century, they say:

Through the activities of the statistical sections of the government departments concerned with health, report after report documented the existence of hazards and unequal exposure to disease among the population. The statistical movement was a major ally of reformers, providing them with a never-ending supply of information and new problems to be tackled. It became possible for the first time to have precise classifications of illnesses and deaths, to work out how the population as a whole was faring when compared with the past and experience in other countries.

In other words, Madam Speaker, nearly 100 years ago the importance of statistical information was already clarified. That contrasts putting a priority on the care of the sick with putting a priority on health care. Mr Berry mentioned a quite large number of cases where the Government has put a priority on health care, where it has taken action to prevent a particular illness, specifically cancer. He mentioned the breast cancer screening clinic, cervical cancer, tobacco, sun screening and a whole series of things to do with cancer education and prevention in our society. They are very important issues.

Mr Berry also drew attention to new equipment worth millions of dollars to be bought for the hospital. That is important in caring for the sick. He emphasised the question of priorities. In dealing with the health of our community it is always difficult to work out just what the priorities should be. It seems to me, Madam Speaker, that the need to be able to evaluate what is being achieved, to assess exactly where the problems are and what the extent of the problems is and then to focus our resources is absolutely basic to the good use of our resources. That is the gap that Mrs Carnell has put her finger on. That is why this is a very important motion. It is a matter of urgency.

**Mr Berry:** Which service would you like cut to provide it?

**MR MOORE:** Mr Berry asks which service we would like cut. He also pointed out earlier that raising such matters is one of the luxuries of being in opposition. It is his responsibility to determine priorities. In supporting this motion, which Mr Berry is prepared to do, the Assembly is saying, "Minister, look at your priorities, recognise the importance of something that has been done in every other State, recognise the importance of doing something, and recognise the importance of being able to focus your restricted resources where they are needed most".

To suggest, as I believe Mr Berry did, that this motion is an outrageous strategy is entirely inappropriate. It is not a strategy that just tugs at the heartstrings, as he suggests. We are talking about gaining statistical information and monitoring prevention measures to find out how successful they are. A real question that will have to be asked within the next couple of years is: How successful has this breast cancer screening clinic been? What are the advantages of having that operating in the ACT? We should be able to answer that by looking at some data

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that we can evaluate. We should be able to evaluate the data with reference to that unit specifically. Do not mistake me. I am not saying that we should in some way remove that unit. It was established with Federal funding in addition to the money that Mr Berry put into it. We should have beforehand information on how big the problem is, the extent of the problem, the focus of the problem - all those pieces of information on health. We should also be able to compare that information with information after the program has been in operation and try to determine whether it is worth putting the money into that program.

We have to be able to evaluate what we are doing - more so in less emotionally charged areas, for example, with reference to tobacco and with reference to general education. Just what is the impact of those things? Unless we support this motion, we will not have the tools available to do that evaluation. I realise that time is relatively short, Madam Speaker. It is with pleasure that I support this motion.

**Mr Lamont:** What happens in the other States?

**MR MOORE:** Just before I sit down, I will answer that interjection about what happens in the other States. Right across the other States there are cancer registries. As my memory serves me - and I think I am correct - this is the only place in Australia that does not have a cancer registry. It is really important that we also have a registry which will give us the advantage of being able to evaluate health programs.

**MRS GRASSBY (12.28):** Anyone would think the Leader of the Opposition had discovered a cure for cancer - a cancer register. As the Minister has mentioned, a lot can be done and has been done in the ACT to reduce the impact and incidence of cancer. Cancer is a disease of old age in the context of an ageing population. Cancer, as a proportion of all causes of death, will increase, for example, as a result of substantial reductions in cardiovascular disease mortality. While recognising the importance of the issue, it is wrong to scaremonger about the increasing cancer incidence, particularly in the light of the Government's obvious commitment to high-quality prevention and treatment services. But there are no quick fixes. It is misleading for the Leader of the Opposition to suggest that the health of ACT residents is suffering for the want of a register.

I will take the points in Mrs Carnell's motion in turn. We have good sources of death data - hospitals, morbidity data, access to reports from pathologists and self-reporting. Information from the national health surveys will be used to examine trends, the prevalence of various types of cancers, and high-risk groups within the population. These combined data sources should provide the breadth of information needed to monitor not only cancer but also other disease profiles. We can use this information to follow trends in cancer incidence.

**MADAM SPEAKER:** Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77 as amended by temporary order.

**Sitting suspended from 12.30 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Community Consultation

**MRS CARNELL:** My question is addressed to the Chief Minister. In the lead-up to the last ACT election, on 22 January 1992 the ALP announced a policy for consultation with the ACT community entitled "Listening to the Community". In the light of the existence of that policy, I ask the Chief Minister why the Government failed to consult the ACT community in almost all the decisions which have been taken and which have direct implications on many Canberrans.

**MS FOLLETT:** Madam Speaker, Mrs Carnell's question is extremely broad and the thrust of it is untrue. It is a fact and a matter of some pride with this Government that we do indeed consult the community and do so on a regular basis. I would point Mrs Carnell towards, for example, the householder surveys which have just been undertaken. The value of those surveys, Madam Speaker, is indicated by the fact that over one-third of Canberra households have actually returned their survey form. Over 34,000 Canberra households have taken the opportunity to let the Government know of their views on the services that are provided to them, and those views will be taken very seriously.

I would also point Mrs Carnell to the budget process. I have consistently consulted on budget matters and have consistently taken notice of, and acted upon, the responses that we get to that consultation process. Madam Speaker, there are other areas where consultation is in fact a trademark. I would point to the work that my colleague the Minister for Land and Planning undertakes in consulting with the community on planning matters. That is an extremely rigorous process, one in which the Assembly has had a hand over the years. I believe that that process has made for a better result for the community. It is certainly one which this Government takes very seriously. So I would completely deny the allegation that is inherent in Mrs Carnell's question.

**MRS CARNELL:** I ask a supplementary question. If the Chief Minister has consulted with the Canberra community, why was it then necessary for the issuing of a paper entitled "Establishment of Community Consultative Structures in the ACT" dated May 1993 a year and a half after your pre-election promise?

**MS FOLLETT:** Madam Speaker, had Mrs Carnell any understanding whatsoever of what consultation means and what it means to take it seriously rather than just mouth slogans, she would have appreciated that this Government has a commitment towards establishing, where it is necessary and where it is possible to do so, some mechanisms to facilitate consultation with the community. Work towards that end has been going on for some time, and it has involved - as you might expect - a large amount of consultation. So, Madam Speaker, I believe that in attempting to sort out those mechanisms we are taking an appropriate further step in ensuring that the views of the community that we serve are heard.

### **ACTION Services - North Canberra**

**MR LAMONT:** My question is also directed to the Chief Minister. Chief Minister, following the extensive consultation with, and representations from, people in the north of Canberra, can you inform the Assembly of any steps taken by the Government to improve bus services in North Canberra?

**MS FOLLETT:** I can indeed, Madam Speaker, and it is a matter where again consultation has been a hallmark. There was consultation by ACTION over route 432 between the city and Belconnen via the inner northern suburbs, Mitchell and the University of Canberra. Following that consultation process, that service was actually deleted, but the resources from the deleted service have been applied to two other ACTION bus services. One is the existing route 500, which is the city to Belconnen via Gungahlin route, and a new route 410. This latter one is particularly important to inner north residents. The planning and the schedule of route 410 were done as a result of representations by members of the community both to me and to the Minister for Urban Services. As a result of those representations, officers of the Department of Urban Services actually conducted surveys of patrons - they were consulted - and they met with community representatives such as the Dickson College and the Canberra University Students Association.

The outcome of this consultation process is a new peak-hour service. It offers two services in the morning and three in the afternoon, and it is designed to meet the needs of students and commuters. It connects the city and Belconnen via Dickson, Downer, Watson, the University of Canberra, the Bruce campus of the Institute of Technology, Calvary Hospital and Dickson College. This is a very good example, albeit on a small scale, of consultation in action and of this Government's policy on consulting the community and implementing their wishes in regard to the services that are required by them.

### **Community Consultation**

**MR DE DOMENICO:** My question is also addressed to the Chief Minister. I refer the Chief Minister to page 10 of her paper called "Establishment of Community Consultative Structures in the ACT", in which she envisages that community consultation will be set up as a network of geographical councils with a peak committee. Point 52 says:

Government representation on the Executive of the Councils and the Peak Committee would be advantageous in that Government policy could be explained immediately and members would have a point of contact in the administration. Alternatively, Government officials could attend for specific agenda items.

Chief Minister, what sort of independent advice would the Government receive if these structured groups had members of the Government on them or, more importantly, if they were funded by the Government, which the Chief Minister's draft paper indicates will be done in the 1993-94 budget?

**MS FOLLETT:** Put simply, Madam Speaker, this is a discussion paper. Again, there is a genuine commitment on the part of this Government that that discussion paper will be a matter on which we will consult and on which we will listen to people's views. But Mr De Domenico has asked particularly how it might work if there were, say, some form of government or administration representation on bodies. Madam Speaker, the intent of that would be purely and simply to make sure that debate was informed and that consultation and a two-way flow of communication were facilitated.

I think that Mr De Domenico displays all of the cynicism about community consultation for which his party is now infamous, because quite clearly the Liberals would not have a bar of this kind of arrangement. They have no interest whatsoever in actually finding out what people think and then acting upon it. I think that that is a very major difference between the style of Labor in government and the style of the Liberals in government. We have had an opportunity to observe them in government. Just bear in mind the amount of consultation that took place on their plan to close 25 Canberra schools. None whatsoever. They announced it and then, having realised their error, they rapidly had to backtrack and arrange some form of consultation. Of course, in the course of the consultation they were soundly defeated in their blind ideological rush to close down 25 Canberra schools. They have always put the cart before the horse, and they have no concept whatsoever of what it means to actually enter into a dialogue with the community and to facilitate that communication.

**MR DE DOMENICO:** I ask a supplementary question, Madam Speaker. Given the Chief Minister's commitment to funding groups in the 1993-94 budget, which groups will be funded, and how much money will be involved?

**MS FOLLETT:** Madam Speaker, I will not be drawn on budget matters - I have said so repeatedly - no matter how hard members opposite try.

### **School Closures**

**MS SZUTY:** Madam Speaker, my question is directed to the Minister for Education and Training, Mr Wood. This Assembly and the community are aware of the Government's commitment:

Labor will guarantee that no further schools will be closed in the next three years.

My question of the Minister is: What preventive measures will the Government take to protect schools from closure so that the circumstances surrounding the closure of Griffith Primary School will not be repeated during this term of government?

**MR WOOD:** Madam Speaker, I think the Chief Minister has already answered that question, or a very significant part of it. We talk to the community. Let me indicate that I was very careful with Griffith Primary School. That school has been suspended for the remainder of this year. I will go back to that school community. I have been in touch with the P and C Association, which continues. They have been given a document asking for the views of the parents in that area on the future.

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**Mr Kaine:** What are you going to do with the library that is moving in?

**MR WOOD:** Mr Kaine asks about the library. After consultation with the P and C of that school, Mr Connolly and I agreed that the Kingston library could relocate to some part of Griffith Primary School. Very carefully, we have left aside more than sufficient area, should that school be reopened. Let me emphasise that we did that in consultation with that community. We did not take that decision just between ourselves; we went back to the P and C. That is a very strong part of my answer to Ms Szuty. We talk to the community. Ms Follett has already demonstrated the way that the Liberals do not do that. When Mr Humphries made his announcement about schools, he would not consult; he would only provide the criteria on which he would pick out schools for closure. The contrast is stark.

Basically, beyond that consultation and of primary importance, we maintain high-quality schools. They are well staffed, they are well looked after, they are in good buildings, and students are keen and happy to attend. We also have an administrative structure that supports the staff. That has been reviewed recently. We have very competent people who keep in close contact with schools and their principals and their communities to iron out any problems should they emerge. For example, as an additional measure, we have the SPRAD process, a school evaluation process. It is no surprise to us, but it may be to the Liberals opposite, that that is done absolutely, totally, in consultation with the community.

A final factor that is very important to Ms Szuty's question is that our schools, since the establishment of the system in 1974, have been based on community participation. Our schools are run with and for the community. The strong community involvement in the schools keeps everybody active and interested. The people are protective of the schools, as we are. I think that system has worked pretty well.

### **School Curriculum Review**

**MR CORNWELL:** I was most interested to hear the Minister for Education's final comments about community participation. I also was interested to hear him saying that the arts community had said that his recent activities were a model of consultation. Mr Wood, would you mind telling me why no notice was given by the Government or the Department of Education of an intention to conduct a review of school based curriculum, as commented upon by the ACT Council of P and C Associations in their presumably unsolicited submission? I quote:

... P&C Council wishes to record its concern that neither the ACT Government nor the Department of Education has provided any notice of intention to conduct a review of school-based curriculum. There has not been, to our knowledge, any official statement on the purpose of the review and why it is being conducted in such a short period.

Some consultation!

**MR WOOD:** Madam Speaker, what Mr Cornwell does not understand is that there is a starting point for everything. Ms Follett has explained that very well today. We are going to look at curriculum in terms of what is happening nationally.

**Mr Kaine:** So you made the decision first and you are going to consult afterwards.

**MR WOOD:** Not at all. We have made a policy decision to do that. It is, I might tell you, part of -  
- -

**Mr Kaine:** Decision first; consultation afterwards.

**MR WOOD:** No, not at all. It is part of ALP policy, so do not ever be surprised at what emerges through that process. When we say things, we actually do them. I sat down yesterday with the P and C Council and we discussed this proposal. We discussed a whole range of issues. I sit down with that council regularly and talk through things. That council, which like the whole of the school community is a very strong representative group, will be involved, because that is the way curriculum is done in the ACT.

**Mr Cornwell:** Why didn't you tell them earlier?

**MR WOOD:** I am trying to say things to you, Mr Cornwell. I know that you do not want to understand. I will try not to use my teaching style because it upsets people sometimes. I am trying to say to you that somewhere, at some stage, the proposal has to emerge. Do you understand that? It has to emerge at some stage. It does not come down magically from somewhere and filter into everybody's head. The whole curriculum in the ACT - and Mr Cornwell knows this because he has been quite actively involved in it - is community based. Anything we are doing with curriculum, more than most things, is being very extensively put around through the schools.

**MR CORNWELL:** I have a supplementary question. Will you be issuing a media release about this school based curriculum to encourage other people to put in submissions?

**MR WOOD:** The full consultative process will be gone through, Mr Cornwell.

### **Lower Molonglo Water Quality Control Centre**

**MRS GRASSBY:** My question is directed to the Minister for the Environment, Land and Planning, and it is a very important question. In the light of the *Sydney Morning Herald's* article on 17 May of this year about the impact of phosphorus on river pollution, could the Minister please tell the Assembly what is being done to address the problem at the Lower Molonglo treatment works?

**MR WOOD:** I did pick up that article in the *Sydney Morning Herald*. It jumped out at me because I am aware of serious measures, for example, through ANZECC to look at the phosphorus that comes from dishwashing materials. I know that we have taken steps in the ACT to be sure that we discharge as little phosphorus as possible into the river system from the sewage treatment works. The Lower Molonglo treatment plant claims repeatedly, and probably accurately, to be a leader in Australia. That is Mr Connolly's area.

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As Minister responsible for the environment and the one who gives the licence to Lower Molonglo to operate, I see to it that we keep them up to task. I am quite proud of the measures that I have taken, in cooperation with Mr Connolly, since I became a Minister, to improve the quality of the outflow from Lower Molonglo. You may recall that some time ago there were quite a number of bypasses there - that is the word that is used. They have been considerably reduced. I required an environmental audit to be made of that facility, and I believe that it has had very beneficial results.

For example, the new licence that we issued to them after that audit limits the amount of phosphorus leaving the plant to 30 kilograms a day. It was previously 35. In 1993 the discharge has been well below that level. For instance, in April the average was 19 kilograms a day. Concentrations in the river at Uriarra Crossing downstream from Lower Molonglo are well below the required standards nationally. This shows that phosphorus removal by the treatment plant is working well. Members would understand that removal of phosphorus is seen as a key element in preventing the growth of blue-green algae. The algae needs both nitrogen and phosphorus to grow, and scientific evidence indicates that a nitrogen to phosphorus ratio of over 20:1 will impede growth. Currently, Lower Molonglo is operating at a consistently better ratio than that. So it is correct to say that ACTEW are performing well at the Lower Molonglo facility.

### **Industrial Awards - Preference Clauses**

**MR MOORE:** My question is directed to Mr Berry as Minister for Industrial Relations. Mr Berry, at the Estimates Committee hearing last year you undertook to provide details of all industrial awards applicable to the ACT Government Service which incorporate preference clauses for employment of union members. Your reply indicated ACT award preference for Fire Brigade employees as well as employees on Jobskills programs - just those two. What action will you now take to explain to those employees that under ACT legislation which I assume will be shortly gazetted they cannot be discriminated against on the grounds of either belonging to or not belonging to a union?

**MR BERRY:** My understanding is that the Federal award will apply.

**Mr Moore:** No, the Fire Brigade is under an ACT award.

**MR BERRY:** No, it is under a Federal award. It is a Federal award which is governed by the Federal Industrial Relations Act. Therefore, my advice is that that award would prevail over local laws.

### **Land Tax**

**MR KAINE:** My question is addressed to the Treasurer. Last Thursday the Treasurer made a comprehensive speech when she outlined the budgetary problem for this year. Her only solution was to ask the Commonwealth for more money, although only two days before, in a very good speech, I suggested that she should begin the community consultation process and tell us what the options were so far as the local taxpayers are concerned. I note from her Victorian colleagues that the shadow Treasurer in Victoria, Mr Ian Baker, in talking about Victoria's massive financial problem, has suggested:

We need some form of wealth tax. Probate is not on unless it's done on a uniform national basis.

The only other area is land tax ...

It's one of the most likely forms of tax to ensure taxing the wealthy instead of taxing employment.

Does the Treasurer agree with that and, if so, is a hike in land tax one of the options that are available to her this year to help balance the budget?

**MS FOLLETT:** I guess that there was a question in there somewhere, Madam Speaker. I am not sure what it was.

**Mr Kaine:** It was a fairly straight question. Are you going to up your land tax?

**MADAM SPEAKER:** Thank you, Mr Kaine. Ms Follett has the floor.

**MS FOLLETT:** Mr Kaine ought to know what the options are in looking at budgets for the ACT. Indeed, I am aware that he has produced one budget - not very successfully, but he has at least gone through the motions on one occasion. Mr Kaine ought to be aware that in facing the kind of budget gap that the ACT has at the moment there are, in theory, several ways of approaching it. Those ways, of course, include reducing your expenditure, increasing your revenue, utilising borrowings, or some combination of those three. That is the way you do it when you are faced with a reducing quantity of funds available to continue with the same services which the community requires. Those are the options.

Madam Speaker, I think that Mr Kaine is aware of that and is equally aware that at this point I am not about to tell him, or indeed anybody, what exactly I might do in the context of the budget which I will bring down in September. The prime reason for that - and I would have thought Mr Kaine was aware of that also - is that I am in the process of consulting, not least on the issue of the Grants Commission report which I reported to this Assembly about last week.

Madam Speaker, to anybody who has read both the Grants Commission report and my statement on it, it would be clear, I would have thought, that some action was required in order to ameliorate the effect of that Grants Commission report on the Territory.

**Mr Kaine:** Tell us what you are going to do. That is the question.

**MS FOLLETT:** If Mr Kaine would stop interrupting me and recall what was in that statement - - -

**Mr Kaine:** If you would answer the question.

**MADAM SPEAKER:** Order!

**MS FOLLETT:** Thank you, Madam Speaker. If he would recall what was in that statement, he would know that what I am putting to the Federal Government is a regime aimed at ameliorating the effects of the Grants Commission's latest report. That regime which I have put to them involves, instead of the ACT taking

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the 21 per cent cut in its Commonwealth general revenue grant for this year, a process of sustainable and realistic reductions by the Commonwealth of the order of 5 per cent over the coming years. Mr Kaine will be aware of that. I am in the process of discussing that approach with my Federal colleagues. Those discussions, of course, are not concluded.

Madam Speaker, I am sure that Mr Kaine is also aware that we will not know what it is that the Commonwealth will grant to the ACT by way of general revenue grant until the Premiers Conference, which this year will be held in July - rather late. I really do not think that there is any point in speculating, as Mr Kaine appears to want me to do, upon the exact way of approaching the budget task. Quite clearly, Madam Speaker, there are many issues which have yet to be resolved, and the way of addressing the budget gap is one of those issues.

**MR Kaine:** I ask a supplementary question, Madam Speaker. Will the Chief Minister and Treasurer confirm or deny that the Government is considering extending land tax to the principal residence?

**MS FOLLETT:** I deny that any such consideration is being undertaken.

### **Community Consultation**

**MR WESTENDE:** Madam Speaker, my question is directed to the Chief Minister. I refer the Chief Minister to page 8 of her community consultation paper, where she outlines that her consultative structure should be a formal one and goes on to state:

It is envisaged that a community consultation structure ("the *Structure*") will provide an advisory and advocacy role, representing a voice which is outside the bureaucratic structure.

My question to the Chief Minister is: Does this mean that consultation with the ACT Government can take place only through these formal structures and designated interest groups, or can all Canberra citizens be consulted when and if they have an interest or a wish to participate?

**MS FOLLETT:** Madam Speaker, the Liberals clearly have a lot to learn about consultation. I am quite pleased to see that they are indicating today at least a willingness to learn.

**Mr Kaine:** We have to learn about the pretence of community consultation.

**Mr De Domenico:** Ask the people at Woden interchange - - -

**MADAM SPEAKER:** Could we have some order, please. The Chief Minister is attempting to answer a question.

**MS FOLLETT:** Madam Speaker, it ought to be clear to the Liberals, as it is indeed clear to most of the community, that people may make their views known to the Government or indeed to the Opposition in any number of ways.

They may write letters; they may make phone calls; they may send a fax; they may write a letter to a newspaper; they may take part in a radio talkback program; they may, as frequently happens, stop me in the supermarket and let me know their views. There are any number of ways in which people can put forward a view to the Government or to the Opposition.

There are also, Madam Speaker, a number of community organisations which do so in a structured way. All of the groups that exist in the community, such as the P and C, from time to time advise the Government of their views and of the views of their constituent members. This is another form of consultation. Madam Speaker, it is also the case that within government I have a number of consultation mechanisms available to me, as do other Ministers. I have the Women's Consultative Council, the Multicultural Council and the Youth Advisory Council. There are industrial relations advisory councils and the Independent Health Complaints Unit. There are any number of methods of facilitating communication between the Government and the community.

Madam Speaker, what I am proposing in this formal consultative mechanism certainly does not rule out any of those other options. It is in fact an attempt to increase people's say, to increase the avenues by which people can make their views known to government. Because it is a relatively formal process, it is also a way of making sure that on issues on which the community ought to be consulted they are actually consulted. It provides a further vehicle for that kind of communication to occur.

There are many issues which cross over Ministers' portfolios; there are issues which do not sit comfortably within any portfolio; yet those matters must also be the subject of debate with the community. This consultative mechanism is a further process which in no way diminishes any of the other processes already available.

**MADAM SPEAKER:** I call Ms Ellis.

**Mr Stevenson:** I raise a point of order, Madam Speaker.

**MADAM SPEAKER:** Yes, Mr Stevenson. What is your point of order?

**Mr Stevenson:** The point of order relates to the fact that you have given the call to Ms Ellis. Does standing order 44 not require that you give the call to the person first on their feet?

**MADAM SPEAKER:** Mr Stevenson, when I am conducting question time the regulation that guides me, apart from that standing order, is that the order of speakers should ensure equal participation between and across parties. That is a question time practice that is upheld in every parliament in Australia. It is upheld totally fairly here, and you will get your call in order.

**Mr Stevenson:** Does that mean that standing order 44 does not apply?

**MADAM SPEAKER:** You will get your turn, Mr Stevenson, and I will not entertain that point of order again.

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**MR WESTENDE:** I have a supplementary question. Chief Minister, could you tell this house the last time you attended the meeting of a community council?

**MS FOLLETT:** It depends what sort of a community council you are talking about. Madam Speaker, I attend many meetings, and I do, as I am sure other members do, get frequent communication from those councils. I do not believe that it is my role to attend every community council meeting. I think - and this might be news to members opposite - that, so long as you listen to the views which are expressed by those councils and take action upon them, that is a better implementation of the consultation process than showing up each time in an attempt to win votes, which is what members opposite do.

### **Judiciary - Attitude to Assaults on Women**

**MS ELLIS:** Madam Speaker, my question is directed to the Chief Minister. It concerns a large amount of controversy in the media and in the community recently over some decisions and some comments made by the judiciary. I ask: What is the Government doing to ensure that judges in the ACT take notice of current community attitudes about assaults on women?

**MS FOLLETT:** I thank Ms Ellis for the question, Madam Speaker. I have certainly seen a number of media reports which are critical of judges in the ACT and the States over what appear to be inappropriate comments about women in the course of cases involving assaults on women. I know that that will be a matter that is of concern not only to people in the Assembly but to everybody in the community. I think it is a very sad day indeed when one leading newspaper can carry virtually an entire page of jokes about judges. It is a very sad state of affairs - although some of the jokes were very good.

Madam Speaker, the Director of Public Prosecutions, Mr Crispin, was quoted in the *Canberra Times* on 17 May as attributing the lack of such a controversy in the ACT to the fact that these cases are tried in the Supreme Court here and that judges in the Supreme Court have the time to properly hear and determine cases. However, in the same issue of the *Canberra Times* there was an article which referred to several disturbing instances in the ACT of judges making inappropriate comments or imposing sentences which appear light in view of the nature of the assaults on the women victims who were involved.

Madam Speaker, although there are a number of options which the Government will be looking at to alter the approaches of judges and of magistrates in these cases, we are very mindful of the need to ensure that there is no real or perceived interference with the independence of judges in carrying out their duty. The Australian Institute of Judicial Administration is piloting a gender awareness program for judges and for other professionals involved in the justice system. The Government certainly hopes that this program can be established quickly and that judicial officers in the ACT will take part in the program.

We are also committed, as members will know, to reviewing laws on sexual assault and on domestic violence in the ACT to make sure that those laws make adequate provision for the protection of women from assault. The Community Law Reform Committee has references on both of those matters.

As part of these reviews, Madam Speaker, the issue of continuing education for professionals, including the judiciary, is canvassed. In fact, I will be meeting with Kathleen Mahoney, who is a leading judicial gender education expert from Canada, when she visits Canberra, I believe, next month.

We have also introduced a Bill to amend the Crimes Act to establish a number of principles which judges must follow in sentencing convicted offenders, including of course offenders who are convicted of offences against women. That Bill will require that in imposing a sentence judges must have regard to the injury to the victim, the need to ensure that the offender is adequately punished for the offence and the need to ensure that the sentence deters other persons from committing that offence. Madam Speaker, the Government introduced the Bill in the Assembly in March and comments on the Bill have been sought from, amongst other people, groups who represent the victims of crime.

I ask that further questions be placed on the notice paper, Madam Speaker.

### **Sudden Infant Death Syndrome Register**

**MR STEVENSON:** Madam Speaker, I seek leave to ask a question of Mr Berry.

Leave granted.

**MR STEVENSON:** Madam Speaker, it is a tragic case when any infant dies suddenly. The medical authorities have not established the reasons behind SIDS. I know that there is a great deal of research going on and it would be of assistance to the researchers if they had adequate reporting data. I ask the Minister whether he would consider looking into the establishment of a cot death register within the ACT. I believe that Tasmania established such a register about 15 years ago, although Tasmania is supposedly the only place in Australia that has such a register. A register would give the full details of all cot deaths occurring in the ACT.

**MR BERRY:** Madam Speaker, I expect that there would be some registry of morbidity within the health system, but there is some difficulty about having a register for every complaint. A register is not much good unless you require people to report. On the information raised in relation to the cancer register this morning, there does not seem to be much point having a register if nobody is required to provide the information. I will certainly look into the matter. Of course, there is also the issue of treatment. I will certainly look into the matter and get back to you, Mr Stevenson.

### **PAPER**

**MR BERRY** (Deputy Chief Minister): Madam Speaker, in response to the report by the Estimates Committee on the Appropriation Bill 1992-93, the Government undertook to table ACT Government Service quarterly staffing analyses as they become available. In response to that, Madam Speaker, for the information of members, I present the following paper:

ACT Government Service - Quarterly Staffing Analysis - March 1993 (Pay period 20).

## **GREENHOUSE STRATEGY Paper**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.10): Madam Speaker, for the information of members, I present a report entitled "ACT Greenhouse Strategy" and move:

That the Assembly takes note of the paper.

Madam Speaker, it gives me great pleasure today to present to members the ACT greenhouse strategy. The strategy complements national action and provides the ACT community with the opportunity to maintain its quality lifestyle while making substantial moves towards meeting its greenhouse responsibilities. If levels of greenhouse gas emissions, most notably carbon dioxide emissions arising from burning fossil fuels, were to continue at the current rate, atmospheric concentrations would double by the early 2030s, using pre-industrial levels as a base. On balance, scientific studies indicate that such a doubling in the level of carbon dioxide may lead to a rise of between 1.5 and 4.5 degrees Celsius in the Earth's temperature. On a global level, the possible effects of such a temperature increase would be wide-ranging and potentially serious.

It is in this context that I released in January 1992 - it was part of our consultation process, might I emphasise - the document "ACT Greenhouse Strategy: A Draft Framework for Action and Options for Consideration". The document provided detailed information on the need for, and the possible elements of, a strategy relevant to the particular circumstances of the ACT. It outlined a large number of options which could possibly be implemented as part of a greenhouse strategy. In light of the comments received from the community, all suggested options, including additional ones arising from public comments, were reviewed for their appropriateness and practicality. The results of this review now form the basis of the ACT greenhouse strategy. In formulating the strategy, developments at the national and international levels have necessarily been taken into account. Climate change is global in nature and no one nation, government, or industry sector is able to provide an effective response in isolation.

Members will be aware that there has been considerable activity in developing responses to the enhanced greenhouse effect at both national and international levels. The development of the framework convention on climate change and the national greenhouse response strategy provide the most significant context for formulating an ACT strategy. Arising from the United Nations Earth Summit held in June 1992 in Brazil, Australia has agreed to the framework convention on climate change. It aims to stabilise greenhouse gas concentrations at a level which would prevent dangerous interference with the global climate. Nationally, Commonwealth, State and Territory governments have now agreed to the national greenhouse response strategy which was released by heads of government on 7 December 1992. It provides a suitable framework in which to pursue Australia's national and international responsibilities concerning climate change and recognises the importance of a strong, growing and diversified economy, and the need to maintain international competitiveness.

The ACT strategy is designed to be consistent with these national and international developments, particularly the goal of the national greenhouse response strategy, namely:

To contribute towards effective global action to limit greenhouse gas emissions and enhance greenhouse sinks; to improve knowledge and understanding of the enhanced greenhouse effect; and to prepare for potential impacts of climate change in Australia.

The ACT strategy emphasises the value of preventing greenhouse gas emissions in the first place rather than merely a "fix it afterwards" approach. This approach has additional benefits - for example, savings in energy costs - and ensures the optimum utilisation of the community's resources. It is also consistent with the national approach of initiating, in the first instance, no regrets options - that is, those worthwhile initiatives which are of little or no cost, or for which costs are recoverable in the short term. The strategy contains a set of principles and a policy framework within which the ongoing activities of government can be developed to be greenhouse friendly. It recognises the link with other policies of the ACT Government and the need for the strategy to be integrated with, and supportive of, existing government policies. Notably, the strategy has been designed to be supportive of, and complementary to, the ACT environment strategy currently being developed.

The principles are: First, ensuring sustainability by utilising the community's resources in such a way as to ensure that ecological processes are maintained and that the total quality of life, including environmental amenity, is enhanced. Second, maximising urban efficiency to ensure that the basic functions carried out in a city, including the provision of infrastructure and services to the community, are carried out as efficiently as possible. Third, user pays, polluter pays, which means that pricing and charging structures adequately reflect the full social and environmental costs of resource use. Fourth, social justice considerations which provide for equity within and between generations and which ensure that the needs of the various sectors of the community are taken into account. Fifth, provision of the necessary information and education programs. Last, the need for government leadership and commitment, having regard to national developments.

Consistent with these principles, the Government is setting in place a broad policy framework within which the ACT can effectively address the greenhouse issue. The Government recognises that an effective greenhouse strategy cannot be restricted to a number of specific initiatives no matter how worthy they might appear at the present time. Rather, it must provide a flexible framework within which issues can be addressed as they arise and, when viewed in the broader context, will lead to a reduced net greenhouse impact on the ACT. Given our geographical location and economic base, most notably our cold winters and absence of energy production and energy intensive industry, the ACT's scope for action is more limited than other jurisdictions. For example, we do not have any energy intensive steel or aluminium production. Power used in the ACT is generated elsewhere in the country. Nevertheless, ACT residents take advantage of consumer goods and energy supplies produced elsewhere and have a responsibility to do their bit in reducing global greenhouse emissions.

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The strategy therefore focuses on those areas where the ACT is able to make a significant contribution to reducing greenhouse gas emissions. These are: First, energy supply and use, where the Government recognises the role of appropriate pricing policies incorporating user pays and polluter pays, and specific action to encourage efficient energy use by organisations and individuals as well as the use of appropriate regulatory mechanisms. Second, the transport sector, where the needs to improve the efficiency, effectiveness and attractiveness of public transport and to reduce private car use for commuting are the central concerns. Third, waste minimisation, where the Government is taking a comprehensive approach to waste management, focusing on minimising the generation of waste, encouraging recycling, introducing the concept of user pays for waste disposal, and utilising the most efficient means of waste collection and disposal. Last, a range of cross-sectoral issues covering urban design, public awareness and research and development.

In developing the strategy it was recognised that most of the initiatives would be related to existing programs and would provide benefits in addition to reduction of greenhouse gas emissions - for example, savings through reduced energy consumption. The strategy includes a number of initiatives already being progressed which will contribute to a reduction in greenhouse gas emissions. For example, energy conservation measures in government buildings; the future public transport options study which will provide guidance on how best to provide an efficient public system for the ACT; the trialling of alternative fuels, such as diesohol and compressed natural gas; the building of a demonstration house by ACTEW, designed to show in a practical way how to minimise energy use, both directly by utilising solar energy and indirectly by reducing energy use by ACTEW through minimising water supply and sewerage demands; the trialling of kerbside recycling and wheeled bins; and, finally, public awareness and education programs.

The strategy also outlines a wide range of additional initiatives that the Government is committed to in principle, some of which need further investigation or development before they can be effectively implemented. Examples are: The development of a five-star energy efficiency rating scheme for houses, bringing together the principles of passive solar house design in a checklist by which the relative energy efficiency of different houses, both old and new, can be compared; the development of an ACT bicycle strategy with a view to encouraging safe cycling, ensuring that facilities for safe and efficient on-road cycling are adequate, and encouraging the use of bicycles as an alternative to the private car for commuting; the preparation of a comprehensive waste management strategy for the ACT incorporating the preparation of a landfill management plan and the results of the current trial of wheeled bins and kerbside recycling; and, finally, the establishment of an eco office network in the ACT Government Service focusing on energy conservation and waste minimisation.

In monitoring agencies' actions in implementation of the strategy, future environment budget statements will reflect progress on implementing initiatives to reduce greenhouse gas emissions. The newly established office of the Commissioner for the Environment is required to produce a state of the environment report. I intend requesting the commissioner to include a particular focus on greenhouse in the 1993-94 report which would assess agencies' compliance with the greenhouse strategy and would comment on specific areas where there is scope for more effective action.

Under the intergovernmental agreement on the environment the national environment protection authority is expected to be established in 1993. It will establish agreed environment protection measures against which each government will be required to report. These measures are intended to ensure that all jurisdictions will report on their achievement of agreed standards against common criteria and are expected to include assessment of action taken to reduce greenhouse gas emissions. It is important to remember that this issue of the enhanced greenhouse effect cuts across a broad range of policy areas. For the strategy to be effective, a critical factor is the integration of greenhouse and ecologically sustainable development considerations into the government decision making process, enabling ongoing government activities to be greenhouse friendly.

In summary, this strategy provides a solid framework for action to reduce greenhouse gas emissions in the ACT and it will also be supportive of, and complementary to, the ACT environment strategy currently being developed. In implementing this strategy, the overall quality of life we enjoy in the ACT will be maintained and enhanced. I commend the strategy to the Assembly.

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

### **CREDIT LAWS Ministerial Statement**

**MS FOLLETT** (Chief Minister and Treasurer): I ask for leave of the Assembly to make a ministerial statement on a major overhaul of Australian credit laws.

Leave granted.

**MS FOLLETT**: I thank members. Madam Speaker, my colleague the Attorney-General attended an extraordinary meeting of the Standing Committee of Consumer Affairs Ministers - it is called SCOCAM - last Friday, the decisions of which have been the subject of recent media coverage. That meeting was devoted entirely to resolving a number of outstanding issues which have delayed the introduction of fair uniform credit laws throughout the nation. Now that those issues have been resolved, the Government will act to implement those decisions and will propose legislation which represents a fair balance between consumers' rights to protection and industry's freedom to trade. Agreement on uniformity was almost achieved in 1991 and 1992 but did not succeed because of changes in position by certain SCOCAM members. Friday's decision is different, however, being reflective of settled government policies around the nation.

Madam Speaker, when I was the Minister responsible for consumer affairs in the first Labor Government after self-government I had some involvement with this matter and I remember the complex and difficult issues that Ministers were asked to consider. I agree with the SCOCAM Ministers' communique issued after last week's meeting that a decision on uniform credit is indeed an historic one, and it demonstrates that even a technical and complex issue like credit law reform can be dealt with effectively in a federal structure of government. At present credit laws throughout Australia are inconsistent about the products covered, the monetary limit to jurisdiction, the application to credit providers, the degree of

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price control, the level of consumer protection, and the type of sanction available to be applied to credit providers who breach the law. In a national marketplace driven by ever changing technology, these inconsistencies are not only confusing but also costly to both consumers and credit providers. In short, these inconsistencies are unacceptable and are a hindrance to national micro-economic reform.

The decision to introduce fees on credit cards has drawn a lot of media attention. The Federal Government had indicated its intention to take over the regulation of all continuing credit contracts, including credit cards, and last week circulated for comment the draft Continuing Credit Contracts Bill 1993. That Bill would have significantly reduced protection for consumers and as well would create administrative problems by splitting credit administration between the Commonwealth and the States and the Territories. The proposed uniform credit legislation will allow credit providers to impose fees and charges on credit cards if they wish to do so, provided all such fees and charges are fully disclosed. This measure should increase competition between providers of credit card facilities by allowing them a choice between offering credit cards at lower rates coupled with a fee or offering cards at higher rates with no fee.

The Federal Treasurer has asked the Prices Surveillance Authority to monitor credit card interest rates over the next three years to ensure that the promises he has received from the banks about lower interest rates are fulfilled. I also note that the general principle of the uniform legislation in relation to all credit products is to allow credit providers to charge fees, provided they are fully disclosed, with a reserve power to proscribe any fees the States and Territories consider are anti-competitive and unfair to consumers. SCOCAM Ministers may act to use this power if credit card interest rates do not fall to an acceptable level.

Madam Speaker, the requirement that all fees be disclosed is one aspect of the basic principle underlying the uniform credit legislation to protect consumers by applying the principle of truth in lending to all credit provided for consumer purposes, including housing, and to all credit providers, including banks, credit unions, building societies and finance companies. Although the prudential standing of banks, credit unions and building societies is supervised by other legislation, this will be the first time that fair trading and consumer protection laws have been applied to their operations throughout Australia.

Credit providers will be required to make a full disclosure to consumers and guarantors of all terms and conditions of the credit contract so that they can make an informed decision. In particular, to make interest rate disclosure meaningful to consumers, credit providers will be required to disclose what is known as the "nominal rate" to consumers, which reflects the actual rate at which the funds are provided, rather than the "effective rate", which has meaning only if a person has some specialist training. Further, Madam Speaker, to aid consumers in their decision making, consumers will be able to ask credit providers for a comparison rate which, for some types of credit contracts, provides a simple means of comparing the costs involved in different credit contracts. Consumers will be warned by the credit provider of any limitations the rate may have in their particular circumstances. In further recognition of the value accurate comparative information has for consumers, the Commonwealth Government has agreed to fund a consumer information centre to provide comparative information on financial products. I commend the Commonwealth's initiative in this regard.

The new uniform legislation will retain the current civil penalty regime, with some modification to accommodate industry concerns. A civil penalty comprises forfeiture of all, or, in the case of certain breaches of continuing credit contracts, part, of the interest charges otherwise payable under the relevant credit contract. Conversely, the debtor is automatically relieved from liability to pay such interest. The ACT has always argued strongly for retention of civil penalties on the basis that they have proved the only effective deterrent to credit providers breaching their obligations under the Act. The amount of the civil penalty which may be imposed will be limited by the introduction of a "stepped capping regime" where the maximum level of the penalty is determined having regard to the asset base of the credit provider in question. Systemic and minor errors will be treated separately from other more serious breaches.

At SCOCAM the ACT also successfully argued for the retention of provisions which prevent the credit provider from enforcing contracts while they are the subject of tribunal proceedings and which also prevent a credit provider from automatically obtaining an order suppressing details of those proceedings from being made public. We believe that public exposure for breaches of the law is a major incentive for responsible conduct.

Finally, Madam Speaker, under the new uniform legislation, consumers will still be able to negotiate a variation to their obligations under a particular credit contract on the basis of financial hardship. Importantly, the limit has been increased to \$125,000. In some cases consumers who find themselves in hardship have entered into unconscionable contracts. The new legislation confirms the role of the credit tribunal in reopening unconscionable contracts.

Madam Speaker, the new uniform legislation agreed at the SCOCAM meeting represents significant consumer law reform in the credit industry. This exercise again shows that by promoting social justice through the adoption of fair trading principles it is possible to balance the concerns of both consumers and industry. The ACT's commitment to the development of uniform credit laws further demonstrates the Government's policy of promoting fair trading in the marketplace. I present a copy of this statement. I move, Madam Speaker:

That the Assembly takes note of the paper.

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

***HANSARD***  
**Statement by Speaker**

**MADAM SPEAKER:** Members, before we proceed to the matter of public importance I wish to make a statement. I wish to inform the Assembly of action I have taken concerning the *Hansard* record of yesterday's proceedings of the Assembly. Yesterday evening a member attempted to move an amendment to the Radiation (Amendment) Bill 1993. The amendment was clearly out of order but, in addition, the words contained in the amendment were substantially the same as words that I had earlier directed to be removed from a notice of motion because of their unbecoming nature. I had also ruled out of order a question on notice containing the same words and, members will recall, the Assembly itself made a specific order removing from the notice paper a notice of motion that dealt with the same subject.

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As Speaker, I have a responsibility to ensure that no objectionable material is included in the record of the debates of the Assembly. The words that were used yesterday evening, in a disorderly manner, were of such a nature that I have directed that they not be recorded in *Hansard*. I have not given this direction lightly. Freedom of speech in this Assembly is a very valuable right and one that should be protected. The Assembly does place limits upon its freedom of speech through its standing orders and practices or through special orders, as occurred on 13 May. In addition, the Speaker has a responsibility to ensure that the debates in the Assembly are conducted in a proper and orderly manner.

I have therefore concluded that, given my earlier rulings on the appropriateness of certain statements being included in notices of motions and questions, the Assembly's order of 13 May prohibiting the placing of a notice of motion containing certain allegations on the notice paper and the disorderly manner in which the member sought to place those allegations on the record yesterday evening, the comments made should not be included in the record, and I have directed accordingly.

### **SCHOOL FACILITIES - RATIONALISATION** **Discussion of Matter of Public Importance**

**MADAM SPEAKER:** I have received a letter from Mr Cornwell proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need to rationalise school facilities in order to maximise the education dollar.

**MR CORNWELL (3.35):** Madam Speaker, the sensitivity of the Follett Labor Government to the matter of an \$18m overfunding in education, as identified by the Grants Commission, comes as no surprise to those with an interest in and a commitment to government and non-government school education in the ACT. The sensitivity, I suggest, is well merited because, despite unequivocal evidence to support the case for rationalisation, the Follett Labor Government has allowed the government school system to carry surplus facilities to the tune of 11,251 excess student places in 1992 and 9,072 excess places in 1993.

Lest anyone imagine from these figures that the situation has improved between 1992 and 1993, let me correct them. The apparent fall of 2,170 excess spaces in 12 months owes more to creative calculations than any real reduction. For example, the 1992 figures were given to me in three columns, building capacity, enrolments and surplus capacity, all nice and simple and positively crystal clear compared with 1993, which ran to six columns of figures, heavily qualified, and which took all of first term to prepare. It also took some prompting before the 1993 figures were made available at all. These 1993 figures can be made to show a choice of alarming statistics. On the original built capacity there are 15,353 surplus spaces in our schools, on site capacity 9,485, and on operating capacity only 7,516. I am content, however, to take the department's figure of 9,072, which can be broken up into 5,456 primary, 2,518 high school and 1,098 college excess spaces.

In very simplistic terms, Madam Speaker, which I stress is for the purpose only of identifying the magnitude of the problem, these figures translate into 10.4 primary and 2.8 high schools at a generous calculation of 520 students per primary or 894 students per high school. Some 1,226 of these 9,072 spaces, unidentified between sectors, are allocated for system-wide programs such as introductory English, junior assessment centres and learning centres. Perhaps significantly, the spaces reserved for such system-wide activity in 1992 were 1,480, so we have lost 254 of these spaces in a year. The figures, however one wishes to interpret them, add up to a situation which the ACT, facing a total overfunding of \$79.5m, of which \$18m is identified as education, cannot afford to ignore. Yet this is exactly what the Follett Labor Government has done.

Locked into an ill-advised commitment given before the last Assembly election by the Chief Minister that no school would close in the first three years of a Labor government, the Minister for Education and his department find that they have nowhere to go. Yet the consequences of keeping open all schools, not on educational grounds but simply for your own personal reasons of pride and an unwillingness to admit that you are wrong, the consequences of this selfish behaviour, are becoming apparent. We already have two primary schools in Tuggeranong looking to unprecedented peak enrolments of 750 students each, much to the concern of parents, teachers and the ACT Council of P and C Associations.

We know the reason for this development, Madam Speaker, because by creating two large schools you will save building a third. This is a sensible application of funds, but why should such savings be directed only at the educational facilities in South Tuggeranong? Why should the pupils at these two schools be obliged to learn with higher than usual peak enrolments when others elsewhere are allowed the luxury of being educated with many fewer pupils? Where is the social justice commitment so highly valued by the Labor Party in this example of discrimination?

What of the cost of maintaining some of these smaller schools? We know, for example, that in an unsuccessful effort to save Griffith Primary an extra \$20,000 went into that school late last year. The amount, Madam Speaker, may not be large in overall budget terms even for a school; nevertheless, it can be significant if similar small amounts are being given *ex gratia* to prop up smaller schools, because, as everyone knows, the payment of such extra and special forms of assistance to one school results in the entire system receiving less. Again, this is hardly an example of social justice in action for which the Labor Government could feel any sense of pride.

Then there are the children of these smaller schools. What level of education are they receiving, no matter how dedicated and hardworking their teachers? How can the level of resources be comparable to an average size school despite herculean efforts by parents or the injection of special funds by a government? How do basic responsibilities, like playground duty, operate in a small school without placing extra strain on teachers, and how do important services like libraries and remedial reading activities operate effectively? Apart from these activities that might not operate effectively, what about those that perforce have to be cut back because of a lack of adequate resources, for example, languages or sport, where the options might have to be limited simply because there are insufficient students or teachers, or both, to provide choices?

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These are not simply questions being posed by the Liberal Party, Madam Speaker. Editorials have questioned the direction of this Labor Government and its education policies, while the ACT branch of the Australian Teachers Union, in something of an historic decision, has publicly announced that it will not automatically oppose school closures. In taking this position the editorial writers and the ATU are simply reflecting what the community itself and many, many teachers are saying; that is, that in difficult economic times the education dollar needs to be as carefully spent as any other portfolio's purse and we cannot expect, far less put into practice, the quarantining of education from financial realities. Yet this is what the Follett Labor Government appears to be doing.

I say "appears" because there are indications that this Government does recognise the financial problem it faces with education and the impossible position it is placed in by its Chief Minister's stubborn refusal to admit that she is wrong. What the Government has done is, firstly, quietly cut back on some activities or undertakings and, secondly, pass the responsibility for hard decisions to others. It has not passed unnoticed, for example, that team sport at the primary level has been abandoned and school sport or physical education, on average, reduced to 90 minutes per week - the lowest rate in Australia. Such cutbacks will save money and probably have the advantage of being ideologically sound, at least as far as contact sports are concerned, but one wonders what it does for the physical well-being of ACT students. This criticism does not come only from the Liberal Party. Mrs Kelly, the Labor member for Canberra, is on record as condemning these cuts in the *Canberra Times* of 14 November. Unfortunately, she also is on record as promising to do everything she could to reverse the decision, in the *Canberra Times* of 26 November, and, not surprisingly, we are still waiting - post-Federal election, of course.

Then we have the case of the Kingston library, which is to move, in 1994, to the old Griffith Primary site. While I have no argument with the decision, which will save rent and make use of a publicly owned facility, and whilst I have heard the Minister's reply to Ms Szuty at question time, I do wonder what expectations the Griffith school community still harbour that a review will be held in October to see whether the school could reopen. The closure of Griffith Primary itself is the best example of how the Government passes the responsibility for hard decisions to others, claiming, as it has and still does, that the parents closed the school and that the Labor Government had no direct involvement in the closure.

Finally, we have the Auditor-General's inquiry into ACT education. Again, the Government professes to be at arm's length from the action, thus trying to ensure that, should any unpopular or even unpalatable recommendations emerge from the investigation, the Follett Government will not be held responsible for their creation, even if it may have to implement these suggestions, however reluctantly. The Government, it would seem to me, is more interested in protecting its own position than in providing the leadership, and through it the quality of education, that we have come to expect in the ACT. That is not to say that education standards have slipped, they have not; but they are in danger of deteriorating because of the inflexible attitude of the Government towards the inevitability of rationalisation. Again, this is not only the Liberal Party's view. It is also the view of the president of the ACT branch of the Australian Teachers Union, Rosemary Richards. I will quote from the *Canberra Times* of 13 January.

**Mr De Domenico:** She is not a member of the Liberal Party, is she?

**MR CORNWELL:** No, she is not a member of the Liberal Party, Mr De Domenico. I quote:

"There isn't any doubt ... we can't keep building new schools in new suburbs if we can't make adjustments when schools get very small," she said. This was "not to say you can never have a small school," but closures were inevitable as the city's demographic make-up altered.

The union says in its members' handbook that although it believes school closures are short sighted and drastic, inadequate funding has meant a deterioration of working conditions and, for this reason, it "will no longer actively campaign against all school closures". Ms Richards says teachers will "oppose other forms of rationalisation and cuts," and are "left with very few options" if the community does not support enhanced education budgets.

We know that there is not going to be an enhanced education budget, given the Grants Commission identification of overfunding in education here in the ACT. Yet we also know from the February 1993 public school census - that is the official census, not the one I asked for which also identified the surplus spaces - that government school enrolments have decreased overall by only 0.2 per cent from 1992. In other words, we virtually have the same number of students to educate, but less money to do so. Even allowing for fewer students in the more expensive high school and college sectors, savings will be minimal and, of more importance, the Government cannot gamble upon this situation applying in future years.

Minister Wood in the past has tended to dismiss the surplus spaces, just as he dismissed the question of what is an educationally viable school, as non-arguments in this debate. Similarly, the Chief Minister, who is not here at the moment, has tried to paint me as some sort of ogre spreading unnecessary alarm about the future of ACT government education. This behaviour from the Labor Government's education apologists betrays their unease at the situation that they have created for themselves by their failure to address the issue of a decrease in funding. Indeed, these are the words of the *Canberra Times* education writer, Jane Dargaville, on 12 May 1993, and she is not a member of the Liberal Party either:

It has to be understood that it's just not possible for a school of a mere 100 or 150 children to employ enough teachers, at acceptable teacher-pupil ratios, to provide a full range of curriculum expertise and knowledge.

It's also arguable that children are disadvantaged by schools being maintained on sites where building designs are outdated, where libraries remain static, where technology resources are sparse and where teachers' capacities are stretched to the point that their own professional development can't be enhanced.

I submit, Madam Speaker, that it is time the Chief Minister herself, in the best interests of ACT education, put into practice the substance of her own words in relation to education in the 1992-93 budget speech. At page 12 she said:

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We will work together with the staff, students, community and the unions to achieve the efficiencies and restructuring that must take place.

It is with this positive spirit, and not, I trust, just empty rhetoric on the part of the Chief Minister, that I commend this matter of public importance, Madam Speaker, namely, "The need to rationalise school facilities in order to maximise the education dollar".

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.51): Madam Speaker, obviously the Assembly does not share Mr Cornwell's concerns. They have heard it all before and are not impressed. Nevertheless, for the record, I will respond.

**Mr De Domenico:** Not too many have come back in since, Mr Wood.

**MR WOOD:** Well, let us see. I freely concede that this is a fairly well-worn debate that Mr Cornwell keeps pushing. He said that I did not give much respect to those surplus spaces figures, and nor do I. Our schools are not made of Lego. You do not pull out bits and put them somewhere else. You cannot do that. They are not like that. You cannot go into one room and take a bit out of a corner because there are 27 children there instead of the 30 that it is planned for. You cannot do things that way. The concept of surplus spaces is not one that I think has enormous use. It simply allows Mr Cornwell, as I think his predecessors did, some time ago, to do a bit of division and decide how many schools they want to close. Mr Cornwell should talk more directly about that, since that is what he is really on about.

There is a basic difference between the Liberal Party and the Labor Party on this matter. The Liberals go to a school and they see a building. They see bricks, tiles and windows and they see grounds. For them it is real estate. When I go to a school I see the students, I see their activity, I see the work that they are doing with their teachers and their community; I see the program, I see the life, I see the schooling that is carried on within those premises. That is what you have to do. You have to look at what happens in those buildings and on those fields. That is what a school is all about. You cannot put a money value to this. That is a basic conceptual difference between the Liberal Party and the Labor Party that enables Mr Cornwell to say, "We have too many spaces".

I listened carefully to his speech and he focused predominantly on issues financial. The Grants Commission had identified overspending of \$18m, he said, and we have to attack that. Certainly we have to budget. We have to live within our budget. But I look at schools in a totally different context. The Labor Government makes decisions on schools bearing in mind what happens in schools. We make educational decisions. Mr Cornwell would have us make purely financial decisions. Granted, he did spend some time, probably about a minute, talking about programs. Maybe some schools could not have programs, he said, if they did not have enough students and teachers. So he did spend a little bit of time on programs. But the whole thrust of what he was saying simply related to those financial matters. I just want to mention, since I noted it here, a comment about team sport. We have not abandoned team sport at primary school level. We have, along with a number of other States who have already sunk the system, withdrawn from interstate competition in most of the

team sports. Two or three remain, I believe. That is what we have done. We have not abandoned team sport. You can go to a school and see your team sports, as is proper in terms of what the school decides ought to happen. I just wanted to correct that.

The MPI makes a basic assumption that I do not think is correct. It assumes that we have space that is not utilised; that we are carrying - that was the word Mr Cornwell used - this enormous load. The fact is that space is well used in schools. Go to the schools and have a look around. I believe that all schools fully utilise their space. The ACT school system, going back many years, given our urban design in Canberra, has planned a school to be a building that is used. Ms Ellis will say something about that because it is very relevant to some of the work that she is doing. Our schools are planned to be useful, and indeed, they are. They become part of the suburb. There was a time in earlier days when we had very large schools in relatively small suburbs, small in geographic size. Given the population trends of 20 and 30 years ago, there were certainly large numbers of children in those suburbs. But we had large schools.

Go to Turner, for example, and look at that very large school. The suburb itself is rather small. The school was built grandly, as everything in the Federal capital was at that time. It is a wonderful building. It had everything you would need - halls and so on. It was built all in one go. There were demountables there at some stage to cater for an excess of students. North Ainslie, I would think, in years gone by, catered for well over 1,000 students. I would like to check my figures on that. Mr Kaine, I thought, made the - - -

**Mr Cornwell:** Its original built capacity was 730.

**MR WOOD:** Yes. Then it had demountables, but 730 was the built capacity. We do not build schools today with a built capacity that high. I think the record has shown that that has left us with rather large buildings. Today we are building for a smaller core, perhaps 400 or so, perhaps even less than that, and that will grow with demountables. They are planned to accommodate those demountables.

Mr Cornwell got onto the argument about the schools in the Tuggeranong Valley - shock, horror - having 750 students or something. Mr Cornwell has been around Canberra and in education for a long time. Most of the schools in Canberra, certainly those earlier schools that I mentioned, had students in excess of that number. There is absolutely nothing unusual about schools having that number of students. It is one of the problems imposed on us by the nature of planning and development in the ACT that suburbs develop rather rapidly. You get the nappy valley syndrome, if you like, where development all goes on in one place at one time. Most of our schools moved fairly rapidly to substantial numbers and then they reduced in numbers. In terms of what Mr Cornwell's MPI would suggest, our planning caters for that, because we build that basic core to accommodate a smaller number of students. Those schools will accommodate 750, and I have no difficulty with that. That is fine and sensible, and I do not think it is a large school. Perhaps I am prejudiced because I had a brilliant education at a school of over 1,000 students all the time I was there. I have said before in this Assembly - to divert for a minute - that the size of the school does not determine the quality. Quality is determined by those things I was talking about before, by what the students do in the school. That is what makes the quality of the school, not the size. You can have a very small school that is terrific and a very large school that is terrific.

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**Mr Cornwell:** How are you going to pay for it?

**MR WOOD:** It is not particularly related to the size. That is the question that you are asking: How do you pay for it? That is your total focus. That is the point I am making. You cannot get beyond that cost factor. If you want to ask a question about how you pay for it, look at the ACT as a whole, draw up your figures and see what the average size of a school in Canberra is. It is very much in excess of what you find in the States, and so it should be. We do not have the large country areas that they have. If you take it on a State by State basis, our small schools - if you like to call some of them relatively small - taken across this system, are larger in size and more cost efficient than the average for the States. That is the fact of life; that is the case. Our schools are not small by Australian standards. I know that it is reasonable that we look at the ACT context. So the MPI is a reasonable one in terms of effectively utilising resources. My argument today is that that is exactly what we do. We are utilising them. Ms Ellis will go into that in some detail. Those schools are well and truly used.

The other point I want to make here is that this is, I think, having a damaging effect on the schools. I am constantly approached by people. I am getting phone calls and letters saying, "Are schools going to close?". It is the agenda that the Liberal Party is running that is raising that concern in people's minds. It is the case that the Government sets the agenda, but when they hear this constantly in the media - the media will rapidly pick up anything to do with schools - they start to wonder. That is destabilising for the schools. It does not help the schools one bit in getting on with that important work that I mentioned.

If, for nothing else, I welcome the opportunity today to stand up and to say again that we are not into closing schools. We make our decisions based on educational issues. I get around our schools a lot and I encourage other members to do so. You come back to me and tell me which school you would close. Go to a school and say that it is not working, the programs are poor, the kids are not achieving and there is dissatisfaction. You tell me a school that is not working educationally. I will want to do something to fix that education program. They are the criteria that might be considered. Our schools are all going very well indeed, as Mrs Carnell indicated in her speech earlier, and as Mr Cornwell said. You show me what school in this community deserves to be closed. I do not know of one. Surely, that is the factor that we ought to be looking at. Sure, we will be looking at efficiencies. We have an education budget to live within and it is getting tighter and tighter. We all know that. Sure, we have to live with it. But we have successfully managed that in the last few years and we will successfully manage it in the future. The cries of Mr Cornwell and others, I think, are not doing anything to help that process or the continuation of the good works in our schools.

**MR DE DOMENICO (4.03):** Madam Speaker, I am delighted that Mr Wood did gear his remarks to the wording of the MPI which is, "The need to rationalise school facilities in order to maximise the education dollar". There is one thing on which I need to disagree with Mr Wood. I believe that Mr Cornwell did not concentrate on the financial aspects of the whole thing. I think that not to bring up the financial aspects, Madam Speaker, would be to ignore a large part of the issue anyway. It is not just Mr Cornwell or the Liberal Party that has made comments along the lines of the financial aspects.

The stark reality, Madam Speaker, as we saw by the recent report from the Grants Commission, is that the ACT, in round figures, is going to be \$80m worse off. I think the figure was \$79.5m. We also know by reading the report of the Grants Commission that of that \$79.5m some \$18m, or nearly 20 per cent, is related to the education budget. Notwithstanding which political party is in government by the way, it is an issue that is not going to go away. The ACT cannot ignore the facts. The facts are that we are going to be roughly \$80m worse off and that part of that \$80m, in fact 20 per cent or \$18m, relates to the education budget. That is the first point that I would like to make.

Mr Wood also said that the schools are not made from Lego. I agree with Mr Wood; they are not made from Lego. But the fact is that by Mr Wood's own figures, not our figures, there are 9,072 unused spaces in schools. I think the first question that needs to be asked is: Why? Why are there 9,072 unused spaces? Mr Wood has not answered that. He attempted to on the Matthew Abraham show, and the only answer he had was to deny that the figures were any good. He said, "Ignore the figures". Mr Abraham and Mr Cornwell and others quite rightly said, "Well, if they are no good, why give them to us, why use them at all?". The Lego argument does not look at the logic of the situation.

Mr Wood also said that cost savings have been achieved already, and he is right again; I agree with him. Some cost savings have been achieved. If one reads one's documents and the statements made by various members of the house from time to time, we know that last year \$3.4m less, I think, was spent on education than in the year before. That is 1.8 per cent less, not even 2 per cent. The Chief Minister stood in this Assembly and said, "We will be asked to make a 2 per cent cut across the board". We got close in education. But 1.8 per cent, or \$3.4m, pales into insignificance when you look at the reality of what the Grants Commission says. The Grants Commission is talking about \$18m. It is very difficult for members on this side of the house not to be accused of concentrating only on the financial aspects. You have to take the financial aspects into account. There is no doubt about that.

Mr Wood corrected Mr Cornwell and others who have referred to team sports in primary schools, and I was pleased that Mr Wood said no, that the only thing that has been abandoned is the interstate competition. Once again I reiterate that there are members of Mr Wood's party - they have been named before, so I will not name them again - who have expressed concern about that as well. On the one hand we are told how important things like competition, sports competition in particular, are to the upbringing and education of the child, but on the other hand we are cutting away those quality-type things in order to try to meet that monetary situation. So it is not right for Mr Wood to say that it is only the ALP that thinks of the school and the pupils per se and not the money; it is not right, based on the comments that he made himself.

Mr Wood would also know that there are currently some schools in the ACT - I fear being labelled as one who is going to name schools that perhaps are on the chopping block - where it has got to the stage that certain parents are now putting their hands into their pockets to make sure that the kids have enough pencils and whatever. Mr Wood knows that, and I do not need to name any schools. Mr Wood also tends to think that it is only the Liberal Party in the ACT that has ever been talking about school closures. They seem to be words that you cannot use. Mr Wood should remember that the South Australian Government has closed some 50 schools since the middle of the 1980s.

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**Mr Cornwell:** That is a Labor government, isn't it?

**Mrs Carnell:** And in Queensland.

**MR DE DOMENICO:** That is a Labor government. Obviously, there would be some people in South Australia who are very concerned about the decisions made by the South Australian Labor Government, as there would be people concerned in Queensland, as Mrs Carnell rightly says, and as people in the ACT would be concerned. So, it is not just the ACT Liberal Party that has been talking about school closures. I would also remind Mr Wood that it was the Federal Labor Government that closed Page and Fisher. It was not a Liberal government; it was a Labor government. That is the point I am making, Mr Wood. It was not just people on this side of the house that were talking - - -

**Mr Wood:** Yes. It was not this ACT Government.

**MR DE DOMENICO:** I will get to that. With respect, we did listen to Mr Cornwell and Mr Wood without interruption. I would expect the same courtesy. You see, Mr Wood, the other thing is that there were five schools closed by the former Alliance Government, and part of that Alliance Government was made up of members of the Liberal Party. Fortunately, the four members of the Liberal Party that are here at the minute were not part of that Government. We are delighted that we were not, for a lot of reasons, let me tell you. There is no doubt about that. But, let us look at the most recent school closure. Mr Wood used the words "not Lego" before. He also said in question time that Griffith was not closed. He said that it was not closed; it was suspended. Mr Cornwell correctly said, "Suspended from where?". We are now told that Mr Wood did not close it; he suspended it. It is like saying to a child, "Listen, I will not expel you, but I will suspend you for the next 20 years". Mr Wood knows what the reality is. I do not think that Griffith will be reopened in Mr Wood's time.

I ask the Minister what will happen if the parents of another school in the ACT that is currently open say to him, "Mr Minister, would you please close our school?". Noting the comments made about community consultation, Mr Wood then has a dilemma. Will he listen to what the community is saying and close the school, or will he think about the political ramifications first and the fact that the Chief Minister has said, "There will be no schools closed during this term of government"? Mr Wood would be in a dilemma. That is the sort of dilemma that any government of any political persuasion would be in. What I am saying, Mr Minister, is that it is not just members on this side of the house who need to face reality; it is people on your side as well.

Mr Wood also said that there is a lot of quality in education that can be achieved in having bigger schools. I agree with him. Like him, I was educated at schools of some 1,000 pupils. I believe, although some people might disagree, that my education has not been too bad at all. In the next breath he says that we do not need to have only small schools. If there is no need to have only small schools, has any thought been given to the possibility of having more bigger schools and therefore rationalising the amount of money we spend rather than having a lot of small schools? If we are going to take that to a logical extension, perhaps we are all agreeing, and that is perhaps a revelation in terms of the education debate.

There were some comments about Gordon and Conder and 750 pupils. I believe that there is not one parent in the ACT who would not prefer to have their children attend a school with smaller class sizes. That is utopia, not reality. I do not know what Mr Lamont has given me, but it will be most interesting, I am sure. He has also put me off a little bit. I think Mr Cornwell stole a bit of the thunder by quoting from Rosemary Richards. Once again it goes to show that in a lot of ways we have a bipartisan problem. We need to be looking at reality. Ms Richards said a lot of things. She said, "Listen, the community has yet to understand or accept the ramifications of Ms Follett's warning re efficiency and restructuring". They were Ms Follett's words - efficiency and restructuring. Ms Richards was reported as saying that school closures are still an issue and a feasible option if that is what the community decides. I believe that that is a very intelligent argument. Look at what Ms Follett, Mr Wood and members opposite have said in the past about community consultation.

Perhaps I should finish, Madam Speaker, by repeating what I said earlier. Should other communities say to Mr Wood, "Listen, we really believe that we need to talk about closing our school", Mr Wood would be in a dilemma. What would he do? Would he accede to the community request and do so, or would he have something else foremost in his mind and say, "That might be what you want, but I cannot do that because Ms Follett and others have said that there shall be no school closures in this term"?

**MS ELLIS (4.13):** Madam Speaker, statistics, statistics, statistics. They are an important part of any debate, but they are pretty sterile when presented in isolation. What Mr Cornwell has told us really is that the way to save money and to solve this dilemma is to close schools. This is what he calls rationalisation. But let me pose this question: What do we really mean if we talk about rationalising school facilities and maximising the education dollar? Madam Speaker, the conservatives' view is very simplistic. You walk into a school, count the number of chairs occupied and unoccupied, come up with a huge 11,000-plus figure and then dispense with the use of the school, according to their assessment - the conservatives' assessment - of what is an underutilised facility. We saw the disastrous results of exactly that philosophy during the term of the Alliance Government. In simple terms, Madam Speaker, this is what Mr Cornwell is talking about. Not surprisingly, Mr Cornwell's philosophy shows no signs of lateral thought or social justice, let alone a bit of clever thinking. For Mr Cornwell and the Liberals opposite, schools are there simply to teach the occupants, the students, between the hours of 9.00 am and 3.30 pm daily. Let us see, Madam Speaker, whether we can broaden this debate. Let us see whether we can be a bit lateral in our thinking.

Madam Speaker, in broad terms the education dollar is spent by the community for the community. Mr Cornwell may not be aware of it, but school facilities do belong to the community and should be promoted and used accordingly. If we really want to seriously and usefully examine the so-called rationalisation of school facilities to the maximum benefit of the education dollar, let us look at it outwardly, not inwardly. Let us take those blinkers off. In fact, let us get risky and be a bit visionary. I wonder whether Mr Cornwell has really thought about the meaning of this matter of public importance. I frankly doubt it. The question that he has raised is how to limit the number of facilities in order to save money. His philosophy is simply wrong.

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**Mr Cornwell:** To provide a quality education. You are off the track again.

**MADAM SPEAKER:** Order, please!

**MS ELLIS:** As I said when I was being interrupted, Madam Speaker, his philosophy is simply wrong. We need to expand our use of those current facilities to ensure that the maximum dollar value is gained and the social benefit is gained at a maximum level. Luckily for Mr Cornwell and his colleagues, as he knows, the Standing Committee on Social Policy has been given a reference by this Assembly and is currently inquiring into the community and cultural use of schools. Mr Cornwell, as a member of that committee, may gain some education out of this process. Perhaps at the end of that process he will wonder why he thought of bringing up this issue today in the way that he has.

**Mr Cornwell:** I will be quoting your speech back to you in that committee.

**MS ELLIS:** That is fine. Madam Speaker, this inquiry will look at a variety of potential and current uses of school facilities and will bring the community together in a comprehensive examination of the community and cultural use of those schools for the benefit of that community. I would expect a considerable input from adult education interest groups and community education bodies who may currently be suffering a shortage of appropriate facilities. The use of school facilities both by the school community and by the community in general has a direct and indirect educative and value added role. With the Social Policy Committee's inquiry into the use of schools, hopefully the concept of value adding in this way will become more beneficial to the community as a whole.

Let us for a moment talk about value adding. I am sure that the Liberals are familiar with the term, but I am using it in a slightly more beneficial way to the community than those opposite may have considered in this debate. What do I mean when I use this term? I mean that by increasing the use and the variety of use of those facilities you automatically and immediately increase their value. This could include the use of schools for a range of community uses which are already in place out there in community, such as scouts and guides, recreation classes, adult education, TAFE outreach and church groups. Madam Speaker, the list is endless and the potential limitless. The concept of value adding benefits the community substantially and reinforces the need for these facilities. This is what I personally call rationalising school facilities. Basically, Madam Speaker, it is a matter of swings and roundabouts. Mr Cornwell needs to realise that in education facilities in the ACT, that is, bricks and mortar, there is potentially a lot more than meets the eye that can be of enormous benefit to our community. Mr Cornwell's unfortunate narrow and blinkered method of examining this whole issue is unimaginative and, frankly, disappointing. A person of his supposed experience would have, I would assume, a much broader vision of the world.

Madam Speaker, recently the Office of Sport and Recreation commissioned a report on the recreation needs of residents in the Tuggeranong valley. The report's author, Ron Jackson, recently told the Tuggeranong Community Council that his report was centred around using the local school in the area as a recreation focal point. The results of the study showed that the people most in need of recreation - young married women, with children, not in paid employment and without transport - easily accepted and enjoyed recreation

activities during school hours at the local school. These activities were conducted without inconvenience to teachers or students and provided a very important outlet for these young women. That is lateral thinking, Madam Speaker, imaginative and of benefit to the community. This report highlighted a use for schools that really had never been touched on in detail before, and this is the type of thing that I am talking about - using these valuable facilities for the community. With this broader, more adventurous approach, I believe that we can, in fact, rationalise schools more and maximise the education dollar, not with the blinkered view of the Opposition.

**MS SZUTY (4.19):** Madam Speaker, I, and many other Canberrans, I am sure, are appalled at the naivety shown by the Liberal Party's latest attack on the ACT government school system. It appears that the Liberal Party has refused to learn the lesson of the school closures debate which saw the shaky Alliance Government falter and eventually crumble. Members of the Liberal Party still insist on seeing education as a numerical equation of so many children equals so many schools.

I want to place on the record my dismay at again being forced to rise and state the obvious. Schools are not only the bricks and mortar which enclose a teaching environment; schools are points of contact in the community, as Ms Ellis has said. They are focal points for the children, parents, community and sporting groups that use their facilities, and they are a reinforcement of the notion that, at its heart, the Canberra community has the educational interests and welfare of children as a major concern. Madam Speaker, I find it astounding that the Liberal Party, while represented on the Social Policy Committee's inquiry into community use of schools, is pursuing an agenda that would pre-empt that review. To discuss rationalisation of school facilities during this inquiry is to give the community an impression that its views are being heard to only a limited degree. What confidence can anyone have in coming forward to present views on the community use of schools when there appears to be an unsettling agenda from the Liberal Party to bring about the closure of some schools?

The Liberal Party would have us believe that a comparison between the number of school enrolments and an assessment of surplus space presents a realistic picture of how our schools are performing. Madam Speaker, the role of schools has changed substantially over the years, and the functions and programs that they now have responsibility for have implications for the space needed. In fact, I heard some people on Matthew Abraham's program this morning talking to Ms Ellis about this very point. This, indeed, is an issue which could be taken up over the need to recognise some schools as disadvantaged and to fund them accordingly.

The executive summary for the census states that enrolments for preschools have increased over the past 12 months by some 208 students, a 5.2 per cent rise. Over the past two years there has been a rise in preschool enrolments of nearly 8 per cent. The recently released Australian Bureau of Statistics census figures for Canberra show rises in the nought to four years, five to nine and 10 to 11 age groups of over 2,300 children. Of these, 1,500 are in the nought to four years age group. If we accept the need to close schools because of what the Liberal Party sees as spare capacity, we are not taking a long-term view. But I will continue to

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argue that raw statistics do not show the complete picture. Mr Cornwell calls for a rationalising of school facilities to maximise the education dollar. Surely the education budget needs to be examined to ensure the best use of available resources, not to ensure that available resources provide revenue through the closure of schools and asset sales.

Madam Speaker, my first reaction on seeing Mr Cornwell's first statements on school rationalisation was, "Here we go again". I was a proponent against school closures when the Alliance Government started with an ambit claim of 25 schools, of which it eventually closed three. The community has already decided that school closures are an unacceptable option for reducing expenditure in education. The Grants Commission has given notice that there is a level of \$18m of overfunding for ACT schooling across the board - an assumed overfunding of private schools by \$11m and public schools by \$7m. The Liberal Party has responded with calls for cuts in the education sector which could significantly reduce the impact of the total Grants Commission proposed cut of \$79m. Once the Chief Minister has put forward the case for the ACT, including a strong defence of the ACT's record of high retention rates, we will have a better idea of possible real reductions. I, and many others, find it perplexing, if not unbelievable, that the ACT is effectively being disadvantaged because it is best able to fulfil a Federal Government goal of high retention rates and a well-educated community. But the reality is that the Grants Commission report is a recommendation to government, and it is now up to the States and Territories to argue their cases and to put forward their views at the Premiers Conference, which I am sure Ms Follett will do extremely well on behalf of the ACT.

Madam Speaker, a decline in available education resources should not mean, and should never mean, closures of schools. In fact, I would argue that more resources need to be made available for government school education. It is distressing to me to see other States reducing their expenditure on education, thereby placing the ACT under even more pressure in the Grants Commission process. I would prefer to see education spending in Australia compared with international rates of spending on education. In this context it clearly would be seen that Australia does not spend enough on the education of our children. I look forward to the day when we will be discussing how to spend increasing resources in education, rather than how we will spend our ever declining resources. As I have stated before, Madam Speaker, I do not believe that this equates with the closure of schools.

**MRS CARNELL** (Leader of the Opposition) (4.26): Madam Speaker, I think the issue here is really about the quality of our education in our education system. Certainly, from a Liberal Party perspective, that is what we are talking about. Basically I think it is what the Labor Party is talking about as well.

**Mr Kaine:** We are not certain about that.

**MRS CARNELL:** No, we are not certain about that. The Labor Party's approach to education cuts has been the across-the-board cut - let us trim 1.5 per cent or 2 per cent. It might be 5 per cent this year if the Grants Commission get their way. It could be 10. So, on the equation goes. The Labor Party say, "We will just trim right across the board and from the same base". I think we all agree that what happens when you take that approach to budgets - it happens no matter what budget you are talking about - is that at the end of the day the quality of the service that you are providing ends up suffering. I drop my kids off at school in

the public system every morning and take them up to their classroom, and what I am seeing now is not 30 in their class, but 33 and 34 and so on. My young son is reasonably slow at reading. Is there any capacity for him to have a reading recovery program? No, there is not, because there are other children who are substantially worse placed. There is only a certain amount of resource teaching time available at Red Hill. By the way, it is less than it was last year and less than it was the year before. When you really look at what is happening in the system at the moment you find that the average kids are fine, but the children who are just that little bit better or just that little bit worse are suffering because resource teaching gets cut.

**Mr Wood:** Nothing has changed in that area.

**MRS CARNELL:** Do you mean that resource teaching has always been cut? Is that what you are saying? Another point that I find interesting when comparing the public school system, as I see it from a mother's perspective, of two and three years ago with the system now is the number of things that were once available within the system but are no longer. The capacity for teachers to be available after hours for various sporting and cultural things, music and so on, is being cut.

**Mr Wood:** What has changed?

**MRS CARNELL:** Again the Minister seems to believe that that sort of approach to education is fine.

**Mr Wood:** The teachers are as free as ever to put in their time after school. They do it generously.

**MRS CARNELL:** What the teachers are saying, Mr Wood, is that they are so strapped during the day that they really have absolutely no capacity under the pressure that is being placed upon them by a system that is being cut across the board. The budget is not being managed in a way that keeps the focus on the quality of education. Quite honestly, if children in medium to large schools are going to be disadvantaged because of the Government's lack of strategic direction, I do not believe that that achieves the quality of education that the people of Canberra want, and that basically is what the Liberal Party is saying. We do not want a situation where 80 per cent of the children are disadvantaged because 20 per cent of children - it would be even less than that; it would be 10 per cent or even less - are going to schools that may be uneconomic to run. If that is what you believe is an appropriate approach to education, then the Liberal Party certainly does disagree with you.

Mr Wood commented that education is not about buildings; it is about what happens in those buildings. The Liberal Party could not agree more. It is about making sure that children are treated as individuals and that their education requirements are looked after by the system, whether they be average or not, whether they be good at sport or music or whatever, whether they really need a language program, English as a second language program, music, and all of those sorts of things that go to making, in my view, a good education.

Debate interrupted.

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## ADJOURNMENT

**MADAM SPEAKER:** Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

**Mr Wood:** I require the question to be put forthwith without debate.

Question resolved in the negative.

## SCHOOL FACILITIES - RATIONALISATION Discussion of Matter of Public Importance

Debate resumed.

**MRS CARNELL:** Ms Ellis made a comment about value adding and how important that was, and it is. Certainly, I think the Social Policy Committee inquiry into this area is very interesting and very productive for this Assembly, but Ms Ellis suggested that this sort of value adding would actually add to quality education. It will do that only if the money that we are getting back into the school system via value adding is actually put back into education. As we are acutely aware, now it is not. Lyons Primary School, to give one example, has been very efficiently let out. That money is not going back into the education system; it is going straight back into the revenue pool. So, to assume that value adding in our schools system in some way improves the quality of that education is to totally overlook the reality of the situation.

We totally agree that community consultation and talking to the community about what they want for their school is appropriate. In fact, the Liberal Party policy in this area is to go to school based management; to look at schools and the school fraternity being able to run their own environment; so that they can, as they should, have a direct involvement and actually be able to run the management of that school. It also means that, if a school is willing to come up with the extra money that they need to be able to keep their school open, the Liberal Party would have no trouble with that. All we are saying is that it is not acceptable for the Government to be putting large amounts of extra money into schools that are very little at the expense of the 80, 85 or 90 per cent of other students in the system.

The other approach, of course, is Ms Szuty's. Okay, she does not want to do that either. She just wants more money into the system, literally more money. Quite honestly, that is a decision that the Government has to make, but it has not made that decision. It has gone down the track of across-the-board cuts, leaving 80 or 90 per cent of the kids to suffer just because of a lack of a strategic approach to education. The Liberal Party does not support that and will not support that. We support quality education. We certainly do not support school closures for school closures' sake, but we do support a situation where the majority of children are given the education that they deserve.

**MR MOORE** (4.34): Madam Speaker, what has come out clearly in the debate today, which I have listened to in my room or in the chamber, is that the Liberals like to box things into nice neat little units. They like to put planning in this unit and education in that unit. They like to take a very narrow, boxed view of things such as the issue that is before us today. The way they see it is that the issue before us is simply about education, and Mrs Carnell elaborated on that; but there is also a very important planning issue. They cannot seem to take the overview, showing a careful understanding of the implications and the ramifications of dealing with both of those issues at once. They fail to see education in its broad perspective as well as its narrow perspective. The concept of education is more than just what happens in a classroom between a teacher and 25 or 30 students at any given time. It is about an ongoing process in terms of the community.

The Liberals want to attack schools, as the Alliance Government attacked them - in that case 25 schools, in this case who knows how many schools; they are not picking a number. They are unable to look at the broad picture and to find a way to improve education in the best possible way. We see the same old stuff trotted out again and again - that we will provide more money by closing some schools. They will veil it in all sorts of different ways and they will attempt to wrap it up in different wrapping, but the reality is that that is what they are interested in. They cannot take an overview and they cannot see the interests of the community. They blew it last time as far as school closures go and they appear to be blowing it again.

**MADAM SPEAKER:** The time for the discussion has now expired.

### **BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL 1993**

Debate resumed from 1 April 1993, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

**MR KAINE** (4.36): Madam Speaker, the Liberals will support this Bill. It is a pretty straightforward Bill. What it does, initially, is bring under the design and siting rules what one might call works projects that are currently not included because they are not defined as structures. We see merit in extending the design and siting rules as the Minister proposes, for two reasons. First of all, it requires the proponents at least to abide by some standards and rules as to what they propose to do. Secondly, as the Minister has already explained, he is going to introduce an implementation plan, which will do two things as far as the community is concerned. It will allow the community to know what is proposed and it will allow some community consultation to proceed on the basis of that implementation plan. Certainly, the community will know what is intended from the outset, and they will then be able to observe whether or not the work that is actually done complies with the implementation plan. I think this is beneficial. It is in the interests of the community, and we support it.

I notice that the Minister has circulated an amendment. My understanding is that this is to cover an oversight in the original drafting. It covers the possibility that the Minister might reject one of these implementation plans when it is put to him. If he did, the question is: What then? This amendment, I understand, prescribes the procedure when the Minister rejects the implementation plan, and obviously that is also in the community interest. We have no difficulty with these matters, and we will support the Bill and the amendment.

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**MS SZUTY** (4.38): Madam Speaker, I too am pleased to support the passage of this Bill as it brings the Buildings (Design and Siting) Act up to date with current thinking. From now on, certain public works, excavations and car parks will be covered by this Act. I am sure that the constant reminder of the City Hill car parks shows that such large developments, even though they are not, in the strict meaning of the word, a "built" environment, impact greatly on the streetscape. Indeed, I am sure that there are many in Canberra who would have welcomed such legislation at the time the decision was taken to construct the car parks in what was then open space; a green slope for the enjoyment of city office workers and visitors alike. Perhaps a better solution to the perceived car parking problem could have been found. If not, then at least there would have been some community ownership of the decision to replace grass with bitumen.

Returning to the Bill before us, design and siting rules are about more than the physical appearance of buildings. The Government is developing guidelines for solar orientation and energy conservation in buildings, which will become a very important feature of future building work. Yet only a few years ago such issues received very little attention. In the same fashion, car parks and public works once were the inevitables in development, particularly in city and town centres. We are now creating a mechanism where public works will formally be included in consideration of design and siting issues. This will enable a whole streetscape approach to be taken on design and siting across a range of environments.

By far the most important move forward is the adoption of implementation plans. I was sceptical at first, wondering why such outlines would be optional. However, it has been explained to me that the implementation plans in fact make the development process easier for the developer as they are prepared and are open for public contribution, criticism and consultation for an extended period, allowing for the design and siting issues to be fully aired well before the first sod is turned.

I am also very pleased to have had some impact on the Bill in the way of a government sponsored amendment which means that the Minister's decision on an implementation plan will be notified, whether the plan is allowed or disallowed. I feel that it is important that the community, once it makes its views known to government, receives some feedback from government, whatever the decision. If an implementation plan has been submitted and members of the public comment, they should be notified by gazettal and notice in the newspaper not only if the plan is allowed but also if it is disallowed. This puts on the public record the results of both positive and negative government decisions, and that surely must be a good outcome for open government. Madam Speaker, I commend the Bill to the Assembly.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.41), in reply: I appreciate the comments that have been made. An example I could give of when this provision might apply is if Limestone Avenue were in the process of being redone.

**Mr Stevenson:** Isn't it?

**MR WOOD:** That long process is finished, Mr Stevenson. There would be an opportunity for the process to be available for discussion by the community. That is the sort of thing we are talking about.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

**MR STEVENSON** (4.42): Madam Speaker, I move:

Page 3, paragraph (e), lines 13 and 14, omit the definition of "development", substitute the following:

"development', in relation to land, means -

- (a) the erection, alteration or demolition of a building on that land;
- (b) the carrying on of work on that land;
- (c) the use or change of use of a building or works on that land;
- (d) the subdivision or consolidation of that land; or
- (e) the display of signs or advertising material on that land;"

I did have a number of amendments, but the new sheet that was circulated a little while ago covers clause 4 only, the definition of "development". Clause 4(e) of the Bill talks about development having the same meaning as in Part II of the Land Act. Simply put, I think it would be an advantage to people if the definition of "development", which is very important to this particular Bill, appeared at that point, without having to go to Part II of the Land Act. It is simply to assist people to understand the Bill.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.43): I note what Mr Stevenson is saying. I recall that he has said this in debate on other Bills at various times. He likes to see everything there in front of him rather than have to refer to other Acts. My advice is that it is fairly standard practice that Acts frequently refer to other Acts. I note that Mr Stevenson has not proceeded with other amendments. The Government will not oppose this amendment.

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**MR MOORE** (4.43): Mr Wood, in raising this issue, says that it is a fairly standard practice. I think the positive part about Mr Stevenson's amendment is that it will send a message to Parliamentary Counsel that we do not like this fairly common practice. This fairly common practice of referring in definitions across to another Act only makes extra work for people. In this case we are talking about having an extra six or eight lines in the Bill, which seems to me to be a rather sensible approach and is consistent with the espoused position of the Government for plain language drafting. I will be supporting this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.45): Madam Speaker, I move:

Page 5, line 35, proposed new section 6AE, after proposed new section 6AD insert the following:

**Notification of rejection of implementation plan**

"6AE. Where the Minister rejects an implementation plan under section 6AC, the Minister shall cause to be published in the *Gazette* and in a daily newspaper, a notice containing -

- (a) a statement that the implementation plan specified in the notice has been rejected; and
- (b) particulars of the *Gazette* and newspaper in which a notice in relation to the implementation plan was published under subsection 6AA(3)."

I present a supplementary explanatory memorandum, which has been circulated. This amendment follows an approach from Ms Szuty, who sought to have this provision included. It is a sensible measure.

**MS SZUTY** (4.45): This amendment completes the processes outlined in clause 6 of the Bill. If you look at the proposed new sections and their headings, we start with "Public works - implementation plans", move to "Consideration by Authority" and "Consideration by Minister", and then finally to "Notification of approval of implementation plan". I commend the Government for taking up this amendment. We now have a further stage of the process, "Notification of rejection of implementation plan". It is all about informing the community of what is going on, and I commend the amendment to the Assembly.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken together, and agreed to.

Bill, as amended, agreed to.

**LAND (PLANNING AND ENVIRONMENT)  
(CONSEQUENTIAL PROVISIONS) (AMENDMENT) BILL 1993**

Debate resumed from 1 April 1993, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

**MR KAINE** (4.47): Madam Speaker, clearly the Labor Party has had a fit of the sensibiles today. This is twice in a row that I have had to say that the Liberal Party supports the Bill. Again, there are three issues involved in this amendment Bill. The first is that it regularises, if you like, leases that have been let since the Land Act was put into place where those leases are the result of an estate that was in being before the Land Act was put in place, with a consequence that the individual leases were granted under the City Area Leases Act of 1936. That Act is now defunct, so bringing those leases under the Land (Planning and Environment) (Consequential Provisions) Act regularises those leases, and it is a sensible thing to do.

The Bill also covers cases where land has been relinquished to the ACT Government by the Commonwealth since the Land Act came into effect. Such leases will now, as a result of this amendment, be taken to have been granted under the Land Act of 1991 - again, a sensible rationalisation of the situation. Thirdly, section 29 is amended to extend the period under which possible heritage places are protected while they are under consideration by the Heritage Council. The original Act prescribed a transition period of one year, during which period heritage sites were protected while the Heritage Council considered whether or not they should be included in the heritage register. That one year is just about up, and there are some sites the Heritage Council has not yet finished considering. This amendment extends the period for a further six months - again, a sensible provision. The Liberal Party supports the Bill.

**MS SZUTY** (4.49): Madam Speaker, I would like to comment particularly on clause 6 of the Bill, the heritage places section. I note, as Mr Kaine has, that the timeframe for the development of a heritage register will be extended from 12 months to 18 months. When I was reading the Minister's presentation speech, I noted that the interim Heritage Places Register would commence on 15 July 1992. Under the current provisions of the Act, that period is due to expire on 15 July 1993. I totally support the extension from 12 months to 18 months of the Heritage Places Register development process. However, I draw to the Minister's attention the fact that he would need to gazette this Bill before 15 July 1993 for that provision to have effect.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.50), in reply: Madam Speaker, I note that. I point out that the Heritage Council is being very thorough in its review of the places it will nominate. It has taken a great deal of time. I want to commend them for their work. I do not want any suggestion that it has not gone well. It is not a reflection on the earnestness of that council.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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## ADJOURNMENT

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

That the Assembly do now adjourn.

### Community Consultation

**MR LAMONT** (4.51): Madam Speaker, it gives me some pleasure to rise in this adjournment debate to address matters concerning a report that will be tabled in this Assembly tomorrow. While I have no intention of going through the absolutely magnificent report, which I am sure is awaited with eager anticipation by all members of this Assembly and by the community, one issue I wish to address is the matter raised, quite unfortunately, during question time today in relation to the concepts of community consultation.

Madam Speaker, as you would be aware, the concepts of community consultation mean many things to many people. Probably they mean least to the current leadership of the Liberal Party in this Assembly, for what they are proposing is that discussion papers not be circulated to enable information to be provided to the community and for discussion to arise and ensue out of such documents. What they are proposing is, one presumes, as they have demonstrated this afternoon in their education debate, that they make decisions and then put them out and ask people whether they agree with them. If people do agree with them, they are prepared to proceed, and if they do not agree, they tell them to go away. That appears to be the view that has been adopted by the Liberals.

It is in stark contrast to the publicly recorded consultation that has occurred with the community, within this Assembly, within the ACT Administration, in relation to consideration of a variation to the Territory Plan known as the draft Territory Plan. Again, I think it is important, as it is on the public record, that some of the high points of that process be outlined here this afternoon prior to the presentation of the full report tomorrow. I have no intention of outlining recommendations or conclusions contained in that report but - - -

**Mr Cornwell:** How can you pre-empt the debate?

**MR LAMONT:** I am not at all pre-empting that debate. The debate this afternoon is what I am responding to, and I think that is a quite reasonable position for me to address myself to in the adjournment debate. As an example of that public consultation in relation to variations to the Territory Plan, this Assembly saw tabled yesterday a variation for the Canberra Women's Bowling Club area in Kingston. We have seen over the last 14 months variations to the Territory Plan for a wide range of land use purpose changes, but they have involved quite definitive, explicit and well-documented cases of community consultation. The Land Planning Act requires it.

The procedures that have been adopted by the Planning, Development and Infrastructure Committee have ensured that the appropriate amount of public consultation takes place in relation to such variations. We regard it as being absolutely essential that the community has its say - not only the wider community in terms of the public hearings that from time to time have been held but also objectors, concerned citizenry, concerned individuals and organisations. Such people should be able to appear before not only the Planning Committee but a whole range of other committees of the Assembly, generally, but not always, following the sponsorship of issues brought to this Assembly by the Government.

There is an automatic process in relation to such things as the audit reports that are tabled here and their automatic reference to the Public Accounts Committee - again, another form of government-supported community consultation. It is an absolute requirement that when we conduct our business, both as single members of this Assembly and also as part of particular parties of government or opposition, we provide the widest opportunity for that public consultation. For anybody to suggest to the contrary is absolutely outrageous, and I think the Liberals this afternoon have embarrassed themselves quite substantially.

### **Tuggeranong Swimming Centre**

**MS ELLIS (4.56):** Madam Speaker, I rise to bring to the attention of the Assembly a new facility that was opened on the weekend. I can already hear the howls of agreement from over the way when I mention the Tuggeranong pool. I want to mention it in a very precise and serious fashion. I believe that we need, as a community, to acknowledge the distance we have travelled in how we deal with and handle the problems faced by people with disabilities. Back in the eighties we had a year for the disabled, through the UN. That was probably an acknowledgment that at last the realisation had hit the community that we had to focus on the needs of those people.

A fantastic illustration of where we have come to is apparent when you visit a new facility such as the Tuggeranong pool. Sure, it is fantastic, and the community at large is going to enjoy it, but what is really important is that through an exhaustive consultative process the needs of people of any age with disabilities are brilliantly catered for. A small child suffering a disability of some kind has probably one of the best water facilities it could be taken to in the Tuggeranong pool. A person in a wheelchair who usually cannot gain access to that sort of facility can be wheeled into the water from a beach-front pool and get excellent therapy.

I would like to take the opportunity to congratulate the designers, the architects, the builders and the Government for putting that pool there. I also want to pat the community on the back for the manner in which they participated in the consultation process that led to the production of those facilities. I cannot think of a need of a person in the community that is not met in that facility. I think we need occasionally to acknowledge that sort of devotion to the cause of those people. It was all voluntary time on their part to participate in that process. If people in this place have not had the opportunity, I very strongly encourage you to go down and look at the facility with that idea in mind and that focus. It is a wonderful compliment to the planners and to community consultation.

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### **Tuggeranong Swimming Centre**

**MR DE DOMENICO** (4.58): Madam Speaker, very quickly, I would like to endorse what Ms Ellis has said. The thing the Tuggeranong pool showed me is how a decision taken first of all by another government, the Alliance Government - - -

**Mr Berry:** No, Labor took it in 1989.

**MR DE DOMENICO:** Labor took it first; the Alliance Government took it on board as well; Labor retook the decision. It was a bipartisan decision and everyone was delighted with the outcome. It is a fantastic facility for the disabled, for the people of Tuggeranong, and for the people of the ACT in general, because it is not too far to come to the Tuggeranong pool. I think we are all in accord that it is a fabulous facility. The only thing that spoiled it was Mr Berry swimming in one of the lanes when I saw it on Saturday morning.

### **Camps for Kids**

**MRS GRASSBY** (4.59): I would like to carry on from what Ms Ellis said and speak about other people with disabilities. A group of people came to see me today who have a lot of trouble in raising funds for Camps for Kids. I am sure that everybody in the Assembly knows about Camps for Kids. It is an organisation that takes children who are suffering from cancer - we have heard about that today - on a holiday with their parents, helping them with the disability they have to live with. Some of them live with it; some of them, unfortunately, we lose. They are having a lot of trouble raising money. They have a ball on 29 May and are looking for people to attend that ball. At the moment they do not have a lot of people going. They are also looking at raising other money, and I think every one of us here in the Assembly could afford to give them a small donation to help their organisation, Camps for Kids.

**MADAM SPEAKER:** It being 5.00 pm, in accordance with amended standing order No. 34, the Assembly stands adjourned until Thursday, 20 May 1993, at 10.30 am.

**Assembly adjourned at 5.00 pm**