



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

14 May 2002

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MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition

The following petition was lodged for presentation, by Ms Dundas, from 946 residents.

Libraries

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: the lack of a permanent building housing Public Library Facilities in West Belconnen and the urgent need for a permanent Community Library to be built in the Kippax Group Centre.

Your petitioners therefore request the Assembly to: call on the ACT Government to allow in the 2002-2003 Budget for a new Kippax District Library, including the allocation of suitable land, and professional architectural design.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.

Death of Sir Leslie Melville KBE, CBE

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): I move:

That this Assembly expresses its deep regret at the death of Sir Leslie Melville KBE, CBE who made a significant contribution to the development of central banking in Australia and played an integral role in shaping Australia through his place on numerous inquiries and arbitrations, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, it is with tremendous admiration and gratitude that I remember Sir Leslie Melville, a pioneer and nation builder. He died in Canberra on April 30, after reaching his 100th birthday. I believe it is fitting for this Assembly to acknowledge one of Australia's most eminent economists for his contribution to world economic affairs, central banking in Australia, education, and public policy making.

Sir Leslie Melville was born in 1902. He studied economics at Sydney University and in 1929, aged 27, went on to become the inaugural professor of economics at Adelaide University. Two years later, on the recommendation of the Bank of England's Sir Otto Neimeyer, he was appointed as chief economist at the Commonwealth Bank, a position he held until 1950.

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He was probably the first economist to work for the bank, and possibly the first economist to be employed full time in the public sector. It was Sir Leslie who steered the Commonwealth Bank as it became an important contributor in public policy debates in the 1930s and 1940s. It is this period that academics mark as the true start of central banking in Australia.

The Current Governor of the Reserve Bank of Australia, Ian MacFarlane, said of Sir Leslie:

The history of central banking in Australia and the history of Sir Leslie Melville are largely coterminous. If you read through the archives of the Reserve Bank you could be forgiven for thinking Melville *was* the Reserve Bank.

On his retirement, Sir Leslie was acknowledged—by his protégé Nugget Coombs—to have made a contribution to the theory and practice of central banking without equal in the world.

Sir Leslie was the principal economic adviser to the Australian government at the Imperial Economic Conference in Ottawa in 1932, and at the World Economic Conference in London in 1933. On the eve of the Second World War, Sir Leslie was appointed as architect of Australia's war economy.

Sir Leslie recalled recently that the wartime currency crisis was such that people would stop him in the street and ask whether they should send their wealth offshore. He pioneered solutions to this, and other economic concerns of a similar magnitude. He was the first to call his colleagues together to discuss problems and come up with solutions.

The next step in Sir Leslie's career was his involvement with the setting up of the Bretton Woods institutions—the International Monetary Fund, the World Bank, and later the World Trade Organisation. It was because of the visionaries involved in their inauguration that these institutions stood as positive examples of international cooperation. Bretton Woods institutions ensured that the isolationism which contributed to the Depression and the Second World War would not factor so greatly again in world economic affairs.

Sir Maynard Keynes acknowledges Sir Leslie's role at Bretton Woods, saying, "He upheld the dignity and integrity of Australia with the most marked success." In 1953, Sir Leslie was appointed the second Vice Chancellor of the ANU, after leaving the Commonwealth Bank. He has left an indelible mark on Canberra by entrenching the ANU as one of the top Australian universities. He played a major role in the difficult amalgamation of the Canberra University College and the ANU. Sir Leslie is famously quoted as saying, "There can be no end to the building of a university."

Sir Leslie was an adviser to Prime Minister Menzies and later to the board of the Reserve Bank, beginning the tradition, which has lasted for 40 years, of an ANU economist sitting on the board of the central bank.

Sir Leslie loved Canberra. He and his wife were involved in the ANU community. He saw the city grow into a thriving capital of learning and decision-making. He chose Canberra as his home. It is indeed fitting that students begin enrolment and complete final exams at ANU through his namesake, Melville Hall.

Sir Leslie was a close friend of Professor Heinz Arndt, remembered only last week in this Assembly. Professor Arndt said his friend had an unassuming, uniquely un pompous manner, and that courtesy and good humour characterised all his dealings with other people.

Sir Leslie Melville is survived by his sons, Tig and Anthony, three grandchildren and four great-grandchildren. I know all members will join with me in expressing our sympathy to the Melville family. Australia and Canberra have lost a national treasure, a man of integrity, honour and immense character.

MR HUMPHRIES (Leader of the Opposition): Mr Speaker, the opposition rise to support this motion of condolence to the family of Sir Leslie Melville. The Chief Minister has described the achievements of this man.

I think it is worth again going over the fact that, at the age of only 27, he became the first professor of economics at Adelaide University. That was an extraordinary achievement, and one which was to set the tone for the rest of his life. It was a life of achievement, a life of responsibility, a life of passionate commitment to the things he believed in, particularly education and advancing economic understanding in Australia.

Sir Leslie served the ANU as its Vice Chancellor for a period of some seven years. That is the reason for which I think most Canberrans will remember him. His time there was a very difficult period for the university. It was a time of enormous change in the period after the war, when a great deal of leadership was required. That was when the university amalgamated with the Canberra University College, and it was not an easy time. More recent amalgamations of universities have proven to be just as difficult. Because he was a leader as well as an academic, he did not always excite popularity among fellow academics. However, there is no doubt that he led the ANU with great strength and vigour, and had a long-term view about its future place in Australian society.

Sir Leslie was respected not only for his work as an economist but also for his quality of leadership. Interestingly, after his time at the ANU, he was appointed chair of the Australian Tariff, as it was then called. His sense of leadership and his preparedness to speak out for what he believed in are evidenced in the fact that, at one time in that role, he recommended to the government of the day that there should be a more liberal tariff policy in Australia. The government of the day rejected that recommendation. It was, no doubt, a government consisting of lots of National Party members! As a result, Sir Leslie resigned from his position, indicating that he felt the principle was more important than the politics.

He remained an honorary fellow of the ANU in the Department of Economics at the Research School of Pacific Studies. Well into the 1980s, when he was in his eighties, he was still taking part in seminars and presenting papers.

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Sir Leslie Melville spent his last few years at the Grange at Deakin and remained mentally active. It is quite fitting that he celebrated his 100th birthday in Canberra at the Commonwealth Club, which he founded many years before. He was the kind of academic we can do with more of—an academic with a preparedness to be involved in the wider community, to make an active contribution, to be vigorous and yet principled. As a result, I think the Canberra community and, indeed Australia, has been diminished by his passing.

His family has the sympathy of the Liberal opposition.

MS DUNDAS: Mr Speaker, I rise to add condolences on behalf of the Australian Democrats on the passing of Sir Leslie Melville. Sir Leslie was certainly one of Australia's most respected economists of the between-wars and post-World War II periods. His biography highlights that governments of all persuasions came to him for advice. I note that Don Chipp, as Minister for Customs and Excise, in 1971 sought his services to determine a fair price for oil refiners to charge independent operators for Australian crude oil.

As has been mentioned, Sir Leslie Melville was the second Vice Chancellor of the ANU. Many Canberra students would recognise the name Melville Hall. That hall is often dreaded by students, who have to wait in long queues to enrol and go there to sit exams.

Sir Leslie will be remembered as a quiet man. He was both considered and pragmatic in his approach to all that he did. His legacy will continue for many years to come.

Question resolved in the affirmative, members standing in their places.

Legal Affairs—Standing Committee Scrutiny Report No 10 of 2002

MR STEFANIAK (10.42): Mr Speaker, I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 10, dated 14 May 2002.

I seek leave to move a motion authorising the publication of Scrutiny Report No 10.

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 10 contains the committee's comments on three bills and three government responses. There are some further pieces of legislation the committee is still examining. We can probably have the report on that ready on Thursday. I commend the report to the Assembly.

Scrutiny Report No 11 of 2002

MR STEFANIAK (10.43): Mr Speaker, I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 11—Meeting of Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees, dated 14 May 2002.

I seek leave to move a motion authorising the publication of Scrutiny Report No 11.

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 11 contains a report of the meeting of working groups of chairs and deputy chairs of the Australian scrutiny of primary and delegated legislation committees held in Canberra in May 2002. I commend the report to the Assembly.

Planning and Environment—Standing Committee Report No 4

MRS DUNNE (10.44): Mr Speaker, I present the following report:

Planning and Environment—Standing Committee—Report No 4—Draft Variation No 174 to the Territory Plan—Hungarian-Australian Club Site and Community Facility Land, dated 10 May 2002, together with a copy of the extract of the minutes and proceedings.

I seek leave to move a motion authorising publication of the report.

Leave granted.

MRS DUNNE: I move:

That the report be authorised for publication.

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Question resolved in the affirmative.

MRS DUNNE: I move:

That the report be noted.

The report of the Planning and Environment Committee on draft variation 174 to the Territory Plan—the Hungarian-Australian Club in Narrabundah and associated community facilities land—is a very important report which has been keenly awaited. The proposals for the draft variation had created a considerable amount of anxiety and discussion in the community.

This report, or the process of looking into this draft variation, was a task inherited by the Standing Committee on Planning and Environment from the committee of the previous Assembly. That committee had held two days of hearings, and conducted considerable investigations. From reading the *Hansard*, Mr Speaker, it is clear that this issue created some passion in the community. I would like to look sequentially at the recommendations of the committee.

The draft variation covers two discrete pieces of land which are adjacent to one another. The main section is section 124, blocks 1 and 2, Narrabundah, which is currently zoned entertainment, accommodation and leisure. There are two smaller adjoining blocks—blocks 14 and 15 of section 124—which are characterised as community facilities. The proposal of the draft variation was to convert all four blocks to residential use.

The committee firstly was very concerned at the inclusion of the small blocks—blocks 14 and 15—of section 124 into this draft variation. The most polite thing we could say about the proposal by PALM land allocation to have this area looked at for inclusion as residential was that it was for mere tidiness. The committee considered it at some length. Considering that there are only 3.3 hectares of land available for community facilities in central Canberra, we felt that the inclusion of that land as residential could not be justified.

The larger blocks, occupied by the Hungarian-Australian Club and its bowling greens at blocks 2 and 3 of section 124, are currently zoned as arts, entertainment and leisure. That allows a vast array of land uses including aquatic recreation facility, car parking, caravan parking, camping ground, hotel/motel, guest house, clubs, drink establishment or restaurant, drive-in facility, shop, TAB, craft shop, tourist or zoological facility, outdoor or indoor recreation facility, indoor entertainment facility, transport facility, parkland, or place of assembly.

The main argument put forward to the committee for the change of land use from entertainment, accommodation and leisure was that the current lessees considered their establishment unviable. This is an issue that we constantly came back to, so the committee set about asking itself the fundamental question: can the land use be justified? We noted that the Hungarian-Australian Club said they could not make a go of it. However, given the wide variety of other uses available under the classification of entertainment, accommodation and leisure, we came to the conclusion that, on the basis that the Hungarian-Australian Club was not making a go of it, such a change was not justifiable.

We were well aware of the amount of community concern about a building proposal on the site, if there was a change of land use. But, for the most part, the committee did not consider that because we considered that the fundamental issue we had to address was whether the land use was justified. The committee recommends that the land use on the site currently occupied by the Hungarian-Australian Club not be changed because the land use cannot be justified.

Associated issues that arose during the inquiry relate to what might be called concessional leases. There is a great deal of anxiety in the community that leases are issued, at various stages, for less than market value. The lease in question currently occupied by the Hungarian-Australian Club is a lease of long standing and first issued in 1961. There was a great deal of anxiety in the community. There was a sense that, without any malice, there was something slightly underhand, or maybe someone was rotting the system.

The committee is of the view that this is not really what is happening, but there is a great deal of uncertainty about how pre-land act leases of this sort are dealt with in the land act. We have recommended that the government undertake a review of the operation of pre self-government leases that only lightly fit within the land act.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Legislation Amendment Bill 2002

Detail stage

Debate resumed from 9 May 2002.

Clauses 1 to 7, by leave, taken together and agreed to.

Proposed new clause 7A.

MS DUNDAS (10.51): I move amendment No 1 which has been circulated in my name [*see schedule 1 at page 1591*].

Mr Speaker, I am going to discuss amendments Nos 1 and 2 standing in my name because they are related. Both amendments need to be accepted by the Assembly. One without the other would mean a very messy and unworkable piece of legislation. These amendments are minor in nature, but will ensure ministerial responsibility for regulations and disallowable instruments that occur within the minister's portfolio areas.

These amendments are very similar to those put forward by the then shadow Attorney-General, Mr Stanhope, in February 2001. The amendments would have the effect, when the executive makes regulations and subordinate laws by the signature of two ministers, of ensuring that one of the two ministers signing the regulation is the minister holding the portfolio. This puts the onus on the portfolio minister to take responsibility for all aspects of their portfolio.

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These amendments would address concerns about regulations made within the health portfolio—despite the protestations of then health minister, Mr Michael Moore—before my time in the Assembly. Mr Moore came to the Assembly and stated strongly that he disagreed with the regulations made by other members of the executive. With the amendments I propose, this could not reoccur, unless the minister was absent, sick or out of the territory and hence not exercising his or her responsibilities.

In the amendments, allowances have been made for cases where different ministers administer the same act. I do not expect that these amendments will place an onerous task on the executive. This is simply about putting weight behind the assumption that ministers are responsible for regulations and disallowable instruments within their portfolios.

This amendment will work concurrently with, and certainly does not conflict with, the administrative arrangements made under the self-government act, section 43 (2), which allows for ministers to act on behalf of others.

The effect of this amendment is that we do not have a situation where a member of the executive defers responsibilities to other members of the executive for regulations or disallowable instruments for which they are, and definitely should be, responsible. This is about the community having faith that the minister is responsible and signs off on regulations within his or her portfolio. I seek members' support for the amendments moved in my name.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.55): The government is happy to support these amendments. As Ms Dundas has explained, they are based on amendments I proposed in the last Assembly. I acknowledge that Ms Dundas has adjusted the proposal—I think, wisely—to allow for circumstances where the responsible minister is absent from the territory, or on leave.

I think these are quite sensible amendments, and the government supports them. I think it is only reasonable that, in the making of regulations, the responsible minister is one of the ministers who sign the regulations. Ms Dundas has given the background to a case in point, where a responsible minister did not sign regulations because he did not approve of the content of them. I am on the record as saying that I think that is extremely anomalous and undesirable. It raises real questions concerning executive responsibility issues around cabinet solidarity and the rights, roles, responsibilities and accountability of ministers.

This is a very sensible amendment. It is one of those amendments that should not be necessary. It is in that context, I guess, that I did not proceed with it. The amendment I proposed was designed to deal with a specific circumstance—namely, where a minister was not prepared to accord with accepted notions of cabinet solidarity, and openly and blatantly abandoned Westminster principles. That will not happen under this government. As far as I was concerned, some of the urgency or priority one might have attached to amendments of this sort had dissipated.

The government is happy to support Ms Dundas' amendments. In the scheme of things, they are very sensible. It is only reasonable that responsible ministers should be responsible. There has been a very stark example of this in the past. Ms Dundas referred to the example where there was an abandonment of that basic principle.

We support the amendment.

MR STEFANIAK (10.58): I note what Mr Stanhope says, and I hope his cabinet and ministers will be responsible. I can see where Ms Dundas is coming from, in relation to this amendment. I can also see that the government is supporting her, so it will definitely go through.

I will exercise some words of caution here. Apart from a period of about two and half years, I have been in this Assembly since its inception. In the length or life of this Assembly, it would have been very rare that the responsible minister, having the carriage of a matter, would not have signed. There are obvious exceptions which you mention—such as the minister being absent from the territory, ill or on leave.

The issue of conscience occasionally crops up. I do not think I have heard any great community clamour to ensure that the responsible minister signs these pieces of subordinate legislation in every instance.

I can think of several instances, over the course of all of our Assemblies, where the responsible minister has not been comfortable—invariably through personal, moral, beliefs—and another minister has actually signed. That has not affected the administration of the Assembly or the administration of justice.

I also recall on one occasion—although I was not the responsible minister—being asked to second a piece of legislation, or regulations, which I had probably argued against in cabinet. I thought: well, can you get someone else? They did, and I felt a bit better about it. It is something that rarely crops up. Off the top of my head, I cannot think of any other instances. I wonder whether this is absolutely necessary. In the past, we had a bit more flexibility, and it did not affect the administration of justice or the administration of legislation in the territory.

Apart from amendment No 4, which is on a completely separate topic to the rest of your amendments, I note that amendments 1 through to 3 deal with this point. Perhaps I could comment on amendment No 2.

MR SPEAKER: We will deal with just amendment No 1.

MR STEFANIAK: All right, Mr Speaker; I can put that in a different way.

I assume your reference in amendment No 1 to when a responsible minister cannot sign because he or she is absent from the territory, ill or on leave, follows through and applies to the rest of your amendments dealing with this matter. Obviously it does. You are nodding your head. I can see that, quite clearly, that is your intent. That is quite positive, and it is good to see.

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I make those comments by way of caution. It is something that happens now and again. It is not earth-shattering when it does. I do not think that, in the past, it has necessarily affected this Assembly in going about its daily business.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.01): I did not anticipate a lengthy debate on this issue. I guess there will not be a lengthy debate, but I think it is important that I respond to the issues raised by Mr Stefaniak.

This goes to the heart of the issue we were faced with in the last Assembly which Ms Dundas' amendment seeks to address. The fundamental issue—as far as I am concerned, this was at the heart of the issue—is that we are talking here about amendments that were made in relation to abortion. It was a conscience issue for both the then government and the then opposition. This is an important principle, as far as I am concerned. If parliaments are going to pursue issues as a matter of conscience, then you do not legislate on a conscience issue through subordinate legislation, you use an act.

The notion and principle of cabinet solidarity is extremely important. It is also important that ministers of state, who have responsibility for the administration of a department or function, accept responsibility for the administration of that function. Here we are talking essentially about the importance of the principle of cabinet solidarity as one of the overarching principles of Westminster-style government, which we, in this place, accept and pursue.

I have to disagree with you, Mr Stefaniak, on the suggestion that members of cabinet who feel uncomfortable about being the signatory to legislation that reflects a government or cabinet position have to simply accept and swallow that discomfort on the basis of the principle that they sign up to the decision of the government and of the cabinet. It is one of the burdens you bear as a cabinet minister—as a member of a cabinet. It is a long-held principle that, as a member of cabinet, you sign up to what the cabinet decides. But you do not go out and say, “My mates in cabinet have done this but I disagree.”

Our system does not allow that luxury, or that latitude. That is at the heart of this amendment. If you want to pursue a matter that is characterised as a conscience issue, then do it through amendments to substantive legislation or through an act of the Assembly. Do not do it through regulations, because regulations are made by the executive. Regulations are an expression of executive will. Regulations, as an expression of executive will, require unified government or cabinet support and solidarity.

You cannot sign up to regulations as an executive, as a government, and then say, “Look, this is a mongrel regulation. All my mates in cabinet have signed up to it but I am not going to”—and then walk out onto the street and beat your breast and say, “I am a defender of a principle. The rest of my cabinet colleagues have signed up to this, but I have not.” That is not a position which the executive wholeheartedly supports—having two-bob each way, trying to be everything to everybody. That is why we have rules—very good rules, for very good reasons—around the importance of cabinet solidarity as an expression of executive will. It is so the government, at the end of the day, is held accountable for the action.

Nobody expects governments to be accountable under the conscience rules that apply to, say, abortion and some other issues. That is the whole point. However, if an executive take a decision to regulate through subordinate legislation, then the government—the cabinet, the executive—must accept full responsibility for those actions. That is at the heart of this.

So I do not accept, Mr Stefaniak, the basis of the concerns you express—that some members of cabinet might not feel all that comfortable about certain executive action and, therefore, may want to be exempted from having to take the hard decision and live by it and defend it. That is the point. As a member of cabinet, you live by and defend the collective decisions of cabinet. You stand or fall by them, because that is what is required of you. You are required to accept that responsibility, and you are required to defend it.

Proposed new clause 7A agreed to.

Clauses 8 to 18, by leave, taken together and agreed to.

Clause 19.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.06): I move amendment No 1, circulated in my name [*see schedule 2 at page 1593*], and present a supplementary explanatory memorandum to the bill.

Mr Speaker, this amendment proposes the omission of chapter 14 of the amending bill. By way of background, I think members are aware of this issue. The issue was debated last week and agreed to in principle. Mr Stefaniak raised concerns that had been discussed at some length in the scrutiny of bills committee report No 9, I think it was, in relation to the impact or possible effect of proposed amendments in relation to what extraneous material might be used as an aid to interpretation by a court.

There was quite detailed discussion on this issue last Thursday. I will not go through it all again, other than to say that Mr Stefaniak pointed to some detail concerns expressed by the scrutiny of bills committee. Mr Stefaniak also referred to late interest expressed by the Bar Association in relation to the effect or efficacy of the proposals expressed in section 142 of the amending bill.

At that time, I undertook to await advice from the Bar Association. That has been received, and I have referred it to my department. Mr Stefaniak has a copy of that legislation, as do other members of the Assembly. The Bar Association has raised a number of issues and concerns about the operation of aspects of chapter 14—in particular, the operation of section 142, but also other parts of that chapter.

As a result of those concerns, because these issues are complex and extremely technical, and as a consequence of the desire of the government to see this substantial and important bill passed today, I am proposing to remove entirely the so-called offending provisions—those provisions that have raised concern—to allow more detailed negotiations and discussions with Mr Stefaniak, the Bar Association and others who may have an interest in this issue.

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The Office of Parliamentary Counsel does not accept the force of the arguments that have been advanced by the Bar Association. I am not suggesting that I resile from my support of the provisions contained within chapter 14. Nevertheless, I am more than happy to see chapter 14 omitted at this stage, while we sort out this issue and return to the status quo. I refer to the provisions in the Interpretation Act that relate to the use of extraneous aids to interpretation.

I could go, in detail, to the arguments of Mr Harris. I could advance the counter-arguments that my department and the Office of Parliamentary Counsel would mount in response to the concerns expressed by the Bar Association. Although I would be more than happy to do that, I do not think it would be useful for us to do it here today. I do not think this is the venue for a long, detailed, technical argument in relation to the use of extraneous materials, and whether or not the concerns of the Bar Association, as rebutted by the Office of Parliamentary Counsel and the department of justice, can be resolved on the floor of the Assembly.

I understand there is unanimous support for the bulk of the bill, although there are concerns about the operation of chapter 14. So I am proposing that, at this stage, we excise chapter 14, maintaining the status quo—namely, the Interpretation Act—allow those other parts of this important piece of legislative reform to become law and, after detailed consultations with Mr Stefaniak, the Bar Association and others, revisit chapter 14 another day.

MR SPEAKER: Before we proceed any further, I would like to welcome to the Assembly some Canberra citizens from the Migrant Resource Centre who are present in the gallery today. Welcome.

MR STEFANIAK (11.11): I thank Mr Stanhope for this amendment and note his comments. I also thank Mr Stanhope for providing a copy of the Bar Association's note. Mr Harris said he was going to send that to me. I received it last night, which gave me a chance to read it. I have been advised by my office that Mr Harris is also very satisfied with this arrangement. I probably needed to put that on the record. I was contacted a few minutes ago in relation to that. I think it is most appropriate. I had a chance to talk to Parliamentary Counsel, and Mr Stanhope accurately reflects their views. I still have problems, but I think the most appropriate way of going about it is to put back in what has been applied here for a number of years—that is, sections 11A and 11B of the Interpretation Act.

I am not going to go over the substantive arguments. We had a fair bit of that last week. No doubt that will continue over the next few months—and that is as it should be. I will comment on one point in Mr Harris' advice. It is not so much that he seems to go off on a tangent—he makes a valid comment about consultation, although I think he has got the wrong body. He said in his second paragraph that unfortunately the association was not consulted by the Standing Committee on Legal Affairs about the contents of the bill. He goes on to say that it only had the opportunity to closely examine the bill at a later stage; that it is not right for the Committee on Legal Affairs—the scrutiny of bills committee—to send bills to various agencies such as the Bar Association; and that, if we did that, it would really slow down legislation.

I recall that, when Mr Humphries and I were ministers, the previous government, almost as a matter of course, would ensure that draft bills were circulated to the relevant bodies. I can recall, in cabinet, seeing checklists as to where a bill had been sent. It was always sent to the DPP, and usually to the Legal Aid Office. I recall bills, on occasions, having been sent to the Bar Association or the Law Society.

Whilst there are some simple machinery bills and mechanical bills where that may not be necessary, or indeed possible, and some bills of urgency where that quite clearly is impossible, I think it is a practice that should be followed, wherever possible. This bill, which had some fairly substantial bits of legislation in it, ideally should have been sent to the relevant agencies for comment. I think that would help in ensuring we get better legislation.

I pass that on to the government. I think it is a good practice to adopt. It is obviously something you will not be able to do in all instances. With anything such as this, which is going to make a major change, it ensures that the draft is circulated to relevant agencies and bodies, such as the Law Society and the Bar Association, for comment. The government may not agree with the responses made by those associations. I can recall that, on a number of occasions, I did not agree, and neither did my predecessor. At least it gives them a chance to have their say and can also assist greatly in making legislation better. So I commend that to the government.

I do not know what Mr Stanhope's time frame is in relation to that. I assume he mentioned a number of months, which would be most appropriate. Almost certainly, from what he is saying, he will be bringing in more legislation later this year. At least everyone will have a chance to have a say, to have input into it, and I thank him for that.

The opposition is happy to support the amendment moved by the government.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clauses 20 and 21, by leave, taken together and agreed to.

Clause 22.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.16): Mr Speaker, this is the second part of the proposal that I spoke to earlier. The Assembly has just agreed to remove the proposed new chapter 14 and reinsert the provisions that currently apply in the ACT—namely sections 11A and 11B of the Interpretation Act. This tidies up the result. It ensures that we return to the status quo—that the provisions of sections 11A and 11B continue to apply.

MR SPEAKER: Could you formally move that amendment please, Mr Stanhope?

MR STANHOPE: I was on the wrong amendment, Mr Speaker; I beg your pardon. This is a simple technical amendment. It is amendment No 2 on the white paper, not the purple paper—clause 22—and I formally move that [*see schedule 2 at page 1593*].

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It is a technical amendment to omit the words “relate to” and substitute “disclosed or otherwise found to relate to”—in response to a concern expressed by the scrutiny of bills committee. It is the tidying-up of a minor technicality.

MR STEFANIAK (11.18): We support that.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clauses 23 to 27, by leave, taken together and agreed to.

Clause 28.

MS DUNDAS (11.19): I move amendment No 2, circulated in my name [*see schedule 1 at page 1591*].

I thank Mr Stanhope and Mr Stefaniak for the comments they made earlier, when amendment No 1 was being debated. I agree it would be a rare situation that we need to remind the executive of this law when it comes into force. Nevertheless, it is important that the community should expect the minister responsible for his or her portfolio to do that, and have faith that it is being followed through. This amendment, in conjunction with my amendments Nos 1 and No 3, entrenches that in law.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clauses 29 and 30, by leave, taken together and agreed to.

Schedule 1.

MS DUNDAS (11.20): I move amendment No 3 circulated in my name [*see schedule 1 at page 1591*]. This, again, is part of my amendments Nos 1 and 2, to make the legislation neat and tidy. I hope the Assembly accepts amendment No 3.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Schedule 2.

MS DUNDAS (11.21): I move amendment No 4, circulated in my name [*see schedule 1 at page 1591*].

This amendment is a minor change to the Coroners Act. It will make the tabling of the annual report of the coroner a quicker process. This amendment will see the annual report of the coroner tabled within six sitting days after being received by the Attorney-General, rather than the current system, which takes 15 sitting days. This is about

informing the Assembly, and the community at large, of the workings of the coroner in each financial year.

The current system, which takes 15 sitting days, could mean that reports are held from the Assembly for up to four calendar months, with no reason being provided to the Assembly. By changing it to within six sitting days, it will provide for a range of two to six calendar weeks, which I believe is an adequate amount of time for tabling an annual report.

This amendment also brings the tabling of the coroner's annual report into line with the tabling, by the Chief Minister, of annual reports for government agencies under the Annual Reports (Government Agencies) Act 1995, section 14 (1). I believe that the current situation of the coroner's report taking 15 days is only an anomaly, and seek the support of the Assembly to change it.

MR STEFANIAK (11.23): Mr Speaker, the opposition will be supporting Ms Dundas' amendment. As she says, it brings this into line with the practice in other areas, which is six sitting days for the tabling of reports. We think it is a sensible provision and worthy of support.

Amendment agreed to.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.24): Mr Speaker, I move amendment No 2 on the purple paper circulated in my name [*see schedule 2 at page 1593*]. This is the amendment I mistakenly spoke to earlier.

This reinserts into the bill sections 11A and 11B of the Interpretation Act. It ensures that the status quo will be maintained, consequent upon the decision the Assembly took a little while ago to remove chapter 14—the intended replacement provisions relating to the use of extrinsic aids. So we will maintain the status quo—the use of sections 11A and 11B—whilst we give further consideration to the concerns raised, particularly by the Bar Association, in relation to the new chapter 14 provisions.

I will respond to the point made by Mr Stefaniak about the desirability of consulting. The government accepts that absolutely. We also accept the importance of the Bar Association and the Law Society in the context of the need to consult on technical legal legislation such as this.

This government has continued the practice of the previous government of not directly approaching the Bar Association but acknowledging that, once a draft bill is tabled, it is put on the Internet and is available for everyone to see. We are operating on the same basis that I understand the previous government operated on—that the draft bill is on the net for all to see, that the Bar Association knows that, and that, if the Bar Association feels inclined to comment on a particular piece of legislation, it is encouraged to do so.

Mr Stefaniak pointed out that the Bar Association expressed regret that they had not been consulted at an earlier stage—I noticed that myself. We have continued the position the previous government took in relation to consultation with the Bar Association—namely, that every bill is there, and we would welcome the comments of the Bar Association on

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every bill. It is of concern that the Bar Association is saying, “We did not provide any comments on this because you did not formally approach us.” Our understanding was that, if there was a matter on which they were inclined to approach the government, they were welcome to do so, and their input would always be welcomed and taken seriously.

One of the basic issues with consultation is always nailing it down. We were proceeding with what we understood to be established and accepted practice. Mr Stefaniak rightly comments on the concern expressed by the Bar Association. We might need to renegotiate our understanding with the Bar Association in terms of that consultative mechanism—but, Mr Stefaniak, we have continued your practice.

MR STEFANIAK (11.27): I am not going to repeat what I said earlier, because my comments were directed to this. I note Mr Stanhope’s comments. Mr Harris is the new president of the Bar Association. I might pass on to Mr Stanhope the way things are, concerning the Internet. Mr Stanhope, if you could form some contact with him, that may suffice—pass on any part of what you have said today in the chamber about wanting their comments on legislation, and come to some arrangement with them.

There has been a change of personnel at the Bar Association over the past few years. Unfortunately, the longstanding president, Mr Purnell, died tragically. Mr Harris has replaced him. If there is communication between the new government and the Bar Association, that will ensure that the association can take Mr Stanhope up on his most sensible offer to continue the practice of consulting with them.

Amendment agreed to.

Schedule 2, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Drugs of Dependence Amendment Bill 2002

Debate resumed from 9 May 2002, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MS TUCKER (11.28): The Greens support this bill in principle. Its main effect is to tighten up the way this law is written so that there is no chance that a decision not to prescribe a drug of addiction could be challenged in a technical way. That is a reason also for the retrospective and immediately expiring clause that authorises past decisions made under what is now considered loosely written law. That much of the bill is fine, but I will be moving an amendment to deal with one aspect when we get to the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS TUCKER (11.31): I move the amendment circulated in my name [*see schedule 3 at page 1594*].

As I said last week, I have some concerns about removing the up-front check by the Chief Health Officer on prescriptions for people over the age of 18 for attention deficit hyperactivity disorder.

The amendment I have moved retains the status quo that for all people 19 and over, so that before a prescription can be written, even for less than two months, the Chief Health Officer must give approval. My office had a briefing from the Chief Health Officer and a pharmacist, and we learnt how effective the ACT system of regulation is. It backs up doctors faced with the occasional aggressive patient who wants to be prescribed amphetamines. The doctor can say, "No. I need to get the approval of the Chief Health Officer. I cannot, by law, just prescribe this drug to you now." I was also informed how thorough the pre-prescription check is. It is not just ticking a box. It sees that the required referrals are in place and checks on the records.

As members are aware, the Standing Committee on Health is looking at the health of school-aged children in Canberra. Medication of children would be well within the terms of reference of that inquiry. While this legislation deals with 19-year-olds, they are children a year younger. If the community are concerned about the medication of children and a committee of the Assembly is looking at that, it is pre-emptive to change the arrangement for people over 18.

For that reason, I think it is much more sensible for us to keep the status quo until we have a chance to involve the community in discussion, which is probably overdue, on the medication of children and young people. While 18 and 19-year-olds are not strictly school-aged children, they are still young people. If as a society or a committee we think further work needs to be done on this, it will have implications for young people once they reach 19. We are pre-empting the work by supporting this change.

This change apparently reflects current prescribing practice. It is current prescribing practice that we want to look at. The treatment of ADD by this method is a bit controversial, and we would like the opportunity to look at it.

We know from talking to members of the community who work with drug and substance abuse that Ritalin and these kinds of substances are traded and injected. We have seen a huge increase in tablets consumed in the ACT. In 1989, 20,600 tablets were consumed. In 2001, 441,200 tablets were consumed. Statistics for the last 14 months show that around 10 per cent of people prescribed amphetamines were over the age of 19; around 90 per cent were under. By itself, this statistic cannot tell us the whole story and we need to consider overall population growth, but it is certainly worth thinking about. As I said, Ritalin is one of the drugs that are injected by some drug users, creating additional health problems. We cannot prevent leakage of prescribed drugs entirely. But it seems to me to make sense to retain what checks we have in place until we have done the work in the committee.

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MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11:35): Mr Speaker, the government opposes the amendment. Prescribing substances is an interesting and difficult issue. Over the last couple of days, there has been some discussion between my office and Ms Tucker's office. I think we were in something of a flurry as a result of time pressures. I acknowledge that we have not always been 100 per cent clear in our intentions or response to an amendment of this sort. On the basis of definite and definitive advice from the Chief Health Officer, whose advice I respect and whose advice I take in relation to this matter, the government does not support the amendment.

The effect of Ms Tucker's amendment is to keep an age limit of 19 in section 58. My advice from the Chief Health Officer of the ACT is that to do that is inconsistent with the growing body of clinical evidence which shows the effectiveness of the drugs past nine years of age.

The bill I introduced removes the arbitrary age limit of 19 from section 58. The reason for this is that over the years amphetamines and schedule 8 drugs have been prescribed as a treatment for attention deficit and hyperactivity disorder, ADHD. There has been considerable evidence-based research on the effectiveness of these drugs. A growing body of evidence shows that these drugs continue to be effective for the treatment of ADHD past childhood into adulthood for many sufferers.

For this reason, the government has accepted the clinical advice that the arbitrary age limit of 19 should be removed from the legislation. The advice I have received and accepted from the Chief Health Officer is that the 19-year age limit is arbitrary. To that extent, it discriminates against some people when they turn 19. The prescribing authorities, requirements or limitations apply arbitrarily. Clinical evidence suggests that continuing treatment of some ADHD sufferers with these prescribed substances is effective.

On the basis of the advice of the Chief Health Officer, there is absolutely no sensible, sound or logical basis for applying an arbitrary age limit of 19. That is the clinical advice based on the evidence of practitioners. It is the advice honestly given by the Chief Health Officer. Why would I not accept it?

All schedule 8 drugs of dependence should be treated in the same way. It is with a desire for uniformity in the treatment of all schedule 8 drugs that we have removed the age limit of 18. There is no age limit for the approval process for any other schedule 8 drug. It seems completely illogical to the government to have an approval process in relation to the prescription of schedule 8 drugs which says we will not permit continued prescription of this one drug after the age of 19. It is not logical; it is not sensible. It flies in the face of clinical evidence that these drugs have a continuing utility for some people when they turn 19. Why would you seek to impose on those people a different regime?

We oppose the amendment. We think it is unnecessary. It flies in the face of the clinical evidence. It flies in the face of the determined advice of the Chief Health Officer of the ACT. As far I am concerned, there is no clinical reason for supporting the amendment. There seems to me to be no reason in logic to support the amendment, and the government will not support it.

I realise that there was a flurry of consultations and negotiations yesterday around our approach to this position and that wires may have been crossed here and there. If there has been any uncertainty or misunderstanding as a result of that, I regret it.

MR SMYTH (11.41): I want to comment on the words the Chief Minister used about the amendment. They are serious drugs we are talking about. I think we all acknowledge there is a use for them when people reach 19. You do not magically change your physiology when you hit 19 so that some drugs become less effective or more effective. The evidence I have seen suggests that these drugs are effective.

Ms Tucker made two points. Firstly, she spoke about the relationship between these changes and the work the Health Committee is currently undertaking and concerns in the community about overprescription. The Health Committee wants to look at the effect of Retinol on young people. Her second point was that the current legislation is a check. Ms Tucker said, "Let us leave the check in place until we do a bit more work." I do not think there is any harm in that.

I have made it clear to Mr Stanhope's staff that if the work of the committee shows that there is no reason to treat amphetamines for the use of ADHD differently to other schedule 8 drugs then I will be happy to revisit this legislation later in the year. I think a delay of six months is not unreasonable, given the work the Health Committee will do. At the end of the Health Committee inquiry we may decide to look at all schedule 8 drugs, their use, their effects and the process by which we issue them to members of the community.

Ritalin is a very powerful drug with some interesting uses, but there is also a black market in Ritalin. The Health Committee will explore whether you are issuing drugs that reasonably could have been stopped and whether these drugs may be going to the black market. Under the precautionary principle, it is reasonable to leave the status quo for a period of six months. That is not onerous in this case. We need to be careful in the issuing of schedule 8 drugs.

The Liberal Party will be voting with Ms Tucker. If the evidence shows that we do not need this protection, then we will be happy to revisit the matter later in the year.

MS DUNDAS (11.43): Ms Tucker has raised very good points, echoed by Mr Smyth, about overprescription. I think this needs addressing. I thank Ms Tucker for bringing it to the attention of the Assembly. However, I do not believe that this amendment addresses the problem. We have not had a lot of time to consider this amendment. It was circulated in the last half-hour.

We need to be aware of what the legislation says. If proposed subsection 58 (6), which the amendment seeks to amend, is passed, a doctor, without the Chief Health Officer's approval, may prescribe amphetamines to a person if the doctor believes that the person is not drug dependent or has been using a drug of dependence continuously for two months and the doctor believes that the person is suffering from narcolepsy or ADHD and the prescription for use is for a period of no longer than two months.

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Taken together, those conditions are a regime that will help limit the prescription of amphetamines. Such prescriptions cannot be for more than two months, and the doctor has to believe the patient is suffering from narcolepsy or ADHD and the doctor has to believe they are not drug dependent or have been on these drugs for more than two months. These conditions come as a group in this legislation.

The amendment, which takes us back to the current age limit, is not one I can support. We do need to look at overprescription for ADHD among younger members of our community. ADHD is a condition that exists across a broad age group. If we are prescribing drugs to help fix it, we should be applying the legislation in the same way across all ages. Nineteen is not a magic point in people's growth, in their mental health or in the way their body accepts or deals with drugs. People are different across all ages. Doctors do many years of training so that when they make decisions about prescribing drugs they do it with the individual person in mind.

While I am very interested in looking at the problems of overprescription, especially for ADHD, and eagerly anticipate the results of any Health Committee inquiry, I cannot support this amendment.

MS TUCKER (11.47): I want to respond to one thing Ms Dundas said. Everyone appears to agree that there are some issues about the prescription of medication for children. I am concerned that, if we agree, we need to get a stronger regulatory framework or at least see whether there is some need for that. Why are we at this point prepared to loosen what regulatory framework we have for an age group which has quite specific issues?

Mr Stanhope said there is no clinical reason. The arguments I put up were social arguments about abuse of drugs and trading of drugs. That is the point I want to stress to Ms Dundas. We are looking at a social issue related to the age group we are talking about. They are more likely to be abusing and trading. That is the anecdotal evidence we have been given in our consultations with the community sector working with substance abuse.

I am trying to introduce to the debate a precautionary approach to this social issue. Why would we change it now if everybody agrees that we need to look at it? Why would we be prepared to loosen it for the vulnerable 19-year-old age group? We have an MPI today on substance abuse. Everyone keeps talking about it. Yet we are loosening something we do not have to loosen. We could leave the situation as it is and do the work on it.

The arguments that have been put today do not seem logical to me. This is about acknowledging that we are looking at these issues through a substance abuse task force and through my Health Committee inquiry into the health of school-aged children. I am disappointed that we are not getting support.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Postponement of order of the day

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

That executive business order of the day No 3 be postponed until the next sitting.

First Home Owner Grant Amendment Bill 2002

Debate resumed from 11 April 2002, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR SMYTH (11.50): Mr Speaker, the Liberal Party will be agreeing with this bill. It extends a very successful scheme to assist people to get into housing. We think it is an important thing to be supportive of. It was introduced as part of the changeover arrangements with the federal government's introduction of GST. The success of the scheme can be seen quite clearly in the buoyancy of the ACT housing market, which predictions indicate must either plateau or decline.

The first home owner grant is one of the successful elements that have led to the continuation of the housing boom, which is good for jobs and the economy. It has assisted individuals to get a kick start to get ahead so that they can buy their castle, their family home. The Liberal Party will be supporting the First Home Owner Grant Amendment Bill 2002.

MR WOOD (Minister for Urban Services and Minister for the Arts) (11.52): I rise also to support the bill as an important measure and to take the opportunity to make some related remarks about housing. This bill is about helping make home purchase more affordable for people in the ACT. That is certainly something the government considers to be a major priority.

It is well publicised that due to low interest rates and the continuation of the first home owner grant scheme home purchase affordability continues to increase across Australia. There is a reservation on that I will come back to. The scheme has allowed more people into home ownership, and that is a good thing. In the end I believe that many people moving into home ownership, especially in the last few months, are going to have to pay more for their houses, because the price of houses has changed so much.

In the ACT worrying signs and trends are starting to emerge, pointing to a potential long-term decrease in affordability. I want to use this debate to mention a few of those indicators. The report on housing affordability issued by the Housing Industry Association of Australia and the Commonwealth Bank indicates that affordability has fallen for the last two consecutive quarters—that is, by 1.5 per cent in the March 2002 quarter and by 2 per cent in the December 2001 quarter.

Again, on the other major national indicator, the home loan affordability indicator issued by the Real Estate Institute of Australia and the AMP, home loan affordability declined in the ACT over the December quarter in 2001. The ACT was the only state or territory to show such a decrease in home loan affordability.

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To be precise about this, it might be fair to indicate what is meant by affordability. The task force on housing affordability I have set up has given this definition, which I think is a good one:

A situation that conveys the notion of reasonable housing costs in relation to income, that is, housing costs that leave households with sufficient income to meet reasonable living costs such as food, clothing, energy, medical care, and education.

Our housing task force has decided that the group within this community most likely to have housing affordability issues are those households in the bottom 40 per cent of income earners, who pay 30 per cent or more of their gross household income in housing costs, whether rent or mortgage payments. That gives us some context as we talk about affordability.

I would like to point out a couple more worrying signs about housing affordability in the ACT. The average size of a home loan has increased by 8.5 per cent recently to \$162,167. That is pretty hefty, isn't it? Average monthly repayments have increased by 3.8 per cent to \$1,056.

Yet concurrently median weekly family income has fallen in the ACT by 0.9 per cent. On top of this, reflecting the increase in the size of a home loan, over the last 12 months house prices in Canberra have risen by 22.9 per cent—a remarkable rise. That is great if you own lots of houses.

Mr Cornwell: Indeed.

MR WOOD: Indeed, Mr Cornwell. But not so great if you cannot afford houses and you are looking to rent. That is where there is a significant problem. All the debate about this issue has tended to overlook that problem, which is why I am on my feet now.

It is the view of the Housing Industry Association that locally affordability is likely to continue to fall for the remainder of this year, largely because of that combination of rising interest rates and rising house prices.

All this paints a pretty convincing picture that for many in our community home ownership is increasingly becoming a more remote prospect. Rising house prices are good news for those of us who already own our own homes, but what about our children who may wish to live in the same suburbs as they have grown up in?

What about the home ownership options for lower paid workers, many of whom you might think are in the middle class? They include nurses, teachers, policemen and administrative workers, a supply of which is essential for the wellbeing of a city such as Canberra. I will mention that later too. The scenario of people such as this not being able to access home ownership is already a reality in other parts of Australia.

The recent report released by the Affordable Housing National Research Consortium states that currently no low-income household can afford to purchase an average priced three-bedroom house in any part of Sydney, Melbourne or Adelaide. By "low income", I mean any household in the bottom 40 per cent—not just people in the bottom 10 per cent, who would be considered in severe housing need.

In New South Wales, the government has begun to address this issue with the release of heavily subsidised house and land packages. The New South Wales government's land developer, Landcom, has announced the release of up to 63 houses to be sold by ballot at prices between \$150,000 and \$230,000, compared with the expected market prices of between \$280,000 and \$360,000.

What strikes me as especially interesting is the rationale given by the New South Wales government for this form of intervention in the market. That is, without an increase in the supply of affordable housing, Sydney is in danger of losing many of its service professionals such as teachers, nurses and tradespeople, a similar fate that has threatened high-priced cities such as London and places such as Silicon Valley in the US.

All of this background gives me a pretty good impression that this government is on the right track in the formation of an affordable housing task force, which is due to report by the end of October this year. They have a pretty difficult task ahead of them. The task force is looking at the increasing problems of affordability for a group of people who will never be able to purchase a property. They fall beyond the help that is available in the legislation Mr Quinlan has brought in.

The task force is undertaking a comprehensive process of research, consultation, analysis and investigation into the range of factors impacting on affordability and possible solutions. I have recently met with the chair of the task force, Ms Christine Purdon, and am tremendously impressed with the progress this group is making and the range of options they are considering.

I should conclude by saying that this government considers that an adequate supply of affordable housing should contribute many worthwhile things to our society and should be something we all strive together to achieve. Access to secure, affordable and appropriate housing is central to health and wellbeing. It provides the basic foundation from which individuals and families are linked with employment, education and other services, and facilitates participation in the wider community. The city's economy and the whole community benefit if people on lower incomes can access affordable housing located in proximity to employment and activity centres.

The availability of affordable housing contributes social cohesion and the development of stronger, safer communities. In Canberra the provision of affordable housing will enhance social diversity and balance in neighbourhoods. Affordable housing is a key element in Canberra's sustainable development and contributes to the quality of the built environment by providing a range of appropriate housing options that are integrated with the surrounding area.

Affordable housing should be part of an integrated and equitable housing system that includes the spectrum of housing tenures from rental to ownership. In a ministerial statement of Thursday I will have something to say about public housing. This bill, as well as the work of the affordable housing task force, should go some way towards addressing and helping to achieve these very worthy aims.

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MR STEFANIAK (12.02): As the opposition housing spokesman, I will add a few comments. The opposition supports this bill. It is very important to ensure that as many people as possible have the opportunity to own their own homes. One of the beauties of Australia, one we need to do all we can to keep, is that 60 to 70 per cent of people—certainly 70 per cent in the ACT—own their own homes.

With the huge escalation of prices, however, especially in places like Sydney, this is in danger. Therefore, I was very happy to see the extension of the scheme by the federal government. Indeed, it is a scheme resumed after a number of years in abeyance. Perhaps some of us benefited many years ago from earlier schemes. I can recall a long time ago getting \$2,000 towards my first home. That was probably the maximum then. It helps immensely. It is crucially important that we do all we can to ensure that as many people as possible are able to realise the great Australian dream and own their own home.

That is something all governments will have to continue to grapple with, especially as a result of the huge price increases, to an extent in Canberra but specifically in places like Sydney. How on earth could an average person afford to buy a home along the seaboard belt in Sydney? It is beyond me how people on normal pay packets can afford \$500,000 mortgages. It must be very difficult.

I look forward with interest to what Mr Wood might say on Thursday. My office gets a large number of complaints about people at the lowest end of the spectrum having great difficulty getting into government housing and getting access to a roof over their heads.

The more that can be done to help as many people as possible realise the great Australian dream, the better. Some years ago a scheme encouraged tenants of government houses to purchase their homes. Schemes like that need to be encouraged.

MR CORNWELL (12.05): I rise to make a few comments in relation to the First Home Owner Grant Amendment Bill. My comments arise, to some extent, from the words of wisdom spoken by Mr Wood in relation to the difficulties faced by people in New South Wales, particularly in Sydney. I too read the article, Mr Wood, and I was concerned at the information it contained showing that the bottom 40 per cent of people could not afford to purchase housing. That may see a drift away from Sydney of various professional people, including teachers. Even the Premier has indicated that the ever-expanding city of Sydney is now too large and cannot continue to grow, because of infrastructure problems.

The first home owners scheme, I put it to you, will not necessarily address this problem. The opposition has no problem with the scheme. I think it is a very commendable one. But we need to be aware that there is a very good chance that in future people will not be able to realise the dream of our parents to own their own home at all costs. I am not convinced that people in future will be able to enjoy that luxury.

Already in Sydney and in Melbourne, as my colleague Mr Stefaniak has indicated, the cost of housing is such that it is beyond the realm of most people ever to own a property. People are paying \$400,000 or \$500,000 for housing—not luxury housing but housing in inner city areas. After all, real estate is position, position, position.

The chances of you ever owning a property, I would suggest, are not very great. Therefore, you will be passing your mortgage on to the next person, who I presume will purchase the property from you. I do not say that in criticism of this legislation. Everybody needs to have an opportunity to start. I do not believe that people starting with the first home owners scheme will necessarily finish it any more than many other people will. The days of owning your own home in Sydney and Melbourne—and perhaps it will spread to Canberra and to other capitals—are rapidly disappearing.

It does not, however, have to be a disaster. Younger people these days have other priorities. They do not necessarily see the ownership of a house as being of the same importance as their parents or perhaps their grandparents did. I simply raise the matter to indicate that we need to consider these issues when we are looking at funding of such legislation as this. We need to look at it in terms of society in general. Things will not necessarily remain the same. It is necessary for governments to be aware of such changes.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.09), in reply: I thank members for their support of the bill. I wish I could look forward to this level of support for other legislation I am bringing forward. This bill is largely a piece of mechanics to enable us to administer the Commonwealth's extension of the first home owners scheme.

Since some comments have been made, I will make some of my own. About a year or so ago I was at a seminar conducted by one of the industry associations and addressed by a well-known economist who conceded that in large part the first home owners scheme may become only the vehicle to pull forward demand in the housing construction industry rather than being an overall benefit. In other words, there is a possibility of an equal and opposite decline in demand in the housing construction industry at some future time.

From the increases in the value of housing, the main beneficiary of this scheme has not necessarily been the first home owner but the seller to the first home owner, because house prices took a quantum leap and there was for some time quite a high degree of correlation between the level of increase and the amount of the grant.

I should not have been in a position to have to bring this bill forward. The last extension of the first home owners grant was a cynical electoral sweetener offered by the Howard government leading up to the last federal election. By the time that sweetener was brought forward, there had been increases in the market. The industry was fully occupied and remains so now. I want to do some modifications at my house and I just cannot find a builder who is interested. They say, "That is complicated. I don't need to do that."

The market is quite clearly distorted and there is the distinct prospect that, as a direct function of this, there will be a decline at a later date. Fortunately, not every home being constructed now is for a first home owner and not every existing home that is being sold is for a first home owner, so there is still a reasonably buoyant market without the first home owners.

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As far as I can see, the net benefit that went to first home owners was only to change the relationship between the necessary deposit and the amount of loan they could take. The grant, in large part, went to make up the deposit. Otherwise, the real value accrued to the builders, the developers and the home sellers, with the genuine prospect that there is a distortion in the market that will later reverse, when we may find that we are paying for the election promise that was brought forward last year. I certainly hope that does not happen. I hope that if it does it happens in a gradual fashion and allows for the economy to adjust. With the various pressures you can see building in the Australian economy, this is potentially just another one. It is a bit of a shame that it went from a scheme to try to boost housing construction to just a sheer election sweetener.

Thank you, members, for your support of the bill, which is purely the mechanics of administering our end of the scheme.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.14 to 2.30 pm.

Questions without notice

After-hours primary medical care

MR SMYTH: My question is to Mr Stanhope as Minister for Health. Minister, in your ministerial statement of 11 December you made a commitment to work with the ACT Division of General Practice and other key stakeholders to develop an agreed approach to improving after-hours primary medical care in the ACT. You stated that you expected that the agreed approach would be developed within three months, with a view to implementing it in six months. Minister, have you kept this commitment?

MR STANHOPE: Thank you, Mr Smyth, for the question. After-hours care is one of the significant issues that we face here in the ACT. The department, my colleagues and I have been working hard on after-hours services and the extension of GP services throughout Canberra. Indeed, following a question last Thursday, I mentioned an anticipated meeting that was to be held between Tuggeranong Community Council, Mr Hargreaves and my office about GP and after-hours services in the Tuggeranong Valley. That issue has been progressed by my office and my department on a number of fronts, so significant work has certainly been undertaken.

As Mr Smyth will be aware, a trial of a GP service at Canberra Hospital was initiated by the previous minister for health to alleviate pressure on accident and emergency at the Canberra Hospital. That trial was deemed, on its assessment, not to have been a success, and other options are currently being pursued.

The ACT Department of Health and Community Care is working with the Commonwealth department on a joint ACT/Commonwealth proposal for after-hours care. I will need to take on notice the question of the extent to which those issues have been progressed, as I do not have the detail with me. I am happy to get back to Mr Smyth with details of the work that is currently being done by the people in the ACT department with their Commonwealth colleagues.

In addition to that there has been a continuing commitment to Health First and the call centre initiative. The call centre was also initiated by the previous government, and we supported it at the time to determine the extent to which a call-centre-based approach to the provision of advice and assistance to people seeking after-hours health care would alleviate pressure on the emergency departments of both the Canberra Hospital and Calvary Hospital.

We are still awaiting the outcome of that trial, and we will be proposing initiatives in relation to after-hour services as a result of the final outcomes of that. I will have to check these figures but, from memory, the latest activity statistics or figures provided to me by each of the public hospitals indicate an interesting reduction in presentations at accident and emergency—by about 5 per cent—and that some of the pressure on accident and emergency and the after-hours service has been alleviated.

The government is proceeding on a number of fronts, and I think we are making some progress. It is a very difficult issue, particularly acknowledging the advice of the college of GPs that, on a per capita basis, Canberra has 39 to 40 GPs fewer than one would anticipate for a population such as ours. The shortage of GPs and some other health professionals in the ACT is a continuing and serious issue for the community, and the issue of after-hours care is something we are particularly conscious of.

MR SMYTH: Mr Speaker, that sounds like a very long no. Given that the Chief Minister is going to take some aspects of it on notice, perhaps he could also tell us what the new time frame will be for him to keep his promise.

MR STANHOPE: Certainly, Mr Smyth. I am more than happy to provide you with further details in relation to the work that the government is doing in this important area.

Funding for Winter Olympic and Paralympic sports

MR PRATT: Mr Speaker, my question is to the minister for sport, Mr Quinlan. Minister, the Prime Minister recently stated that the federal government would provide additional funding for Winter Olympic and Paralympic sports preparations. This represents the ongoing commitment of the federal government to the further improvement of Australia's sporting performance, much of which depends on the ACT-based AIS. A significant amount of this funding will benefit the ACT sporting community, mostly through the AIS, and there will be flow-on benefits to the community generally.

Minister, given that the AIS plays a critical role in Australia's preparation for international sporting competitions, including the Olympics, do you agree that we cannot afford to jeopardise it? Should the government now reconsider its options for the

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Gungahlin Drive extension and drop the detrimental western option in favour of an eastern one?

MR QUINLAN: Thank you, Mr Pratt. The short answer to that is no, I do not agree. There is a certain degree of histrionics related to the AIS objection. As you are probably aware, the AIS has a mixed bag on its board. It has some fairly powerful people. It seems to me that they have gone off without examining all of the issues associated with the road—whichever alignment it is—and without having discussions with the ACT government about what the impact of the road might be, what the reality might be and what studies might be done on noise abatement and air quality beforehand.

It seems to me a precipitative decision. It certainly has support within the federal government, and at least a couple of the ministers here have had discussions with sports minister, Rod Kemp, in relation to it. The discussions I had with Minister Kemp had that same old air of “Canberra doesn’t matter.”

MR QUINLAN: Quite clearly there are political games being played concerning the AIS—where it is located and where sporting centres of excellence in Australia might be. It may well be that, if we conduct air-quality and noise abatement studies and find that the road would have a deleterious impact upon our athletes such that they are not at their peak performance come Athens, then we would take that into consideration. But I have been to other places and seen other institutes of sport that seem to be a lot closer to the rest of the city without that creating too much of a problem. This is a bit of a tug-of-war without much reason in the middle, and that concerns me.

MR PRATT: Mr Speaker, I have a supplementary question. Mr Quinlan, are you saying that you have actually put to Mr Kemp and the federal authorities who have a custodial responsibility for the AIS your view that there are unlikely to be environmental impacts or infrastructure disruptions which may jeopardise the place? Have you actually put it to the federal authorities in that sort of detail?

MR QUINLAN: No, I certainly have not. What we are talking about is: there is the AIS and there is a great big chunk of land and there is a road. I do not think there has ever been a case of a road being built in Australia where someone did not want it ending up and would have preferred it to be elsewhere. When I heard what the AIS said in public, it seemed to me that there was more of that about the objection than there was about a genuinely reasoned objection. It is not as if, in the course of the last government—and I am sure you people were on the ball—the AIS did not know that there was a debate about which alignment the road would take. I expect they would have known about this for some time.

Mr Pratt: Well, they did. The committee report presented their concerns a year and a half ago.

MR QUINLAN: I do not know what you are talking about. In the lead-up to the election—I think you had been advised before that if the AIS themselves did not know about it, certainly the athletes that live there—

Mr Smyth: They put in a submission. Go and read it.

MR QUINLAN: During the lead-up to the election, we had AIS athletes coming to public meetings saying, “Please put it on a western alignment because the AIS is where we run and train.”

Mrs Dunne: We want their names and addresses.

MR QUINLAN: Sorry? You want their names? Quite frankly, I do believe that the way the AIS have thought about this is somewhat high-handed, and the discussions I have been involved in also smacked a little of high-handedness and a “you don’t matter” lack of compromise.

Rugby world cup

MS MacDONALD: My question is to the minister for sport. Is the minister aware that members of the opposition, notably, Mr Pratt and Mrs Dunne, have been agitating about the absurd possibility that construction of the long-awaited Gungahlin Drive could threaten the staging of the rugby world cup games at Canberra Stadium? Is he aware, for instance, that these two were handing out flyers advancing their claims to patrons at last Friday night’s Brumbies match?

MR QUINLAN: Thank you, Ms MacDonald, for the question. It highlights, if you like, the Yin and Yang of politics. I have behind me the positive side, Ms MacDonald, who is out trying to get the Wallabies to come here and play during the world cup because we deserve them. On the other hand, we have the negative side. The rugby world cup has become the ultimate political football.

Mr Smyth: Who writes this rubbish? Who wrote this?

MR QUINLAN: I wrote that one. I quite enjoyed that.

Mr Smyth: On a point of order, Mr Speaker: let the record show Mr Quinlan claims ownership for writing this drivel.

MR SPEAKER: Order, Mr Smyth!

MR QUINLAN: Note that addition, Mr Smyth. I have to say that the act of being out there playing the negative political role was very disappointing. I understand from most observers that it did not go down too well with the rugby fans anyway—your beating this issue up. First of all, be aware that the government has had discussions with the ACT Rugby Union and the Stadiums Authority. I have actually had a chat with the president of the Australian Rugby Union. There is not a concern there—not yet.

Mr Smyth: There’s the *Canberra Times* headline! “Quinlan admits concerns will arise.”

MR QUINLAN: Well, the draw will be out shortly.

If you worked really hard, you could actually create some form of negative environment in which the final decisions as to the draw are taken, but it would seem purely for political point-scoring that you want to take a negative approach to the world cup in Canberra. We want the best result for Canberra out of this world cup, as demonstrated by

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Ms MacDonald and her positive action out there. Really, if you cared about it, you would take the same positive approach.

Mr Smyth: We do. We want to be positive about football—the road, parking.

MR SPEAKER: Mr Smyth, thumping on the table is not going to get the answer that you want; it will merely attract my attention. It is highly disorderly. Resume your seat.

MS MacDONALD: Mr Speaker, I have a supplementary question. Can the minister inform the Assembly of whether the agitating being done by Mrs Dunne and Mr Pratt is helping Canberra's efforts to host world cup games?

Mrs Dunne: I think that has already been answered.

MR QUINLAN: Well, if I can just round it out then by saying it is not helping.

Mrs Dunne: Mr Speaker, I have two points of order. I think that the question has already been asked and answered and that it is also asking for expression of opinion.

MR SPEAKER: That remains to be seen.

MR QUINLAN: I do not think at all that this action is helping. Of course, it is not. Whether it is doing any harm is still a moot question. It was a subject of a lot of jocularly at the last game, and maybe a little light-heartedness helps. But I do not think it is helping our cause at all.

Bill of rights

MR STEFANIAK: My question is to the Chief Minister and Attorney-General. Minister, you have established a committee to look into the question of a bill of rights for the ACT, and you have appointed three very prominent persons to that committee. At least two of these persons have publicly written strongly in support of a bill of rights: the chair, Professor Hilary Charlesworth, most recently in an article for the *Canberra Times* of Monday 29 April; and Dr Larissa Behrendt, who made a learned submission supporting a bill of rights to the New South Wales Legislative Council Standing Committee on Law and Justice.

Without casting any aspersions whatsoever on your committee, members of which are naturally entitled to their views, would it not have been preferable for you to have established a committee including people who are opposed to a bill of rights?

MR STANHOPE: It is important to acknowledge that the first of the terms of reference—which I do not have before me—of the bill of rights committee asks it to determine, in broad terms, through a detailed consultative process whether or not there is support within the ACT community for a bill of rights.

That is the overarching term of reference, and it requires the committee to assess the level of support within the community for a bill of rights. If the committee determines that there is absolutely no support, or fairly limp support, for the notion of a bill of rights,

then I guess that is it. The committee will, of course, be rigorous in its assessment of that and has mapped out quite a detailed consultative process.

The committee has been charged with its own organisation and will determine for itself how it goes about meeting its terms of reference and, given that it has that responsibility, it is important to acknowledge the calibre of the people that have been engaged—whom you have mentioned, Mr Stefaniak. I am pleased that you say your question in no way impugns any of the people appointed to the committee, and I think it is graceful of you to make that acknowledgment. Having said that, you then need to take the next step and acknowledge the enormous capacity and standing of the people who have been appointed to that committee.

Professor Hilary Charlesworth is acknowledged not just nationally but internationally as one of the leading academics in the area of human rights and rights issues in the world—not just in Australia but in the world. She spent the last year at Harvard as a visiting professor. She is acknowledged internationally. Her standing is impeccable. It cannot be impugned; it cannot be called into question; it is simply above question.

To then take the quantum leap and suggest that somebody of the standing of Professor Hilary Charlesworth cannot be trusted to faithfully pursue the terms of reference she has been given is, Mr Stefaniak, to impugn her standing and her reputation. She is a citizen of this place with a reputation so beyond reproach that I think you do impugn that reputation by suggesting that she would not faithfully pursue the terms of reference that she and the committee have.

That goes not only for Professor Hilary Charlesworth; it also goes for Professor Larissa Behrendt. Professor Behrendt is a leading academic, a professor in indigenous studies and law at the University of Technology, a visiting fellow at the Australian National University and an outstanding academic. The same also goes for Penelope Layland, the third member appointed to the committee, an ex-associate editor of the *Canberra Times*, a very significant Canberra resident and somebody who has no allegiance to the Labor Party—as none of these people do, to my knowledge. Their reputations speak for themselves, and I have no reason to believe that they will not faithfully pursue the terms of reference that they have accepted.

We could say about anybody we appoint to anything that there is a range of other people that one might have considered for appointment, and that is certainly the case. In your time as minister, Mr Stefaniak, you will have found that one of the issues that occupy serious thought and contemplation is the range of people that government appoints to committees, advisory bodies, boards and even courts. These are issues that require us to give significant thought and judgment. We do that, and I am sure you did that.

I have great faith in Professor Charlesworth, I have great faith in Professor Behrendt, I have great faith in Penelope Layland and I have great faith in the ex-officio member of that committee, Ms Elizabeth Kelly. I think that they are exemplary appointees, and I expect that they will pursue the terms of reference faithfully, vigorously and with the utmost integrity.

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MR STEFANIAK: Chief Minister, why did you go down the path of appointing this committee as opposed to doing what the New South Wales parliament did back in November of 1991 when it referred the question to a Legislative Council committee?

MR STANHOPE: I did consider the range of options that were available for pursuing the issue of a bill of rights for the ACT. I am a supporter of a bill of rights. I do not resile from that; I think it is a good idea; I support it. I did not even need to have an inquiry, Mr Stefaniak; I could just have introduced legislation. It may be that the numbers are there in any event. I did not even have to have an inquiry. We could have debated it today, and we could have a bill of rights tomorrow. But I do not think that is an appropriate way to proceed with such a significant issue.

I am also mindful of the significant work that Terry Connolly did as Attorney-General some years ago and the work that was well advanced on a community debate on a bill of rights. There is a whole range of ways in which one could approach this particular task. This is a significant issue; it is a complex issue. At some levels it is technical, and it was in regard to some of the technical and difficult aspects of the protection of rights and issues of human rights that I was attracted to people of the calibre of Professor Charlesworth and Professor Behrendt.

I do not want to labour the point, but Professor Charlesworth is unquestionably the leading rights and human rights academic in Australia and is recognised by all her peers as such. She is head of the Centre for International and Public Law at the Australian National University—unimpeachable qualifications for this task. In fact, I was amazed that she accepted with the alacrity that she did my request for her to chair this committee. It is an enormous boon to this community that somebody of Professor Charlesworth's capacity, calibre and standing agreed to be involved in this particular project.

I am particularly thankful that, within this community, we have people of the calibre of Professor Charlesworth who are prepared to be involved in community life in this way. It is particularly pleasing that we as a community are able to attract into community activity of this importance and complexity people such as Professor Charlesworth, Professor Behrendt and, indeed, Ms Layland. It is a way of harnessing the enormous skill and expertise that we have in the community.

Without denigrating or slighting any of my colleagues—each of whom has a view that I admire enormously and the capacity to pursue this particular issue through a standing or select committee inquiry process—it seemed to me that we have national experts in our community who could be appointed to a committee. Why not utilise them in this way? Why not ask them to be involved? Why not ask them to take the issue to the people of Canberra and explain its intricacies in a way that neither you nor I can, Mr Stefaniak? We can talk about it but not—

Mr Stefaniak: We could have a good stab at it.

MR STANHOPE: We can have a stab at it, Mr Stefaniak, and I have enjoyed some of the correspondence that analysed your last particular stab at it. But why not utilise the skills of people within the community with the most outstanding credentials, qualifications and capacity in this process?

I will wind up by saying that I chose not to ram this through; I chose not to introduce legislation. I chose not to say, “Terry Connolly instituted a consultative process seven or eight years ago. Let’s take that as a given and legislate now.” It is important that a proposal such as this has community support and some community ownership. It is only through broad-ranging consultative mechanisms that the community will come to understand and own this issue, which is what I expect will be the case through this process. We will see what happens, and I look forward to the debate and to community involvement.

Tobacco—use by young people

MS DUNDAS: My question is for the Chief Minister and Minister for Health. Minister, recently results were released that showed that about 30 per cent of young people aged 16 and 17 smoked tobacco in the week before they were surveyed. While I am pleased at the many educative measures this government is undertaking and was glad to see you at the launch of National Tobacco Free Youth Day, at the other end of the scale what is the government doing to stop retailers from selling tobacco to people under the age of 18?

MR STANHOPE: Thank you, Ms Dundas. I notice that there is a matter of public importance that goes to some of these issues and the survey Ms Dundas refers to. I might use the opportunity of that debate to flesh out, on the basis of some extra advice that I will be able to obtain before then, the legislative provisions and their utilisation in relation to prohibitions on sales to young people.

I do not know the specific legislative provisions and the penalties that prevail. But I do remember, from a debate in the last Assembly when penalties for the sale of tobacco to people under the age of 16 were raised, that there had not been a successful prosecution in the previous five years for that offence. I will clarify some of those issues, Ms Dundas. I have this recollection of no prosecution in the previous five years or so, which highlights the intractable nature of regulating the sale of a lawful product such as this.

One of the most worrying statistics—and I am sure this is what Mr Pratt is going to focus on in the matter of public importance this afternoon—revealed in the latest survey of alcohol, tobacco and other drug use by young people is the extent to which young women are taking up the consumption of tobacco. The most worrying statistics in a range of worrying statistics reveal the extent to which anti-smoking campaigns have been effective—indeed, one could question whether they have been effective at all—in relation to deterring girls and younger women from taking up smoking as a habit.

We all know that the abuse of alcohol and tobacco alone wreaks more havoc, creates more damage and is a greater cost and burden to the community than the use or abuse of all the illicit substances that are so much the focus of politicians and the media. One of the particularly worrying features of that survey was the abuse of tobacco, so the issue you raise is a very important one, Ms Dundas. We need to continue to focus on the education programs which are in place to ensure that our children do not take up smoking.

MS DUNDAS: I have a supplementary question. Minister, in other jurisdictions quality assurance of the implementation of preventative measures is often done by sending under-age people into retail outlets to buy cigarettes whilst under the supervision of

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health department inspectors. Has the government looked at using this as a measure to combat the rate of teenage smoking in the ACT?

MR STANHOPE: I am afraid I do not know the answer to that question, Ms Dundas. I will take some advice on the modus operandi of our inspectors and on what basis we seek to prohibit the sale of tobacco products to young people. I do not know what enforcement mechanisms are in place, but I will be happy to pursue the matter.

There is probably an interesting debate to be had, Ms Dundas, but at another time and place, about the extent to which the enforcement of criminal penalties or the prohibition of sales are effective in preventing the uptake of any substance, illicit or otherwise. But that is a debate for another day.

Light rail system

MRS CROSS: My question is to the Chief Minister and regards light rail. Chief Minister, at the February Gungahlin Community Council meeting, your minister responsible for transport policy, Mr Corbell, answered a question regarding the government's position on light rail. Mr Corbell said in his answer that, even if his feasibility study into the transport needs of Canberra shows clearly that light rail is a viable and cost-effective option for Gungahlin, Labor was not committed to its implementation at this stage. Does Mr Corbell's statement represent executive policy?

MR SPEAKER: Order! I do not think you can ask the question.

MRS CROSS: Yes, you can, Mr Speaker. According to standing order 117 (c) (ii), questions shall not ask ministers:

to announce Executive policy, but may seek an explanation regarding the policy of the Executive and its application, and may ask the Chief Minister whether a Minister's statement represents Executive policy; ...

MR SPEAKER: That is as long as it is not asking the Chief Minister to announce executive policy, and I am sure the Chief Minister will not, anyway.

MR STANHOPE: I endorse the response that Mr Corbell gave to the question. It seems to be particularly wise. This government is engaged in a study of a range of transport options, pursuing a commitment that we have to develop sustainable transport policies for the ACT over time. There is no doubt that one of the significant issues facing this community is the extent to which we can develop sustainable transport options over time. That is why the government is determined to pursue the particular study that Mr Corbell is in the process of instituting.

The answer that he gave seems quite reasonable to me in the context of saying, "Look, we have launched a study, and we have launched it because we are concerned about the issue and because we know that sustainable transport for this city is a major issue that the community needs to grapple with and face up to, so we are going to do the work."

But to say, in advance of any indication of infrastructure or cost, “Yes, we’ll do a study and, irrespective of the outcomes, we will commit ourselves to implementing that policy” is asking bit much. To say, “Here’s a study that might deliver the result that light rail is a wonderful thing and that you can achieve it at a cost of \$100 million and, irrespective of the bottom line or the budget situation we face from time to time, we here and now commit to it,” is something that no government is ever going to do.

I imagine that was the context in which Mr Corbell said, “I cannot say on behalf of the cabinet, irrespective of the outcomes of this study, ‘Don’t worry about it; we’ll find the money; we’ll do it.’” Governments cannot operate like that.

MRS CROSS: Chief Minister, all I would like to know from you is: does the government have a commitment to light rail beyond looking into it? Your answer indicates to me that you are looking into it and, depending on what comes out of it, “We will see.” My question is: if the feasibility studies show that it is a viable option, will your government commit to it? That is all I want to know.

MR SPEAKER: That is a bit hypothetical.

MR STANHOPE: Let’s not bother having an inquiry. Let’s just say, “That’s a good idea; let’s do it.”

Mr Wood: That’s what they used to do.

Mr Corbell: That’s what they used to do: Bruce Stadium, futsal stadium, Hall/Kinlyside.

MR STANHOPE: That is the Bruce Stadium approach, I suppose. That is the Hall/Kinlyside approach; you are quite right. Here is a great idea. It might cost the community \$12 million. Get that envelope out. Let’s do a couple of sums. What is it going to cost? It is going to cost \$12 million. Ah! Let’s do it. What a ripper—\$12 million! Two years later, what is it? It is \$86 million spent on a \$12 million project—\$86 million on a project that was not going to cost the ACT taxpayers a cent. \$89 million dollars later, broken laws later, breached Financial Management Act later, breached self-government act later—although I am pleased to see that Mrs Carnell thinks that she can rehabilitate herself, taking over New South Wales, moving in, eye to the main chance—

Mrs Cross: Mr Speaker, on a point of order: we are going around the world here. I would just like an answer from the Chief Minister to my light rail question if he thinks he can give me one.

MR STANHOPE: I am just amazed at the suggestion that we announce a commitment now to the outcome of an inquiry that has not yet been held. For goodness sake, what sort of process is that? You have got a government that is prepared to commit to a detailed investigation of some sustainable transport initiatives—

Mr Wood: Something they never did in the six years they were in office.

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MR STANHOPE: Yes, you were not interested in doing it yourselves. We are doing it. We get into government, we promise to do it, we commit to do it, we undertake to do it. We have not even got to first base yet, and you want us to say, "It doesn't matter what the study finds and what the conclusions are," and you are asking us, "Will you sign the cheque? Will you commit to it now irrespective of the bottom line?" We know what the bottom line looks like after seven years of Liberal government. It looks crook. And you want us to sign up to a \$100 million project before the inquiry is held. How absolutely banal.

MR SPEAKER: Order! One at a time! Mrs Cross, you wanted to raise a point of order.

Mrs Cross: I did, in reference to standing order 118.

MR SPEAKER: Take no notice of the flak, just get to the point of order.

Mrs Cross: Thanks very much, Mr Speaker, I appreciate that. You are very gracious. I asked a very simple question, Chief Minister, and you have given me a number of other bits of information that I find rather irrelevant. I did not ask you to commit blood to this, Chief Minister. I simply asked, for the benefit of the people of Gungahlin, if you will commit to it if the feasibility study shows that it is a viable option. That is all I want to know.

MR SPEAKER: Mrs Cross, I think you have got about as much as you are going to get.

Mrs Cross: Thank you, Mr Speaker.

MR SPEAKER: I do not think you have a point of order: you cannot require ministers to answer a question in the way that you wish. We have been through this before, so I am not going to press the issue any further.

MR STANHOPE: I will just conclude with this comment. The ACT government is committed to exploring the development of sustainable transport policies. That is why we initiated this study and why we showed the foresight and the commitment to address these difficult issues.

We are particularly concerned about the transport needs of the people of Gungahlin. That is why we are seeking to ensure that the Gungahlin Drive extension is built and concluded according to a timetable we have all agreed on. I find it particularly artful that you, Mrs Cross, or anybody on your side of this place should stand up and pretend to have any interest in the transport needs of the people of Gungahlin, given that you and your colleagues up in the other place are deliberately seeking to stymie the development of the Gungahlin Drive western option. It is a deliberate campaign of obstruction by your federal colleagues.

For you to stand up in this place and pretend that you have any interest in the transport needs of the people of Gungahlin is quite breathtaking. We know what is going on. We are not stupid; nor are the people of Gungahlin. You are deliberately seeking to obstruct the construction of Gungahlin Drive on the western route. You are deliberately seeking to ensure that it does not run to timetable, and you should be ashamed of yourselves.

Mr Smyth: Mr Speaker, on a point of order: standing order 118 (b) says that an answer “shall not debate the subject to which the question refers”. The Chief Minister is clearly debating the subject. Just for the record, we are the party who put in place the Gungahlin Drive option anyway. We built the Barton Highway and we—

MR SPEAKER: Order! I am not interested. You have raised the point of order, and I think the Chief Minister has concluded.

MR STANHOPE: I conclude by asking the members opposite—rhetorically, of course—what steps they have taken to ensure that their federal colleagues facilitate consideration of the western option. What steps have they taken to ensure that the NCA will give real and fast consideration to any of the development issues of the western option? What steps have you taken, Mrs Cross, to ensure that your federal colleagues will put the interest of Gungahlin first, ahead of your tawdry and short-term political agenda? What steps have you taken? Show us the representations you have made to the colleagues of yours who are deliberately seeking to stymie the development of the western option.

Wage rises

MS GALLAGHER: My question is to the Minister for Industrial Relations. Will the minister please inform the Assembly of the outcomes of two significant industrial relations issues: the living wage case and the ballot for the principals certified agreement?

MR CORBELL: This is an important question because this government, unlike the previous government, is prepared to engage in a very constructive way, at both a national and a local level, in achieving fair and responsible wage outcomes.

This government made a commitment shortly after being elected to office to make a submission to the most recent round of the national living wage case being conducted by the Australian Industrial Relations Commission, something that the previous government declined to even get involved in. As far as I am aware, the previous government never made a submission to the Australian Industrial Relations Commission in relation to the national living wage case. If they did choose to get involved, it was to the extent of saying that they supported the federal government’s position—a very caring and sensitive approach that was.

The ACT government joined with other Labor governments earlier this year to make a joint submission to the Australian Industrial Relations Commission regarding its consideration of the ACTU living wage claim of a \$25 per week wage increase.

Mr Cornwell: Is it still 60 per cent union on the preselections?

MR CORBELL: I am very happy to respond to Mr Cornwell’s interruption

MR SPEAKER: No you won’t, Mr Corbell.

MR CORBELL: In the ACT, unions and rank-and-file representation is 50 per cent each, Mr Speaker.

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The Liberal government made a submission recommending a miserly \$10 per week wage increase for the lowest paid workers in Australia. The usual suspects, the peak employer groups, mirrored that submission. Surprise, surprise! Fortunately, the Australian Industrial Relations Commission took a more enlightened view and granted an \$18 per week increase to all award rates, bringing the federal weekly minimum wage up from \$413.40 to \$431.40.

Whilst we have many more steps to take in improving wages for those who are lowest paid, this commitment by all Labor governments, including the ACT Labor government, has seen a significant increase in the amount of pay provided to the lowest paid in our community. This is only possible when governments are prepared to make those statements, join in with those submissions and argue at a national level—something this government is prepared to do; something the previous government consistently failed to do.

The ACT government will be continuing to work with the Labor state and territory governments on similar issues to improve industrial relations and wage outcomes. I will be meeting with my Labor state and territory colleagues responsible for industrial relations following a workplace relations ministers council in the coming weeks.

Closer to home, the other commitment the government has achieved is a strong result for ACT school principals. Principals have recently accepted and endorsed a pay offer from the ACT government. Ninety-six per cent of principals voted to approve the agreement, which provides for a 14 per cent salary increase over a period of 19 months, including one per cent for a professional development fund. This final increase, once it is paid, will see ACT principals back up amongst the highest paid of all principals around Australia. That is a very important signal to send: improving wage outcomes and valuing the leadership that principals provide in our schools and our school communities.

Those are two very clear examples of the government taking a proactive and progressive approach to industrial relations policy and getting outcomes on the ground.

MS GALLAGHER: Mr Speaker, I have a supplementary question. Can the minister inform the Assembly of the benefits flowing from these outcomes?

MR CORBELL: In relation to the living wage case, as I have said, there will be an \$18 increase to all award rates, bringing the federal weekly minimum wage from \$413.40 to \$431.40 per week, which will benefit 1.7 million workers. In relation to the principals agreement, principals will now have access to a dedicated professional development fund. The new agreement will expire at the same time as the current teachers agreement, in August 2003, which will enable a new replacement agreement to be negotiated for both teachers and principals.

This is important because this government is committed to reducing the total number of agreements in the ACT government service. The ACT government service has 59 agreements for only 14,000 staff. This level of duplication and administrative complication has not served any employees well; nor has it benefited individual agencies.

In contrast, the federal public service has just over 100,000 employees, and it has just over a 100 agreements. We have 14,000 employees and close to two-thirds the number of agreements as the federal public service. What an absurd number of agreements. I see Mr Cornwell nodding his head in agreement. Thank you, Mr Cornwell. What an absurd number of agreements to have in such a small government service.

We need a smaller number of agreements, which focus on getting better wage and employment outcomes for staff, better productivity, better operation of the ACT public service overall and consistent and core sets of agreements and conditions across the ACT government service. That is our focus, and that is the focus you have already seen in the principals agreement.

Sister city relationship with Beijing

MS TUCKER: My question is to the Chief Minister and relates to the ACT's relationship with Beijing. Mr Stanhope, in Sunday's paper I noticed another article dealing with China, in particular, the \$25 billion deal for liquefied natural gas. In that article, a Mr Woo said that Taiwan, Tibet and the Falun Gong movement were sensitive issues that could impede strengthening bilateral relations.

Also, I have a ministerial media release from your office that is either a summary or the whole memorandum of understanding with Beijing. There is no reference in it to the issue of human rights. As you are aware, when the sister city partnership was agreed to by this Assembly almost two years ago, there was quite considerable debate about China's human rights record. It was suggested at the time by both Labor and Liberal that Canberra could perhaps contribute to China setting up systems that would protect the human rights of its citizens.

On the day the partnership was formalised with a reception for the mayor of Beijing here at the Assembly, a group of Falun Gong practitioners gave Chief Minister Kate Carnell a letter to pass to the mayor of Beijing expressing their concerns for practitioners in China who were victims of serious human rights abuse. As I understand it, the mayor refused to accept that letter.

In that context, can the Chief Minister advise the Assembly if he raised the question of human rights, as there are citizens of Canberra whose relatives are suffering under the intolerance of the current Beijing regime. Did you raise that on your visit to China? If so, what initiatives do you see you can progress in this area?

MR STANHOPE: Ms Tucker is quite right in saying that the sister city relationship with Beijing and views within the ACT community on the Chinese human rights record raise some difficult issues. There are a range of views within the community, within this place and, indeed, within the Labor Party—perhaps within every organisation—on how best to express one's concern about that record and how best to advance human rights. We will have that debate in relation to a bill of rights in the ACT.

More particularly, there are issues of how a government, or even individuals, should address human rights situations in another country. That is something every government grapples with. There are concerns within Canberra and Australia about Falun Gong practitioners in China. There are concerns in Canberra and Australia about the rights of

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Tibet and about students and about freedoms that we perceive not to exist in China that we wished did. I acknowledge that.

We do think about how to best respond to those concerns. I am one who believes that it is best to engage and seek to deal with human rights abuses, as we see them, through a process of engagement. My attitude is that to cut off contact and seek not to engage in any way as a way of expressing objection to human rights abuses is not the best way to go.

I do not ever resile from my commitment to the human rights of everyone in relation to the action which the federal government took towards the Falun Gong in the ACT. I was immediate and strong in my response to and condemnation of the federal government's determination to interfere with what I and most people in Canberra regard as perfectly legitimate and peaceful political activism and demonstrations by the Falun Gong here in the ACT.

The federal government do not agree with that. The federal government have a position that the action they took was legitimate and consistent with the Vienna Convention on Diplomatic Relations, and they believe that the action that they took was appropriate under the Diplomatic Privileges and Immunities Act 1967. They have their position; we have ours.

I have not resiled from my position of objection. As you mentioned, Ms Tucker, it is a position that I do not think pleased the Chinese officials here or the Chinese government. I have had a number of discussions since, as Leader of the Opposition and as Chief Minister, with the Chinese ambassador to Australia about the Falun Gong and about human rights. We had to agree to differ, but we each put our positions strongly and straight. I had an opportunity as a leader to discuss this issue with the Chinese ambassador, and I did not step back from my position on the Falun Gong demonstration in the ACT or from the reasons that I took that position.

I had a discussion, as recently as the trip to China, with the Chinese deputy foreign minister about Falun Gong and my position on human rights and the right of the Falun Gong to peacefully demonstrate in the ACT. I would not mind betting that I am the only leader from anywhere around the world that has had such a discussion with the deputy foreign minister of the Chinese government, in that I expressed my concerns about the attitude that was taken here about the rights of the Falun Gong.

On that occasion I did not take up with the Chinese their so-called human rights record, but we discussed human rights and the fact that there are issues that do concern people in Canberra and in Australia. It is a valuable capacity that we have as a result of our sister city relationship with China to say that we have a view on these issues—they, of course, have a different view—and we express it in those ways. It is a particularly valuable aspect of the relationship that we have that there is that degree of access and the opportunity to say, "We have a different attitude to these things. This is how we do it, this is what we think and this is why we think it." I have had those discussions, but I am not going to take on the Chinese government, as the leader of the ACT, on their human rights record. I will leave that to Alexander Downer.

MS TUCKER: I have a supplementary question. Thanks, Chief Minister, for the long response. I am very interested in the fact that you have raised the question of the Falun Gong. I am also interested to know whether you have discussed with them the question of the right of citizens of Canberra to go to the Olympics from Canberra—whether they would be able to go and be a spectator or even participate in the Olympics if they practised Falun Gong. It seems that would be a fairly basic and accepted principle of the Olympics. I understand you cannot take on the whole Chinese government; I am just wondering if you have discussed it.

MR STANHOPE: No, I did not discuss that issue, Ms Tucker. I have not received representations on that issue. As with all representations that I receive on an issue, I am always more than happy to make those representations myself. If there are residents of Canberra who have a concern about their rights, I would not hesitate to make representations on their behalf or to pursue issues that they raise. Of course, I will be pleased to do that.

But it does need to be understood—and you acknowledged the point, Ms Tucker—that we do not have a foreign affairs capacity; we have a sister city relationship with Beijing.

Ms Tucker: And we supported the Olympic bid.

MR STANHOPE: We certainly supported the Olympic bid. I am glad that we did; it was a very good thing for us to do. It is a very good thing that China will be staging the Olympics in 2008, for a whole range of reasons. I believe that it is through staging events such as the Olympics that a greater impact on human rights issues than I could imagine will be achieved. That is the point I was making. It is through exposure, through an opening of the windows to the world, that one hopes that advances will be made in China and, indeed, in all nations around the world where human rights are perhaps observed in the breach.

I want to make it clear that I acknowledge the issues that China faces. They have a population of 1.3 billion. In the day-to-day administration of that nation they face issues that are completely beyond our ken or imagination. It is frightening to think of the issues they face in a nation such as that. It is impossible for us to simply transport, from here to there, how we do things, how we think and how we would like things to be. You need to acknowledge that and be aware of that. Human rights are inalienable, and we should not downgrade them in any way. But you cannot just transport a view from here and think that it is applicable there. The circumstances are just too different.

I have major concerns about the way our federal government dealt with Falun Gong practitioners peacefully demonstrating in the ACT, and I have explained my position in relation to that, a position that the Chinese ambassador and the Chinese government were not particularly comforted by. But I leave it to our federal government to pursue some of those other issues, Ms Tucker.

Road safety

MR CORNWELL: My question is to the Minister for Urban Services, Mr Wood. On 27 April, the *Canberra Times* reported the latest statistics from the Australian Transport Safety Bureau on road safety. The figures, which were from 1999, showed that the ACT

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has the safest roads not only in Australia but the safest roads in the OECD and, possibly, the world. Your response, Minister, was quite interesting. I quote:

Urban Services Minister Bill Wood said the results had been achieved through quality roads, education and traffic programs.

If this is all true, Minister, would you inform the Assembly what quality roads, education and traffic programs were provided that achieved these truly amazing results and when they were achieved?

MR WOOD: Do you want me to pat you on the back? When were they achieved? Let me go back in history. The ACT began in about 1913. Do you want me to go back that far? There was self-government in 1989. Let's go back that far. It is a historical fact. Perhaps the greatest contribution was the work of the NCDC in the years it was in power. Ahead of that, I would have some reservations about Walter Burley Griffin, because it is a damn maze out there in South Canberra—some of those corners are not the most safety conscious around. So the NCDC with its hierarchy of—

Mr Stanhope: Sir Robert Menzies might have been involved.

MR WOOD: Yes, Bob Menzies. Well, he set up the NCDC of course, so let's give credit to him.

Mr Stanhope: Tom Uren.

MR WOOD: Yes, a former minister. All those people. We will go back to those. But the hierarchy of roads that allows the separation of suburbs from the major roads is perhaps the biggest part of what has given us the freeway system. Let me tell you about the problems of that. We cannot afford that system.

Mr Smyth: Separation of roads from suburbs is good planning. Thank you, Mr Wood.

MR WOOD: Well, that goes back a long way, Mr Smyth.

Mr Smyth: And you are about to undo it, Mr Wood.

MR WOOD: No, we are not, Mr Smyth. The maintenance of those roads is a big problem. But that is another issue, and you might want to ask me a question about that one day. I do not know if you want me to pat you on the back for the 80 years of government in the ACT. If you want to claim credit for your six years, all right, Mr Cornwell.

Briefings to Assembly members

MRS DUNNE: Mr Speaker, my question is directed to the police minister. Minister, on 4 May I sent a message to your office asking for an update briefing from the Chief Police Officer about police numbers and related issues and also for a brief on a spate of apparent bombings. Yesterday, Minister, I received the following reply:

In response to your email of 4 May, it was not possible to arrange a briefing with Mr Murray, however I can provide the attached information—

which I read.

If you require any further information please do not hesitate to contact me.

Regards

Steve Ramsden.

Minister, when did it become policy to deny members of the Assembly access to senior members of the ACT administration for confidential briefings on matters relating to their duties and the safety of the ACT community?

MR QUINLAN: If you want information, the conventional thing is that you go through the minister's office.

Mrs Dunne: Yes, that is what we did.

MR QUINLAN: Yes, but if it is the right process that a briefing be given, you will get a briefing. I understand, for example, that your Mr Pratt was asking to wander around the department of education to talk not to senior officers but to “the real people”. Is that right—“the real people”? A bit of a wander about.

Mrs Dunne: Mr Speaker, I have a point of order. I asked why I could not get a briefing from the senior officer. I am not interested in what Mr Pratt did or did not do.

MR QUINLAN: Actually, Mrs Dunne, you asked when it became policy to deny members access to senior officers, as I recall. So I am dismissing the point of order, Mr Speaker.

It is not our intention to withhold information that you require. At the same time it is also not our intention that the time of senior officers be taken up by a “wander through” process. If you want information, ask for it; if it needs to be explained, we will give you a briefing. But at the end of the day, it will be our choice.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, what, given your continuing gaffs over police numbers, are you trying to hide from the Assembly and the ACT people?

MR QUINLAN: Nothing.

Mr Stanhope: I ask that further questions be placed on the notice paper.

Public Sector Management Act—executive contracts Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, for the information of members, I present the following papers:

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Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long term contract:

Elizabeth Kelly, dated 3 May 2002.

Short term contracts:

Hamish McNulty, dated 30 April 2002.

Tony Gill, dated 30 April 2002.

I ask for leave to make a statement in relation to the contracts.

Leave granted.

MR STANHOPE: Mr Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 7 May 2002. Today I present one long-term contract and two short-term contracts. The details of the contracts have been circulated to members.

Papers

Mr Wood presented the following papers:

Financial Management Act, pursuant to section 25A—Quarterly departmental performance reports for the March quarter 2001-02 for the departments of:

Department of Health and Community Care, dated May 2002.

Minister for Planning.

Subordinate Legislation (including explanatory statements, unless otherwise stated)

Legislation Act, pursuant to section 64—

Building Act—Building Amendment Regulations 2002—Subordinate Law 2002 No 9 (LR, 26 April 2002)

Commissioner for the Environment Act—Appointment and terms and conditions of appointment of a Commissioner for the Environment—Disallowable Instrument DI2002-38 (LR, 1 May 2002)

Hotel School Act—Appointment and terms of office of a non-executive member of the board of management of the Australian International Hotel School—Disallowable Instrument DI2002-35 (LR, 29 April 2002)

First Home Owner Grant Act—Determination of fees—Disallowable Instrument DI2002-36 (LR, 1 May 2002)

Public Sector Management Act—Public Sector Management Amendment Standards 2002—Disallowable Instrument DI 2002-33 (LR, 3 May 2002)

Remuneration Tribunal Act—Determination of fees and allowances—Disallowable Instrument DI2002-34 (LR, 29 April 2002)

Road Transport (General) Act—

Declarations that the road transport legislation does not apply to certain roads and road related areas 2002—

Disallowable Instrument DI2002-29 (LR, 24 April 2002)

Disallowable Instrument DI2002-39 (LR, 6 May 2002)

Road Transport (Safety and Traffic Management) Regulations 2000—Road Transport (Safety and Traffic Management) Guidelines 2002—Disallowable Instrument DI2002-28 (LR, 24 April 2002)

Drug usage by high school students Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Pratt proposing that a matter of public importance be submitted to the Assembly, namely:

The alarming increase in drug usage by high school students as reflected in the 1999 ACT Secondary Schools Alcohol and Drug Survey Report, released last week.

MR CORNWELL (3.43): I am quite happy to move this important matter of public importance, namely:

The alarming increase in drug usage by high school students as reflected in the 1999 ACT Secondary Schools Alcohol and Drug Survey Report, released last week.

MR SPEAKER: What are you moving?

MR CORNWELL: That is the motion, sir.

MR SPEAKER: That is the topic. Do you want to move something?

MR CORNWELL: No. I am speaking to the matter of public importance. I was just reading it out for the benefit of other members of the Assembly who may not have read it. I believe that this is an important matter. The matter has been raised in the media recently and obviously is of great concern. Earlier today we had comments about the ability and the advantages of paying principals a great deal more money than they are paid. I do not argue with school principals being paid more, but I simply highlight the problems they face—

MR SPEAKER: Order! Mr Cornwell, could you just resume your seat for a moment. I have just had it drawn to my attention that only the member who proposed the matter can open the discussion. *House of Representatives Practice* states:

The Member who proposes a matter for discussion must, under the standing orders, open the discussion in the House.

So I have to say that at this point discussion on the matter has concluded.

MR CORNWELL: I accept your ruling, Mr Speaker.

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Labor government's commitments

Ministerial statement

Debate resumed from 11 December 2001, on motion by **Mr Stanhope**:

That the Assembly takes note of the paper.

MR SMYTH (3.45): Mr Speaker, on behalf of the Liberal Party, I welcome the opportunity to address the Chief Minister's ministerial statement of 11 December last year. Some five months and three days later it is interesting to reflect on what the Chief Minister promised and what has been achieved. What was promised was much, and what has been achieved is significantly less.

The statement went through what the Chief Minister believes Labor have to offer the people of the ACT and how they will achieve that. He started with the classic opening gambit:

That timetable will depend in part on the state of the books. What is really in the cupboard?
That will be revealed by the audit process my colleague Ted Quinlan has put in place.

It is interesting that Mr Quinlan has put that process in place. I would like to reflect briefly on that opening paragraph by reading from the *Canberra Times* editorial of Friday, May 10. Referring to Mr Quinlan's reading, it states:

The reading was a misreading. The commission took a snapshot of the cash positions of returns on investments as at October 31. That should not have been done in the context of an accrual system. If it had not been done, the return would have been substantially high—but perhaps not as high as the Liberals suggest.

The truth probably lies somewhere between the Labor's estimate of a deficit of \$5 million and the Liberals' estimate of a surplus of \$58 million. Suffice to say that the Liberals left Labor with an operating surplus. After six years of government the Liberals turned the finances of the Territory around from chronic deficits to projected surpluses to reduce outstanding debt. Several more years of surpluses are still needed to expunge the debt incurred by the Follett Labor Government ...

It then mentions the Alliance government before 1995. It goes on to say:

The test is now upon Treasurer Ted Quinlan to persuade his colleagues that if there is a choice between breaking election promises and an irresponsible running-up of Budget deficits, the former is preferred. In doing so Labor might well like to blame the bare cupboard left by the Liberals, but such a claim would carry little substance.

It is interesting to put the Chief Minister's statement of 11 December in the context of that opening gambit. The Chief Minister went on to say:

One thing is certain: my government's commitments will be delivered by accountable government that is conducted in the most open manner possible.

That is an interesting claim. I bring to the attention of the Chief Minister the fact that we have stopped the draft budget process. We have stopped tabling the monthly statistics from the hospitals. On the conduct of good governance, his opening line was:

The government has already taken steps to implement the code. Planning has started for a comprehensive involvement of the community in the budget process.

What a joke! This is the biggest joke of the statement. When did we get the detail that might allow the community to have this comprehensive involvement in the budget process? The day after most of the consultation had finished. The whole of the consultation process was covered by the gloom cast by the lack of detail from the Treasurer. The detail turned up on Maundy Thursday. It was slipped in just before the long weekend. So much for this code and governing in the most open manner possible.

It is a shame the government should make these glib statements when it seems they have absolutely no intention of sticking to them. We could go into the detail of millions versus billions and whether there was debt or not.

The Chief Minister made other promises about implementing his government's code of good government. I question the last point:

We will substantially complete the ministerial code of conduct and reforms to question time and the timing of debates by March 2002.

I might have missed the tabling of the ministerial code of conduct or perhaps it is still coming, but March 2002 has well and truly gone.

The ministerial statement talked about the size of the Assembly. I guess we will have to wait to see the ALP submission on that.

On the social plan for Canberra, the Chief Minister talked about the work undertaken for the Smith Family and the report that found that 13 per cent of all Australians live in poverty. The Chief Minister might read the results of the poverty task force, a report specifically about the ACT and following which we put forward a number of programs in the existing budget on addressing poverty and early intervention. The size of the problem has already been stated. You need to read the report, Chief Minister. It is very informative. I hope you read it before you put together your coming budget.

The Chief Minister went on to speak about Labor's agenda for women and said that Labor would propose the establishment of a Assembly select committee to look at issues affecting women. I applaud you on that, but committee membership is no substitute for cabinet membership. This is a cabinet that has no women. There are two new Labor members who could reasonably take positions in cabinet. We hear constant complaint from the Chief Minister about how overworked he is. We certainly hear constant complaint from the community about how inaccessible he is. Perhaps it is time you bit the bullet and promoted one of your colleagues. If you are so overworked, Chief Minister, the answer is quite simple.

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The Chief Minister went on to talk about Labor's agenda for older Canberrans. I made a ministerial statement on behalf of the previous government—I believe it was in July last year—on issues surrounding older Canberrans. I would urge the government to look at what we put on the table. There were some good suggestions, particularly on the release of land so that we can have suitable accommodation. We would like the Territory Plan to accommodate the use of community space for facilities for older Canberrans. Whether or not a hostel should be included needs to be addressed. That is one of the major issues holding back the process. We also put forward ideas on addressing the digital divide and access to services.

The Chief Minister's statement went on to talk about making progress on Aboriginal and Torres Strait Islander affairs. We were working to get the indigenous business chamber up and running. The great equaliser of a job is something we all keep in mind when we talk about the Aboriginal and Torres Strait Islander communities.

The Chief Minister went on to talk about multiculturalism. I think there is commitment from all in this place to the multicultural community. ACT Harmony Day was held last March. You came dressed in a fetching orange poncho. It is important that we constantly talk about our multicultural community and what it adds to Canberra as a community and that when events like Harmony Day are upon us as many of us as possible participate.

The statement went on to talk about action on youth crime prevention:

By March next year, we will have established coordination measures to carry out this important task more effectively.

The task is service delivery and coordination of responses to young people at risk of offending. I would be delighted if the Chief Minister would update us on that.

The statement then talked about criminal justice data:

To that end, an early priority is the improvement of criminal justice data in the territory, so that we know exactly what is going on and how best to apply our crime prevention resources.

I bring it to the attention of the Chief Minister—indeed, all ministers, because all ministers have a significant role to play in crime prevention—that at the end of Operation Anchorage last year cabinet asked the CEOs of the departments and the Chief Police Officer to analyse the data we had garnered from Operation Anchorage. Operation Anchorage apprehended, from memory, 233 people suspected of burglary, and I am sure most of them have now been processed.

The critical thing was that we finally got a profile of the average burglar in the ACT. He is Canberra born and bred, he male, he is young and he probably has a drug problem. That data is available as a result of the sterling efforts of officers of the Australian Federal Police in Operation Anchorage. They reduced burglaries by more than 20 per cent—I think it was 21 per cent across the board and 25 per cent for house burglaries—as well as reducing the car theft rate. If that committee has not reported to the Chief Minister or if the Chief Minister was not aware of it, I urge him to ask them what they have been doing.

The statement then talked about diversionary conferencing and said that the government wanted to explore other innovative schemes with the potential to divert young people from criminal behaviour. One group of young people who get caught up in criminal behaviour are those with a mental disability. You would have heard me speak, Mr Speaker, of the need for a time-out facility. It has constantly come to my attention that the police respond to incidents at home or other places and take a person with a mental health problem into custody for any number of reasons. They are often taken to the hospital, where they are immediately released. Or they come into conflict with a police officer and are taken into custody. They might push a police officer or do something that means they have broken the law.

These are people with a mental health problem. They are not criminals. They do not need the burden of the criminal justice system thrust upon their shoulders. If the Chief Minister wants to honour his commitment and wants to divert young people from criminal behaviour, let us talk about young people with a mental problem and diverting them from criminal behaviour so that we can take them right out of the system. It will also have the added benefit of relieving some of the pressure on the Belconnen Remand Centre.

The Chief Minister's statement spoke about health. The Chief Minister said that the government's efforts in the short term would focus on a number of areas. He went on to say that the first one was addressing funding issues for the Canberra Hospital. Yet I had to prompt the government that they needed to have a second appropriation. They had forgotten that the hospital was in crisis and was going to collapse by Christmas if it did not receive \$6 million. Oops! What did they do? They forgot they needed that second appropriation. That is how much of an issue it was. Thankfully, the hospital has that money now, even though the majority of it remains unspent.

The statement went on to talk about having a health summit, which we had. For two days a number of Canberrans interacted and gave their opinions on what should happen in the health system. It is unfortunate that the government forgot the promise to make the minutes available quickly. Oops, they forgot again. Again, it was my prompting that egged the Chief Minister on to release those minutes. In the end we did not get minutes; we got summaries. A record of the conference proceedings is not available yet.

What were we promised we would get from this? Not action but a draft plan by July. Apart from the prompting, the issue is whether we are approaching the budget seriously or whether it will be done in an ad hoc manner? We have already seen this with the disabilities review. The response from the government will not be available until September—which, if you're genuine in your output and you want to consult with the community, would, I suspect, preclude additional funding for disabilities in the budget, unless of course you want to do this in an ad hoc way. We are seeing a pattern of adhocery. We have seen it with the health summit; we have seen it with the disabilities review. It would be interesting to be inside the budget cabinet. That is a problem they have to speak to.

To pull one matter out of the hat, the Chief Minister spoke of residential care services to meet the needs of older Canberrans. We put \$1.5 million in the budget for a step-down facility. The Chief Minister has spent half a million dollars of that, and the other million is sitting in limbo, waiting for him to do something to address the need for a step-down

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facility, which we know is important. That is why we put the money in last year's budget. He has acknowledged that it is important but has done nothing about it. Again you see promises but very little action here.

The statement went on to talk about providing a more strategic response to the associated problems of illicit drug use and crime. Ms Tucker got in early. She moved her motion last week to set up the drugs task force, and that was supported. That is good. It raises the question of the Chief Minister's commitment to setting up a safe injecting room in the ACT. I note again that it has been put off because we are waiting for the results from New South Wales. The circumstances in the ACT are significantly different to those in King's Cross. I urge the Chief Minister to look at that. Perhaps he will have a road to Damascus conversion and we will see it a little bit earlier.

The statement said, "The government will improve elective surgery waiting lists." I hope they do. I hope they can match the record of the previous government. You were the health minister, Mr Speaker, for some of the period when the list got to 4,567 people. When we left office, it was at a very low level. It was closer to 3,000. You have to find where the waiting lists are now, because this open and accountable government have hidden them in the library.

We used to table them, Mr Speaker. I think we had a bit of a barney with you back in the early 1990s about the level of accountability. With that in mind, we said that we would table them. That is something we did. What was the first action of the open and accountable part-time health minister? Nothing but to hide the data. (*Extension of time granted.*)

The statement went on to talk about improving access to after-hours primary medical care. We had a half-answer from the health minister at question time. He acknowledged the efforts of Michael Moore in putting the trial in place. The Chief Minister hides behind the notion that the discussion with the Tuggeranong Community Council is about after-hours care. It is not only about after-hours care; it is about the provision of a medical centre in the Lanyon area, which is suffering from a lack of medical services. We were certainly working towards that, and I would urge the minister for health to make sure he does his part as well.

We come to elder abuse in the ACT. I know Mr Cornwell will have a few words to say on that, so I will leave that to him.

The Chief Minister went on to say that within six months, which would be about now, consultations would be under way on the development of a framework for carers. I am sure the Chief Minister will update us on Carers ACT to make sure that we are giving them all the support and recognition they deserve.

The Chief Minister also said:

In the run-up to last October's election, Labor consulted broadly with the community, in part to better understand what was required to improve mental health services in the territory. I have asked my department to review consultation arrangements to ensure consumers and the general community effectively participate in the development of relevant policies and services.

People who suffer mental illness may also have other problems. More attention needs to be given to improving the training of those who provide services to people with complex and multiple needs. Only last week the government advertised a dual diagnosis position that will look at this need.

I am pleased they did. My memory is that we funded that position and intended to go ahead with it. It is consultation that worries me. I am being told by community groups that they cannot see or hear from the Chief Minister and that he will not even write back to them.

One constituent—Sister Julia, who runs the GROW program—sent me some material. She wrote to the Chief Minister in February. She wrote to me to say that she had not received a response, so she rang the Chief Minister's office and was told that a letter had been received in the Chief Minister's office but he had not yet signed it. When she rang back, she said, "I rang this office to find that the letter was signed this morning and I should have it within a day or two. If not, I am to ring back again." Why does it take from early February to 7 May to sign a simple letter acknowledging that a letter has been received. The community has a serious concern about access to this Chief Minister.

The statement moved on to the information society. I encourage the government to build on our endeavours—the TransACT initiative that will see Canberra the most wired city in the world and the work that Jacqui Burke started on the digital divide.

The Chief Minister talked about sustainability. He said:

To this end, work is progressing in my department to establish an Office of Sustainability which will be fully operational by March 2002.

It is now May 2002, so I wonder if the office is fully operational. The rest of the speech, indeed 20 per cent of it, addresses a bill of rights. We have had some argy-bargy over this, and we all await what the Chief Minister may table.

Any assessment of what was promised would lead you to say that much was spoken, more was promised, and little has happened. Six months into the term of this government, we know what we are getting. Is it anywhere near what they offered?

MS DUNDAS (4.05): The ALP made a number of commitments in their ministerial statement of December 2001 that the Democrats are pleased to see. We welcome the proposed development of a social plan for Canberra, which we hope will recognise all the areas of greatest unmet need in the community. For example, low-cost, long-term housing and crisis housing have long been in need of additional investment.

It is also good to see the government's youth initiatives, such as enhancement of diversionary conferencing for youth offenders, the youth detoxification service and an investigation of the need for a youth night shelter. We also hope that the government will consider the establishment of a commissioner for children and young people to identify and act on the needs and goals of children and youth.

We commend the government's aged care policies, including greater support for carers and expanded rehabilitation services to get older people in hospital back into their homes.

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The Democrats support the measures to improve consultation with the community, measures such as the health summit and better consultation on mental health services. But we all want to see timely government action flowing from the recommendations of such consultative forums.

Although I recognise all these positives in the statement, there are some areas where I believe clear government policy direction appears to be lacking.

There was nothing in the December statement on proposed measures to reduce problem gambling. Nor did the statement promise any innovative approaches to drug abuse. We are still waiting for the government's renewable energy and waste management policies, which are integral to the sustainable development of Canberra.

And detail on housing policy still appears to be lacking, although the government has declared its commitment to providing "quality accessible, affordable and appropriate housing for those in need" and has initiated the affordable housing task force.

I hope to see these missing policy areas dealt with in more detailed government statements issued in the near future.

Despite my recognition of the positives in the government's broad policy direction, the government should be aware that the Australian Democrats do not abdicate responsibility, and we will scrutinise all legislation and motions presented by the government.

One thing we will be watching for is instances where the positive statements presented by the government in ministerial statements conflict with the detail of the government's initiatives. One such example that has arisen in recent weeks is the motion relating to property disputes between former de facto partners. The government's stated commitment to "political equality, legal equality, social equality and, above all, equality of opportunity" was conspicuously absent.

I await the follow-up to these objectives with initiatives. Consultation and reviews are a vital first step, but the success of this government will be measured by whether or not real benefits are delivered to Canberrans and the people of the ACT.

MR CORNWELL (4.08): Mr Speaker, I rise to make a small point about ministerial statements. I am rather concerned that ministers can make these statements totally ignoring wishes of the Assembly. Mr Quinlan looks a little askance at this. I was interested to read in the ministerial statement of the Chief Minister:

The government will move to implement key recommendations from the report by the Assembly on elder abuse in the ACT.

The report on elder abuse in the ACT was tabled in this Assembly in August last year, in the time of the previous government. We went to an election before that government could respond to the recommendations put forward by this report of the Standing Committee on Health and Community Care. I find it passing strange and unacceptable that the Labor Party, now in government, can state that they are moving to implement

clear recommendations from the Assembly's committee report on elder abuse in the ACT without having had the courtesy of advising the Assembly of their response to this report.

Mr Wood shrugs his shoulders. Mr Wood, it is extremely discourteous that the government's response to the recommendations of this committee report of the Assembly have not been presented to the Assembly. Assembly members do not know which recommendations you people have decided to accept and which you have not. We have not had an opportunity to debate the matter.

All I can discover is that you are going to move to implement key recommendations from the report. What are the key recommendations? I do not know. Nobody else in this Assembly knows what they are. Are they all of the recommendations or just one or two? I would strongly suggest that when you respond to this matter on the notice paper you give this Assembly the courtesy of advising what the key recommendations are. Ideally, would you mind responding, as a government, to report No 11 of the Standing Committee on Health and Community Care relating to elder abuse in the ACT before you begin implementing some or all recommendations of the report, which I would suggest to you is not the government's as yet but still remains the property of this Assembly?

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.12): Mr Speaker, I will respond briefly to Mr Cornwell. I express my surprise that he did not say, "Thank you very much for taking on the recommendations in the report." I thought that might have been the response we got.

Mr Cornwell: Have you taken them all on or not?

MR WOOD: Mr Cornwell, you should seek more detail. That is fair and reasonable of you. Ms Tucker's amendment to the annual reports processes, among other things, will see a response, but I will take your comments on board, Mr Cornwell.

Question resolved in the affirmative.

Suspension of standing orders

MR PRATT (4.13): Mr Speaker, I move:

That so much of standing orders be suspended as would prevent discussion of the matter of public importance submitted today from proceeding forthwith.

MR SPEAKER: Mr Pratt, you can speak to the motion that standing orders be suspended. Once we go through that process, then we will come back to the MPI, but we have to deal with that motion first. You may deal with the motion that we suspend standing orders, or you can resume your seat and somebody else might wish to speak. It is up to you. I am not trying to talk you out of speaking. I am just explaining what it is all about. We can proceed straight to a vote if you wish.

Question resolved in the affirmative.

Drugs in schools

Discussion of matter of public importance

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

The alarming increase in drug usage by high school students as reflected in the 1999 ACT Secondary Schools Alcohol and Drugs Survey Report, released last week.

MR PRATT (4.14): Mr Speaker, the health report and drug survey handed down on Monday this week, via the 1999 ACT secondary schools alcohol and drugs survey—ASSAD—provides an alarming picture of drug-taking among school children. The report describes a situation which is now two years old. Clearly this report, compared to earlier ones, indicates an alarming upward trend in drug usage among school children. Significantly, I have seen no indications that give any confidence that things have improved in the past two years, since the end of that reporting period.

The report analysed the habits of 2,000 teenagers. In statistical terms, that is a reliable control group, conferring significant credibility. The report, therefore, is an important indicator of a very serious problem that the ACT community must face. Speaking personally, as a parent and as the shadow education spokesman, I find this situation unacceptable, and I am sure all other MLAs do too. As a community, we need to be jolted into action by this report. We must get our collective act together and move urgently on what I truly believe is one of the most serious issues facing the ACT.

Our children are our most important asset. Five per cent of teenagers reported using needles for cocaine and heroin, and an increase of 30 per cent for girls over the previous reporting period is of concern. I wonder how many teenagers did not report using shared needles. Fifty per cent of students polled reported regular or irregular substance abuse, representing nil improvement over the previous reporting period. Do we just shrug our shoulders and accept the situation as inevitable?

Mr Speaker, we know that primary responsibility for drugs, lifestyle and value education starts in the home. The buck stops with us. However, our schools play a very important and complementary role in drugs education. We entrust our children to schools for 30 per cent of their waking hours, for an entire year. Clearly, our anti-drugs campaign in the community generally—at home and at school—is not keeping pace with the rising trend, as characterised in this report, other national reports and through informal feedback.

The details of this report have shaken me. I have seen some really nasty substance abuse rates for societies in transition around the world. We are a developed country, a first world state, and this report is sobering news.

In addition to the alarming rates of 5 per cent of children using needles and 50 per cent using drugs, 59 per cent of 16-year-old males and a disturbing 65 per cent of 15-year-old girls reported using illegal drugs. That is an increase of 10 per cent over three years since previous reporting—and 15 per cent of children have used drugs recently.

After these statistics, there is little comfort in discovering that there was a decrease of 6 per cent in the usage of soft drugs—cannabis, et cetera. I suspect that silver lining is tarnished by the suspicion that some of that 6 per cent graduated to something harder, cooler, or considered more glamorous.

We may take some comfort in the fact that we are slightly better off than the national average. According to the Australian Institute of Health and Welfare's national drug household survey, completed a year before the ASSAD report, over six years in the late 1990s, the usage of illicit drugs by teenagers has risen from 38 per cent to 51 per cent. However, despite our perceived comfortable community, we are not much better off than the national average.

Whether we admit it or not, our schools are the front line of the community's anti-drug campaign. I challenge parents in this Assembly to deny we have been concerned about these issues for quite some time.

As shadow spokesman on education, I am calling upon the education department, or DECS, to urgently implement a mosaic of activities—namely, a curriculum-integrated program, a life skills program and general drugs education program. This will provide information to enable the undertaking of interventions for children at risk, to allow treatments where necessary and, in coordination with the department of health, to follow up those treatments and exercise a referral program.

I do not stand here today to criticise the government, its departments or agencies, past or present. We all understand how tough life is for many families and the pressures eroding our society and its institutions. We know the pressures our principals and teachers are under, in many areas. I will not play partisan politics on this issue. Instead, I suggest that, as a community, we work together on this issue. I urge the government to take the lead in putting in place programs more vigorous and effective than those which presently exist.

The previous government implemented a series of activities and provided some resources in schools. I know the department had asked for more funds, and I applaud the department for having done that. Anecdotal evidence suggests that some schools are committed to comprehensive drugs education and harm minimisation interventions for children at risk. These schools utilise all available resources, inside and outside the school system—striving to make students aware of the harsh realities and the dangers. They work hard, they work intelligently and sympathetically to help children at risk—those in danger of addiction.

Mr Speaker, I have observed that drug awareness and life skills education is conducted perhaps a little haphazardly. Anecdotal evidence indicates that many schools are unable to convey a strong, holistic and integrated message. All suffer too little funding for drug education.

I do not blame the present government for that funding situation, but it is time we did something about it. Harm minimisation strategies predominate in the ACT community. I do not criticise harm minimisation as such—indeed, harm minimisation and harm prevention have an important role to play in drug awareness and intervention programs.

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I often hear it said, “What we are doing—harm minimisation simply is not working.” So we must try something else. Harm reduction or minimisation alone must not negate other vital strategies in schools and the community. Harm minimisation will always play an integral role, but it must not reduce complementary strategies, which I fear it is currently doing.

I suspect it has shaped the minimalist approach taken by some educators and some people in the community who are concerned with drugs education. I feel that, in some places, drugs education is aimed at helping school children to engage safely in drug activities, rather than teaching them not to engage, or teaching that drugs are dangerous and destructive.

I call on the minister to direct his department, as a matter of urgency, to design, plan and implement assertive strategies programs in all ACT schools, including primary schools. I believe that, in accordance with his duty of care, the department must ensure that adequate, more assertive programs for both general education and interventions for children at risk are undertaken. Given the seriousness of the situation, this means that DECS needs to run a set of centrally controlled programs in all schools, with local schools running their own activities to complement departmental activities.

Mr Speaker, I urge that four steps be taken. Firstly, I have proposed a departmental program for all children. This would involve a series of graduated subprograms tailored for each year level, taking into account the sensitivities of drug debates with little children. Programs for, say, 11 and 12-year-olds could be more explicit, but I will leave it to departmental experts to determine where those maturity and need-to-know thresholds should be.

I stress that firm, well delivered and regular programs need to target earlier ages—for example, police befriending school children on regular visits, or building on the Kenny Koala program. This should be done on a regular basis. Perhaps community workers with a background in drug rehabilitation could speak to school children at the correct level, where we know that that sort of discussion would not be counterproductive.

I also believe that school curricula—starting early—need focused, powerful lessons about drug behaviour. Drugs should be deglamorised and the stark reality of the outcome of drug taking painted. This would be an “integral to curriculum” driven program, supplementing the main program. The interwoven approach to keeping children aware of this dread is working in Sweden, and I believe we can integrate these types of lessons into the curriculum.

The second step is that high school students should meet drug addicts. They need to know that drug taking is dangerous, that it is rarely controllable, that it is not short term, and that it often leads to a down-spiral into hell. They need to see and hear graphic videos which show death, squalor and degradation. They should hear about broken families, and about addiction-driven theft from loved ones.

At the extremes, perhaps they ought to see the drug pushers, prostitutes and pimps. They need to understand the loss of trust exercised by kids who are caught in the rut, and see the personal pain suffered by both the kids who are affected and their families. They

should see the loss of esteem these poor kids face. They also need to understand loss of jobs and security.

They need to understand, if addicts survive all of that, how the maintenance of their addiction will most likely rob them of the chance of ever owning a WRX, or getting a home, and then, beyond that, perhaps even raising a family—that a lifelong addiction will rob them of any power to maintain a more holistic life.

I come now to the third step, Mr Speaker. One school I visited recently identifies children at risk of addiction—or susceptibility to addiction. The department and schools need to identify such children. There should be an urgent allocation of funding, so we can reach out to these children. This would include strongly encouraging their families to join with school and community agencies in resolving their child's problem—addiction, esteem building, home stress, et cetera. Those things need to be tackled. Such children would need to undertake the general education programs I have described above, but they need additional help to manage and get through the problems they have. These ought to be joint school, community and departmental activities.

Perhaps the school would maintain a watching brief and be the point of reference for the children going through a myriad of such programs. Eventual enrolment in community-based detoxification and counselling programs might be necessary, with schools again being the point of reference. Schools would not be responsible for the outcomes but would be a point of reference to bind this collaborative approach together.

I turn now to the fourth step I propose. The ASSAD report begs the question: what level of trafficking occurs on and near school grounds, and to and from homes? It is reasonable to assume from the figures in the report—those dramatic figures I outlined earlier—that in some schools there is significant trafficking activity.

Mr Speaker, the level of trafficking—or, optimistically, the lack of it—needs to be urgently determined. The department, working with the police and other agencies, should undertake a survey of students in high risk areas. I am not talking about an inquiry, I am talking about an ongoing survey within schools and the department. With regard to trafficking in schools, the department must insist that schools adhere to the law and report all offences, with trafficking always being dealt with as a criminal offence, not just a schoolyard prank for which the student might be administratively warned or expelled.

I know some schools would not like to do that, because of the negative PR it would bring upon them. However, I do not believe that is the case. I believe the opposite is the case—that schools, by signifying that they are exercising the law, will be demonstrating to their communities, and to families, that they are doing their best to make their schools a safe place.

The community, the police and magistrates, must take a tough, no-nonsense approach to adults who knowingly traffic to students and encourage them to experiment with drugs. Adults who deal with minors in this way—exploitation of the impressionable—must attract tougher penalties than other forms of trafficking offences.

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I end by saying we cannot be complacent about the ASSAD findings, or about the feedback we are receiving from the general community and the school community. Drug programs are not keeping pace with growing addiction. That is not necessarily anybody's fault, it is just the way it is. Drug education in schools is simply not keeping pace.

Mr Speaker, we, the community, are failing in our duty if we do not dramatically improve the programs in our schools. I urge the government and, through it, the department to take urgent action to improve drug education—and divert some of the \$27 million education funding to this purpose.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.30): Mr Deputy Speaker, there is no doubt that the summary of the findings of the most recent ACT secondary schools alcohol and drug survey reinforce in our minds the concerns we all share about drug use among young people.

Those findings certainly highlight a number of types of activities which all members in this place would find concerning. However, in responding—often emotionally—to those figures, at the same time we must think very carefully about how we respond to one of the most difficult and intractable problems faced by our society as a whole: illicit drug use and its consequences.

In that respect, schools are not unique in the circumstances young people and others face in relation to drug use. It is therefore unreasonable to suggest the problem must be tackled wholly in schools. There is a range of measures which should be occurring across the community to continue to address the issue of drug use.

Today we live in a society where young people grow up knowing that adults use legal and illegal drugs. Correspondingly, there is a level of experimentation among a number of young people in relation to the use of illicit drugs—and, indeed, legal drugs.

To respond to this issue, Mr Deputy Speaker: I will highlight a range of measures which are now happening in our schools. This will give an indication of the diversity of activity going on. It is not the case that we simply need a uniform range of measures to be implemented in schools. We need a diversity of measures, a myriad of programs and activities, which highlight the problems and dangers and which, more importantly, seek to address the underlying issues that drive people who choose to engage in both illicit and legal drug use.

Issues of self-esteem, engagement and participation are the key challenges to address in our schools, as much as the information process in relation to drug use. I will come back to the issues of participation and engagement a little later, but will firstly outline some of the measures which currently take place in ACT schools.

A great example of the drug education prevention programs that have been developed, and continue to be developed, in ACT public schools is a program that has been developed in the year 9 exhibition program at Canberra High School. Students have developed a very exciting range of activities around the theme, "A drug-free Canberra—is it possible for young people?" They have put together a booklet outlining how they are thinking through this issue.

I would like to read some of the exercises that students themselves have set. This will give members a perception of the level of understanding and thought that young people in year 9 at Canberra High School are putting together in relation to this very important issue.

For instance, they talk about evaluating the presentation of a guest speaker on drug policy and drug issues in schools, designing an advertisement to inform young people of the legalities of marijuana use in the ACT, producing a video documentary on physiological and psychological dependence on a drug and its withdrawal from the body. They also talk about writing an essay entitled “If I were the Minister for Health, what would I do?”

Another exercise is to provide a report analysing the lyrics of a song of their choice, describing how the lyrics convey the overall theme of the song in relation to drug use. Yet another exercise is to conduct an experiment on lung capacity—and there are a whole range of other exercises. I believe this shows that young people in our schools are thinking, in a comprehensive way, about how drugs impact on their lives, and the complexity of measures needed to respond to them.

I will talk about a few others. Seventy schools have already formed school health committees to address health and drug-related issues. It is anticipated that another 30 schools will form school health committees during this year. The ACT health promoting school network continues to grow and assist schools in this area. This is a very practical program aimed at engaging schools and school communities in talking about issues of drug use and how they can best be addressed.

This is about highlighting the fact that schools, on their own, cannot be expected to address this problem. It is a societal problem, and because schools serve as a focus for the neighbourhood community, they can be a useful forum in getting that debate going within a community.

In addition to the school health committee program I have just talked about, there have been over 20 local drug summits conducted in the Canberra region through the local school community drug summits program. These also are based on a whole school community approach. Schools, such as Southern Cross Primary School, have successfully engaged over 100 teachers, students, parents and community agency workers in drug-related educational programs. Through the drug education project for school communities in the ACT, grants have been provided to four schools, to engage kindergarten to year 7, and year 10, students in a formal learning process on health and drug education issues.

Recently, the drug referral information centre at college program was successfully trialled at the Canberra College. The department, in partnership with the Department of Health and Community Care, supported this program, providing, for all government colleges in the ACT, for a drug referral information centre worker to visit each college in an outreach capacity for several hours each week. Teachers have also participated in a professional development workshop and have been able to access resource material provided through the drug education project for school communities in the ACT.

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I have referred to a number of the mechanisms currently used and engaged in by schools. The clear message that comes through from the data provided in the most recent survey is that we must continue to maintain a myriad of activities focusing on the improvement of drug education in schools. But there is no magic bullet, and there is no simple approach which will effectively address the issue.

I mentioned earlier that it is not simply about education and vigorously saying no—although that is important. It is also about making sure young people have the appropriate information to enable them to make their own choices about their health and wellbeing. Some of the programs I have just alluded to provide that sort of information and support, particularly through the drug referral information centre at college program at all secondary colleges.

It is just as important to focus on addressing the issues surrounding young people who are facing disadvantage, or other difficulties, in their lives that might result in them making the choice to use illicit drugs. That is not always the case. It is not uniquely that group of young people who end up facing problems through the abuse of illicit substances, but it is clearly a strong indicator of potential risk.

That is why this government has committed to responding in detail to the reports of the standing committee on young people and adolescents at risk of not achieving satisfactory educational outcomes. We must address those substantive issues of disadvantage in the ACT education system. Therefore, we should be looking at a whole range of mechanisms that provide a greater level of support for young people who are at risk of dropping out of school or choosing other courses which are harmful and potentially destructive.

Mr Deputy Speaker, that commitment needs to be made in a context that looks at addressing the areas of relative need in the overall education system. We ought to focus strongly on seeing that, within the education system overall, our funding requirements are equitably directed to the areas of greatest need.

Mr Pratt raised issues of greater support for funding for drug education programs, through the \$27 million school bus money. That is something which can be further explored through an inquiry into ACT education funding, in particular programs supporting young people facing disadvantage or needing additional assistance. There is drug education, and a whole range of other programs that provide support for them to continue their schooling. That is certainly open to this government. We will continue to focus on that in the lead-up to this budget, and in subsequent budgets.

I would like to conclude by talking very briefly about a number of other activities occurring in ACT government schools. Before I do that, though, I would like to take issue with Mr Pratt's comments about trafficking in schools.

I do not believe you can necessarily draw a correlation between a certain level of drug use and trafficking in schools. No doubt this has occurred from time to time in schools. Both the department and the government have a very clear policy on this, as did the previous government. If there is any suspected incidence of drug trafficking in schools, it is reported to the police. It is that simple. It needs to be, because it is an illegal activity. However, when we do that we should focus on making sure we are understanding some of the broader issues that might be drawing the young people in those schools into those

circumstances. That is important in the context of the comments I have just made about addressing disadvantage in the system.

Let me finish by talking about a couple of other programs in ACT government schools. The ACT government is continuing to implement the four-year drug education project for school communities in the ACT. This project targets both government and non-government schools. It involves teachers, students, parents and the wider community in delivering a range of drug education programs in all schools.

There is a proposal for the ACT to host a national school drug education strategy meeting. That will be occurring this week. It is another opportunity for all jurisdictions to share their ideas and experiences in dealing with drug use by young people.

The ACT government's view in relation to the most recent statistics is that they remain figures of concern. I think drug use will remain on the political landscape, here in the ACT, around Australia and the western world, for many years to come. There are no magic bullets in addressing this problem, but it is about having myriad programs in place.

I have outlined to members today that there is a wide range of programs already in place in ACT government schools, focusing on harm minimisation and prevention. There is also a commitment by this government to address the underlying issues of self-esteem, participation, and ability to access and continue in education to year 12. All these are important parts in addressing the problem.

When I saw the results of the most recent survey, I had a discussion with my department. I outlined to them that I thought we needed to continue to revise our approaches. I have asked the department to continue to evaluate the programs, to come back to me with options on future programs and options to improve on them.

We ought to be continuing the process of effectively delivering a preventative and harm-minimisation message to young people in schools. We should also be addressing the underlying social issues concerning access and participation within our school systems that will, hopefully, seek to address the broader problems that often result in young people making the wrong choices in relation to drug use.

MS DUNDAS (4.45): I rise to address the matter of public importance raised by Mr Pratt. I am pleased that Mr Pratt has been able to bring to the Assembly this matter of public importance.

As the results of this secondary school survey reveal, drugs are part of our society and, yes, they are fairly commonplace. I would suggest that most families know someone who is affected by drug addiction—be that alcohol, tobacco, cannabis or other legal or illegal drugs.

From this survey, we have achieved the first step—a recognition that drug use does occur, and that it does occur in school-aged children. This is similar to when I raised in the chamber the fact that the rate of chlamydia in young people aged 12 to 24 had doubled in the past six years,. There were some people who wished to think that young

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people were not having sex, claiming that abstinence was the obvious cure. However, I was advocating for a harm minimisation approach.

When discussing the issue of drug use with school-age children, I hope we can have a calm and rational debate, rather than scapegoating our young people or wishing blindly that this was not occurring.

Mr Deputy Speaker, I must admit I was not really that surprised to read the results. Drugs are part of this modern world, and experimenting with drugs may be just one part of a young person's life. We, as a society, must work to make sure it does not become the main part of their lives.

This report indicates that we have a lot of work to do. One major part of the survey shows that tobacco and alcohol are still the most common drugs used. The main difference is that young people understand that tobacco is harmful to their health, yet do not see the health risks associated with alcohol use. Strong, youth-focused programs that combine education, health and the risk of police action are required to ensure that the scourge of drug abuse does not envelop young people's lives.

This MPI is quite timely as, in Sydney at the moment, the third international conference on drugs and young people is taking place. This conference joins workers and researchers in health, youth, education, justice, drugs and politics. It was reported in today's *Canberra Times* that on the first day of proceedings policymakers were warned not to go down the "tough on drugs" route, as it may be counterproductive. Dr Rosenbaum warned that many advocates of the "tough on drugs" strategies have dug themselves into huge credibility holes.

The young people in attendance at the third international conference on drugs and young people back-up Dr Rosenbaum's statement by warning that the "tough on drugs" approach is just a waste of money. I repeat that harm minimisation is an evidence-based, effective approach to drug use.

As part of this survey I would like to have seen a question about the inhaling of volatile substances. Chroming is a particularly dangerous behaviour, even as a one-off, experimental, drug use. Young people engaged in heavy chroming behaviour need access to comprehensive interventions and support which address their needs in such areas as family support and other networks of care, mental health, accommodation, employment, education, recreation, creativity, general health, income support, therapeutic engagement—and other areas of specific need. At present, comprehensive interventions are not readily accessible by or available to at-risk young people. Unlike alcohol, tobacco, cannabis and illicit drugs, we do not have the statistics on the extent of the problem of chroming. I hope chroming is included in any surveys of this nature in the future.

Mr Deputy Speaker, last week we reached the first step—a recognition of the extent of drug use. Now the community must focus on the next step—education that promotes real solutions and not the scapegoating of our young people.

MS TUCKER (4.50): This MPI deals with what Mr Pratt refers to as the alarming increase in drug usage by high school students as reflected in the 1999 ACT secondary schools alcohol and drug survey report.

Having looked at the summary results, I do not see that there is an alarming increase—and I wonder why Mr Pratt has interpreted the results in the way he has. Whilst, of course, there is a problem with substance abuse by young people and old people in our society, we must be wary of creating an atmosphere that is dominated by anxiety, at the expense of solutions.

Many people in our community are anxious about substance abuse—and reasonably so. That is why there has been a call from the community for a substance abuse taskforce. I brought that for debate in this Assembly last week, and it was supported by the Assembly.

This is a question for all of us—collectively, and as individuals. There needs to be significant soul searching at both these levels. To do this, we should be as calm and thoughtful as possible and avoid fear reactions, which can make the situation worse.

I was interested, as was Ms Dundas, to see in the *Canberra Times* today this very point made at the third international conference on drugs and young people. As Ms Dundas said, Dr Marsha Rosenbaum was reported as saying that young people had become cynical about anti-drug messages, and the effectiveness of such messages is problematic at best and may be counterproductive.

That is certainly consistent with my understanding of much of the response from young people in the ACT. I reached that understanding by talking to people who work in the drug sector, friends of my children, parents of friends of my children and people at funerals. I have talked to the parents of children who have died. They are very concerned that we keep seeing this fearful reaction which is not producing an environment where we can have the calm discussion for which people are calling. That is essential because, as everyone has said, there is no magic answer to this question.

Young people are not impressed by the idea of Kenny Koala. Maybe Kenny Koala would work in a primary school—for a while. If you look at popular culture, and the shows young people watch, you will see the joke that is made of that kind of response from adults with regard to drugs. It does indeed have a counterproductive report. I would like to get a couple of episodes of *South Park* for Mr Pratt to watch. Maybe he has not watched them. He might get an idea of what young people think about the abstinence line.

I want to elaborate on why I am concerned about Mr Pratt's interpretation of this report. This is not the first study. If Mr Pratt is saying there has been an alarming increase in drug usage over the years, he needs to clarify that. His MPI refers to the alarming increase in drug usage for high school students, as reflected in the 1999 ACT secondary schools alcohol and drug survey report. The only other one we have was done in 1996. The results of this do not support that there has been an alarming increase in those few years.

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Mr Pratt: There has been a 38 per cent increase in 16-year-old girls using needles. Do not tell me that is not alarming!

MS TUCKER: I will get to the 38 per cent spin, if you listen, Mr Pratt.

The results in the report show that, with regard to alcohol, there is little difference in the proportion of students in 1999 who reported ever having tried alcohol. There was a small increase from 1996 for both males and females who reported consuming alcohol in the past week. Yes, there was a small increase there.

The tobacco comparisons with 1996 indicated a 3.6 per cent drop in the proportion of students reporting to have ever tried smoking—that is, a decrease. Figures on students who had smoked tobacco in the previous week were similar, not increased.

On illicit drugs, there was a decrease of almost 6 per cent—not an increase—in the proportion of students who had ever tried an illicit drug. That decrease is largely associated with a decrease in the use of cannabis. With regard to recent use, there was a slight decrease—not an increase. That is not statistically significant—it is certainly not a huge increase. There was an increase in the use of illicit drugs by males between the ages of 12 and 17 years.

For students reporting having tried cannabis at least once, there was a significant decrease—not an increase—of 6.3 per cent since 1996. There was a modest decrease of 3 per cent reporting recent use of cannabis. With inhalants, there was little difference in either lifetime use or recent use since 1996. That is not an increase, it is about the same. Tranquilliser use was also about the same.

Similar use was also reported of other illicit drugs—that is, similar use, not a big increase—such as hallucinogens, amphetamines, ecstasy, cocaine, heroin and steroids. Needle use was also about the same, although there were slightly more students who reported ever using a needle after someone else. That is a public health issue, which is obviously of concern.

I notice that, in media releases Mr Pratt has put out, he has focused on the use of needles. He is concerned about what he calls the 38 per cent upswing in the number of girls aged 16 who admitted using needles. The 38 per cent upswing is not reported in that way in the report—it is reported in the summary on needle use as a similar result. Statistically, that is not a big increase, but a similar result. It is not a 38 per cent upswing from the 1996 study, when 1.8 per cent of females reported having used a needle to inject an illicit drug at least once in their lifetime. The 1999 figure was 2.7 per cent. Mr Pratt has chosen to make that into a 38 per cent upswing. It is a great example of how statistics can be used to create a selective view of a situation.

It is not that I am not concerned about needle use, but let us be clear about the scale of the change here. If we really want to look at the whole picture, we have to acknowledge drug-related harm. I will quote from the basic background papers of the national drug strategy. It says that the licit drugs—tobacco and alcohol—accounted for over 96 per cent of drug-related deaths and hospitalisations. The estimated direct health care cost of drug dependence and harmful use in Australia, in 1992, was \$1 billion; \$833 million for tobacco; \$145 million for alcohol, and \$43 million for illicit drugs.

Basically, we still have in Australia a society where the most harm is coming from so-called licit or legal drugs. As a society, everyone drinks alcohol. Maybe there is someone here who does not drink alcohol—I do not know. At most functions I go to, adults drink. They drink to relax. They do not think it is okay to have a social function without alcohol—to do so would be quite unusual. As someone who often does not want to drink alcohol, I see the discomfort of people around me concerning that.

We should be serious about looking at the issues of substance abuse in our young people. We look at surveys that say a certain percentage of young people say they cannot relax without alcohol, and that that is the best way to do it. If we recognise that the greatest harm is from alcohol and cigarettes, then we must acknowledge our own role in that, as adults. Have a look at all the media that is around. The films and popular culture that people—not just children—watch supports the use of substances to alter consciousness. It is mainly cigarettes and alcohol that people use to change their consciousness in this country. I think we should be clear about that.

The second important point, that I think has been raised by all speakers, is that we must understand substance abuse in the psychosocial context. We cannot just say, “We need drug programs.” We need to understand why people take drugs.

Risk-taking behaviour is normal for adolescents—risk-taking behaviour with regard to sex and driving a car, for example. What do we do? We have safe-sex campaigns, and we have how to drive safely without ending up dead-type campaigns. That is what harm minimisation is about.

Our brightest, most intelligent and most creative young people are the ones who are most likely to be taking these risks—it is part of being a young person. We must look at how to minimise the harm, or potential for harm, from taking those risks. Risk-taking is one category of substance abuse, which can be normal, “young” behaviour.

We then have the question of those who heavily abuse substances. That is where you have to look at figures, such as those for children who have been abused. People who have been abused are more likely to be abusing substances.

MR SPEAKER: The member’s time has expired.

MRS CROSS (4.59): Mr Speaker, when I first read media reports on the latest health department survey on illicit drug use among Canberra’s student population, I was stunned by its contents.

I have heard Ms Tucker’s speech and I understand that, as she states, some of the statistics remain the same. Only one went down, but most of them went up. I remain concerned. The Chief Minister described the survey findings as frightening. I agree with him—assuming the survey is accurate.

It is distressing to me to see so many of our young people using illicit drugs and being involved in the numerous problems inevitably brought by drug use. Admittedly, some experiment, to try something that appears exciting and new, and then never use them again. Some turn to drugs to help them cope with life or to make their lives less ordinary.

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Tragically, a small minority submit to the bondage of drugs and, because of this, live lives of absolute ruin and misery. A few do not escape for many years, and some never escape.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion that the Assembly do now adjourn having been put and negatived, the debate was resumed

MRS CROSS: One aspect of this survey that I wish to, briefly and carefully, comment on is the link between illicit drug use and suicide. Suicide is the second leading cause of death for both young men and young women in Australia. While the ACT fares well when compared to other Australian jurisdictions, this problem has grown steadily over the past 25 years, both nationally and here in the ACT. There are a number of identified designated risk factors, the largest of which is mental illness.

Recent studies in Adelaide and New Zealand indicate that young men and women with a mental illness are more than 10 times more likely to attempt suicide. This statistic is heightened by research in Queensland and by ABS statistics, which show that more than half of the young people who die by suicide were clinically depressed at the time. The two remaining high-risk factors for youth are unemployment, and alcohol and/or drug dependency. Alcohol and drugs—especially cannabis, amphetamines and heroin—are involved in over 30 per cent of youth suicide incidents.

Mr Speaker, I wanted to mention the strong link that drug abuse has with suicide for our young people, because suicide is a horrendous problem right across Australia, yet is so seldom spoken of publicly. For young people, especially, there is a problem with contagion—that is, “copycat” suicides or suicide “clustering”. While researchers have differences of opinion on contagion, and studies are very limited, it is right to be cautious.

Unfortunately, this raises a paradox. How do we raise public awareness of this problem and keep pressure on the government to fund appropriate responses, whilst being socially responsible by not making suicide appear an option for those in high-risk categories? The economic cost of drug use in Australia almost beggars belief. For all ages, the big three—tobacco, alcohol and illicit drugs—cost Australia in the order of \$18 billion a year. Tobacco costs \$11 billion, alcohol accounts for \$5 billion and illicit drug use for a further \$2 billion of taxpayers’ money each year.

These figures include both tangible and intangible costs. While the cost of directly providing treatment to a drug dependent person is expensive, the cost of not providing treatment is even worse. It costs about \$5,000 per year to provide a heroin user with methadone, compared to \$25,000 a year to keep them in prison.

Mr Speaker, the topic of drug dependence is not new to me. I have learned enough to know some of the keys to addressing this problem. These are: broad community education, providing a wide range of well funded treatment options, and strict law enforcement for those in the distribution chain.

I agree with Ms Tucker that there are other ways. As a society, we should focus on those. I think that, more often than not, it starts in the family. I am critical of a one-size-fits-all approach. People are individuals. They become involved in drugs individually and do so for individual reasons. I do not believe in sending drug addicts to prison. I would rather see them identified and helped to become drug free.

There are big challenges ahead for us as a parliament, and for the wider community, in the areas of prevention and intervention. Schools play a huge part on the prevention front. Providing a solid education for children is often an effective method of prevention.

Further to that, much more needs to be done, at most levels of schooling, to educate children about drugs—and not just a message that says, “Don’t do it.” The pressures on young people today can be overwhelming. Those who are struggling with life need help, not platitudes. In addition, we need to train teachers, and the community at large, to recognise those who are struggling with life and find ways to help them individually.

The second big challenge is to appropriately help those who are involved in drug abuse. As a community, we must embrace these people, who are predominantly young people, and, instead of giving them condemnation, afford them the types of facilities that can help them.

Surveys like the one we are discussing today are not always highly accurate, but they paint a general picture of how our young people are thinking about issues. It would be foolish for us as an Assembly to ignore or make light of them.

I applaud Assembly members who have been vocal on this issue, both in the past and at present. Whilst some people are thinking of this problem, as Mr Corbell mentioned earlier, and most are aware of it, it is up to the broader community as a whole to recognise it as a community issue—an issue which will worsen unless we take ownership of it. Parents, friends, aunts, uncles, grandparents and acquaintances should focus on this as a whole.

Mr Corbell stated that there are no magic bullets in addressing this problem, and that this problem will continue for years to come. I have a response to that comment. We could simply accept that this is going to continue for years to come, but I do not accept that. I believe that if we wait for a magic bullet or a response and do not do something about it, it will continue. But we can put our foot down and say, “That’s it! I’m not prepared to stand by and watch people dying on the streets, continuing to be hooked on drugs, alcohol and other things that our children get hooked on. I will not accept it. I will not accept that this is something that must continue for years to come because that is a fait accompli.” It is not.

It is up to us as a community to do something about it, and do it now.

MR STEFANIAK (5.08): Mr Speaker, I have listened with interest to this debate—and some very measured comments have been made by everyone taking part. It is a very difficult issue. I can appreciate the dilemma of the government in relation to this—especially Mr Corbell, as education minister, who must see what else can occur in our schools. I think Mr Pratt should be commended for bringing on this matter of public importance, because it is just that.

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He made one comment which I believe is particularly true, and maybe it is a pointer to how we can improve the situation. That is, there are some schools which appear to be running programs very well indeed, and others which are not so robust, or are perhaps not running effective programs.

There is one thing that, as minister, I was keen to see happen. It is an ongoing thing, and we should continue to do it. It is necessary to find out what is working, and use that in other schools as well—and see if more can be done. This is one area where I think, “What more can we do? Obviously there are areas here that are not working.”

There were a couple of programs which worked very well—I remember seeing one at Deakin. I am not sure, but I think that was replicated through most of our schools, and especially our high schools, both government and non-government. That was a successful program which highlighted the problems of smoking with year 7s. They were followed up when they were in year eight. It found that, as a result, a lot of those kids had either stopped smoking or were not going to take it up. Also, they had either stopped or were not going to take up any harder drugs than that. Those are the kinds of programs which it can be shown work in several schools. They can be replicated—so we are not reinventing the wheel. I think that is important.

I was interested to hear Mrs Cross. She raised some figures which are indicative of the damage it costs Australia each year in terms of drug and alcohol use. The costs associated with smoking amount to \$11 billion a year,

Some big steps have been made in that area over the years. You, Mr Speaker, have been a tireless advocate against smoking, and I commend you for that. I have, over my time in this Assembly, been very pleased to see and support, and in some cases initiate, some measures—things like the health promotion fund and the extra money that goes to promote a healthy message. Yet there is still the expense of \$11 billion from a legal drug; \$5 billion from alcohol-related expenses, and \$2 billion from expenses related to illicit drugs.

It is interesting that that is a significant figure but not as high as for legal drugs. I know there are some in our community who almost give up regarding illicit drugs and think, “Why don’t they legalise them?” Those figures tell us something. I would hate to see the damage caused by illicit drugs if they were made legal. We need to take steps to stop people either going down the path of taking drugs that harm them greatly or, if they do, we must do what we can to wean them off those very damaging drugs.

We have a big enough bill already with legal drugs. It is a huge bill, despite significant steps having been taken with regard to smoking—although we still see disturbing figures, especially in relation to young women taking up the habit.

Ms Tucker asked, “Why do people take drugs?” There are a number of reasons. Illicit drugs, especially, seem to be very much a western habit. I was interested in two countries I visited over the past few years. Dave Rugendyke and I went once, with the Assembly, to Papua New Guinea. I also went on a private visit to Vietnam. In Papua New Guinea, they do not have a heroin problem because the society cannot afford it. They just do not have the money for that. They do have a marijuana problem, because that can be grown.

Being a largely agricultural country, it is not difficult to grow that, and a lot of people have access to it.

In Vietnam, another poor country, they do not have a drug problem. They have some very tough laws, which seem to work. People simply do not have the money to go down that path. I do not know what that says but, quite clearly, in some societies some of the drugs such as amphetamines, heroin, LSD and marijuana do not present the same problem as they do in the West.

This is a problem that needs a holistic approach. We can look to pointers in some of the programs which have worked. I have indicated that anti-smoking program, which I was pleased to see used in a number of schools. I am not sure if it is still going, but maybe it should be dusted off and used again. I was also heartened to see the effect the safe-sex programs had, with the Grim Reaper. There was also some success with the anti-smoking programs. While some people shy away from the shock effect, I believe there is a very strong case for it, although I do not think that is necessarily the only type of program we need.

The Grim Reaper campaign, the emphasis put on safe sex and the use of condoms resulted in a significant decrease in the incidence of AIDS in this country. Then there were the graphic anti-smoking programs. I can recall a program where tar was coming out of a lung. That sort of stuff is horrible, but those types of gross things have their place.

MR SPEAKER: Order! The time allotted for this discussion has expired.

Commonwealth, state and territory ministerial insurance summit Ministerial statement and papers

Debate resumed from 9 April 2002, on motion by **Mr Quinlan**:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Clubs—awards

MR SMYTH (5.14): Mr Speaker, it is with great pleasure that I rise on behalf of the opposition, the Liberal Party, to acknowledge the recent ClubsACT Awards for Excellence 2002 function that was held the Friday before last at the Hellenic Club in Woden. It was a very successful evening. The Chief Minister was there with his wife, Robyn—indeed, he enlightened us all that it was his 30th wedding anniversary. He mentioned that he still managed to fit into the same old suit; so, well done, Chief Minister, on both counts, I suspect.

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Mr Speaker, the awards acknowledge the very important role that clubs play in the Canberra community. They acknowledge the part that clubs play in our social life and the contribution they make in putting something back into the community—a role that Canberrans are justly proud of.

I want to put on the record of this place the winners of some of the awards. It is important that we acknowledge those that achieve in the community in looking after us. The Community Assistance Award for a medium-sized club went to Eastlake. The award in the large club category went to the Canberra Labor Club. The small category recipient of the Promotion of Sport Award went to the Murrumbidgee Country Club; the medium category went to the West Belconnen Leagues Club; and the large category went to the Ainslie Football Club.

The Member Services Award for a medium club went to West Belconnen Leagues Club and in the large category it went to the Canberra Southern Cross Club. The Staff Development and Training Award is particularly important, given the interest that members of this place have in the VET sector. The medium club category of this award went to Royals and the large club category went to the Canberra Labor Club.

The medium category of the Club Development Award went to West Belconnen Leagues Club and the large category went to the Ainslie Football Club. The winner of the Club Dining: Restaurant Award—and bear in mind that the Brumbies are playing this weekend—was Signatures Restaurant at the Brumbies Club in Griffith. The Club Dining: Bistro Award went to Choices at the Ainslie Football Club. The Club Dining: Functions Award went to the Hellenic Club—and I think they did themselves proud at the awards function.

I think everybody was particularly pleased that the recipient of the Outstanding Service Award went to Barbara Byrne of the Canberra Labor Club. Barbara can be particularly proud of receiving the award. I do not think it would be an understatement to say that she is a lady who has slaved incredibly hard over the years to support her club and, through her club, the entire club sector and the Canberra community.

The People's Choice Award—the club selected by the people—went to the Canberra Southern Cross Club, as did the Young Achiever of the Year Award. It is great to see that ClubsACT do promote young staff members who are seeking a career in the clubs. The winner of that award went to Matt Walsh, who runs the yacht club part of the Canberra Southern Cross Club. So congratulations to Matt; he does a tremendous job. The awards presentation culminated in the ACT Club of the Year Award, which went to the Ainslie Football Club. So, well done the Ainslie Football Club.

I think everybody was absolutely delighted with the function. Let me say to the Chief Executive of ClubsACT, Bob Samarq, “Well done in what you have been able to achieve in the last couple of years as the CEO and we look forward to more in the future.”

One of the highlights of the night was when Cecilia Doyle, the Operations Manager of ClubsACT, was dragged up onto the stage. The delightful Egyptian theme at the function was apparently her brainchild. Not only did she think about it, but she put it together. She

cut out, she stitched, she sewed, she hung, she decorated and she did a wonderful job. Cecilia had to be dragged—she is not the sort of person that would willingly go—onto the stage and I think the audience was particularly delighted with her response and the way she accepted the praise. Bob and Cecilia did a spectacular job on the night.

The people that supported and sponsored the awards included groups such as Canberra FM radio, Tooheys, Ainsworth Gaming, Capital Gaming, International Gaming, Bradley Allen lawyers, Cadbury Schweppes, Rentworks, Cre8tive Multimedia, Carlton & United Breweries and Aristocrat Technologies. Thank you for supporting the clubs. Although you clearly get business out them, it is important that you do sponsor the people that look after us as a community. So well done to all on the night, but particularly to Bob and Cecilia. Congratulations on running a wonderful event.

Defence budget

MR STEFANIAK (5.19): It was a great evening. Mr Speaker, I rise to make a comment about what probably will be in the federal budget to be brought down very shortly this evening. I am very pleased to see the media speculation—and I think the federal government has indicated this—that there will be a significant increase in the defence budget. I have been greatly concerned that over about the last 15 years the defence budget has been whittled down from around about 3 per cent of GDP to much less than 2 per cent. The 2000 white paper finally redressed that real problem.

Those opposite can groan but the first duty of any government is the defence of its citizens. We live in a very nasty world and Australia is certainly quite likely to be under threat at some time. We were woefully unprepared for World War II and we were somewhat lucky to escape our continent being invaded then. It was a very close run thing. We have some wonderful people in our defence forces and I think we owe it to the brave men and women who defend Australia to see that they are adequately equipped to do their jobs. We, in this place often talk about ensuring that, in a territory and state context, people—nurses, teachers, police and community workers—have the tools and are adequately equipped to do their job. And rightly so—that is our responsibility.

On the national scene, I think it is absolutely essential that our service men and women have the tools to do their job of defending their country, which is, I think, one of the most crucial jobs of all. As Jocelyn Newman once said back in the eighties, you can have the greatest social security system in the world but it is pointless if you cannot defend yourself. I think the likelihood that there will be significant increases in defence expenditure in the budget is a very positive sign. Defence has been a poor cousin for far too long and I look forward to seeing some sensible increases there which will enable our very brave service men and women to do their crucially important job properly.

Drugs in schools

MR PRATT (5.21): Mr Speaker, I would like to respond to something that Ms Tucker said during her presentation this afternoon on the matter of public importance. Ms Tucker is quite correct to say that the 38 per cent increase in 16-year-old girls using needles reflected a shift from 1.8 to 2.7 per cent of the control group. But I do believe she is being rather precious and is misrepresenting the message that I was intending to portray, which is that the trend lines are up not down over the two reports. There is,

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therefore, a serious issue. The sorts of programs we have in place now that Ms Tucker may support are not working. If she does not have the solution, there is, therefore, a need to re-examine where we are at.

I would simply like to put the point of view that Ms Tucker's attack on the statistics and her reference to scare tactics et cetera ignore the fact ASSAD has produced a report which shows the serious problems that society faces. I would prefer to see Ms Tucker join forces with all of us here in the Assembly to do something about the problem, rather than being too precious and splitting hairs over statistics.

Question resolved in the affirmative.

The Assembly adjourned at 5.22 pm.

Schedules of amendments

Schedule 1

Legislation Amendment Bill 2002

Amendments circulated by Ms Dundas

1

Proposed new clause 7A

Page 7, line 37—

insert

7A Section 41

substitute

41 Making of certain statutory instruments by Executive (SLA s 3)

- (1) This section applies if an Act authorises or requires the Executive to make a subordinate law or disallowable instrument.
- (2) The subordinate law or disallowable instrument is taken to be made by the Executive if—
 - (a) it is signed by 2 or more Ministers who are members of the Executive; and
 - (b) 1 of the signing Ministers is the responsible Minister.
- (3) A subordinate law or disallowable instrument made in accordance with subsection (2) is taken to be made when it is signed by the second Minister signing.
- (4) Subsection (2) (b) does not apply if the responsible Minister cannot sign because he or she is absent from the Territory, ill or on leave.
- (5) In this section:

responsible Minister means—

- (a) the Minister for the time being administering the Act; or
- (b) if, for the time being, different Ministers administer the Act in relation to different matters—
 - (i) if only 1 Minister administers the Act in relation to the relevant matter—that Minister; or
 - (ii) if 2 or more Ministers administer the Act in relation to the relevant matter—any of the Ministers; or
 - (iii) if subparagraph (ii) does not apply and, for the time being, 2 or more Ministers administer the Act—any of the Ministers;

but does not include a Minister for the time being acting on behalf of the Minister or 2 or more Ministers.

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3

4

Clause 28

Proposed new section 253

Page 30, line 5—

omit proposed new section 253, substitute

253 Exercise of functions of Executive (AA s 3A)

- (1) A function given to the Executive under an Act may be exercised by any 2 Ministers acting in concert.
- (2) The exercise of a function under subsection (1) is taken to be the exercise of the function by the Executive.
- (3) This section is subject to section 41 (Making of certain statutory instruments by Executive).

5

Schedule 1, amendment 1.6

Page 33, line 6—

omit

6

Schedule 2, amendment 2.175

Proposed new section 102 (8)

Page 68, line 27—

omit

15 sitting days

substitute

6 sitting days

Schedule 2

Legislation Amendment Bill 2002

Amendments circulated by the Mr Stanhope (Attorney-General)

1

Clause 19

Proposed new chapter 14

Page 17, line 3—

omit the chapter, substitute

Chapter 14

Interpretation of Acts and statutory instruments

137 Application of ch 14 to statutory instruments (IA s 2 (2))

This chapter applies to a statutory instrument as if—

- (a) the instrument were an Act; and
- (b) a reference to the enactment or passage of the instrument were a reference to its making.

2

Clause 22

Proposed new section 192 (3)

Page 26, line 7—

Omit 'relates to', substitute 'discloses or is otherwise found to relate to'.

3

Schedule 2

Proposed new part 2.28A

Page 85, line 4—

insert

Part 2.28A

Interpretation Act 1967

[2.217A] Sections 11A and 11B

relocate to the Legislation Act 2001, as sections 138 and 139.

Schedule 3

Drugs of Dependence Amendment Bill 2002

Amendment circulated by Ms Tucker

Clause 4

Proposed new section 58 (6) (b)

Page 3, line 17—

omit proposed new section 58 (6) (b), substitute

- (b) the doctor believes on reasonable grounds that the person—
 - (i) is suffering from narcolepsy; or
 - (ii) is less than 19 years old and is suffering from attention deficit hyperactivity disorder; and