DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 August 1995

Wednesday, 23 August 1995

Wednesday, 23 August 1995

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

FOOD (AMENDMENT) BILL 1995

MR CONNOLLY (10.31): Mr Speaker, I present the Food (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR CONNOLLY: I move:

> That this Bill be agreed to in principle.

This Bill implements a promise that I, on behalf of my party, made at the last election; but, regardless of party political promises or issues, it also raises very squarely for debate for all Australians a fundamental issue which has largely gone unreported and undiscussed in parliaments around Australia. An old adage that most of our mothers would have taught us as we were being encouraged to eat our vegetables or healthy foods is, "You are what you eat". All of us are consumers of foodstuffs which come through a complex process of production and distribution.

In recent years new technologies have emerged which very fundamentally alter the nature of the food that we eat. One such technology is the process of food irradiation. Many critics of the nuclear industry would argue very strongly that the nuclear industry for 50 years has been desperately in search of a socially redeeming use of nuclear technology. Some 20 or 30 years ago elements of that industry came up with food irradiation as a socially beneficial use of nuclear technology; the theory being that by irradiating food you could kill micro-organisms that would otherwise naturally play a role in the natural decomposition of food.

This was promoted as having two benefits: One, the food that you eat would be healthier, because micro-organisms can be damaging and dangerous. The tragedy with the South Australian salami early this year demonstrates that the presence of certain micro-organisms in food can be very damaging to public health. Irradiation was also marketed as a significant benefit to producers because, as well as the harmful micro-organisms in food, there are natural micro-organisms in food that play a part in the ordinary process of decay of food. An apple picked from the tree today and left in our fruit basket will, in two or three weeks' time, be totally inedible; it rots. One of the reasons it rots is the presence of naturally occurring micro-organisms. It is argued by the proponents of food irradiation that, by radiating that apple, you can significantly prolong its shelf life; and you can.

The problem is that the consumer will be confronted with two apples or two tomatoes; one of which may have been on the shelf for three weeks, and one not. When any of us do our grocery shopping and are confronted with the fruit barrow, we all assume that we can make a pretty good guess as to whether the apple we are thinking about buying is good or not. We can all tell fruit that looks a bit tired, and we will decide not to purchase that fruit. With irradiated products, a consumer will be far less able to make that choice.

There are also, of course, significant economic issues. The irradiated food product, given its extended shelf life, should be significantly cheaper to the consumer than the product that is subject to the natural process of decay in food. Again, that may be so; and, again, there may be benefit. But the consumer must know. The consumer must be confronted with the ability to make a rational and informed choice between the irradiated apple, which may have been on the shelf for three weeks and which should be cheaper, and the non-irradiated apple. Many would argue, and do argue, that food irradiation is, of its very nature, inherently dangerous to the long-term food cycle. I do not claim to be a scientist. All I can say from my reading is that there is debate on both sides.

To date, the national body which gives approvals for food in Australia, the National Food Authority, has been persuaded on balance not to allow irradiated food onto the general Australian market. Those people who argue that irradiation is, of its nature, dangerous have to date had the upper hand, although that may well change. If it does change, that will occur as a result of an intergovernmental process; and that is fair enough. But we, as an Assembly, are entitled to say that if it does change the consumer must be warned; there must be a labelling process to warn the consumer that food is irradiated. Those who argue the benefit of the irradiated food really have little basis for objection to that labelling process. If this technology is so wonderful, if this is a great boon to humanity out of the nuclear fuel cycle, what is the problem? If it is such a good idea, consumers will flock to purchase it. Many sceptics and many in the consumer movement are of the view that consumers, when they see the irradiated food sign, will rapidly move to the next fruit barrow and choose to purchase the fresh apple or the fresh tomato.

Genetic engineering raises a whole set of other difficulties. This is an issue that is far more imminent for Australian consumers. The process of genetic engineering has emerged from some of the quite extraordinary steps forward that geneticists and medical researchers have made in recent years. Our Clinical School, the John Curtin School of Medical Research, Woden Valley Hospital and the University of Canberra have people who are as good as any in other research institutions throughout the world in aspects of genetic engineering. There are some enormous benefits that this science is able to bring to humanity. One commercial spin-off is genetically altering food products. Again, there is a very strong argument that we just do not know enough about this yet to ensure its safety. What impact will eating a strawberry that has been treated with a growth hormone from another product - let us say, a growth hormone from a tomato - have on a person who may have an allergy to tomatoes? Arguments differ. Again, I am not a scientist; and I do not claim to be able to give a definitive scientific answer. Again, the consumer ought to know.

Unlike in the case of irradiated food, where we still have some protection in the sense that the National Food Authority says that it is illegal to offer irradiated food for sale in Australia, there are moves to allow approvals for genetically altered food products in Australia. There are also, in my view, quite worrying trends which suggest that the National Food Authority is moving against a labelling standard for genetically altered food. One of the major producers of potato crisps in Australia, and in Britain, has put a lot of money into a new potato, a genetically altered potato which will produce, the proponents argue, a better potato crisp. That product is imminent in the Australian market. Consumer advocates are of the view that it is likely to be approved, but approved without a warning label.

It is interesting that this debate, in other parts of the world, is rather more advanced - not, I would have to say, as a result of government action, but as a result of very strong lobbying and activity from the consumer movement and the popular press. In Britain, they have got to a situation recently, I am advised by the Australian Consumers Association, in which one of the largest grocery wholesaling chains in Britain, a chain that controls about a third of the distribution market in the United Kingdom, has voluntarily agreed that it will label genetically altered foods. While that is a very responsible position for a UK food distributor and wholesaler to take, it is regrettable and a regrettable abdication of responsibility by government that the consumer is to be advised of genetically altered food only because of the action of a socially responsible wholesaler rather than the action of government. The ACT has the opportunity in this legislation to require that genetically altered food be advised.

One of the more disturbing aspects of genetically altered food is that even the most concerned consumer advocates are not actually saying that the genetically altered potato crisp is likely to have any great problems, but there certainly is debate about some of the use of growth agents in meat products. There has been a lot of research work on genetically altered pig meat products. Again, without being a scientist, an argument which I have heard and which seems to me to make sense is that, given the nature of genetically engineered animal growth encouragers - what is the opposite to a growth inhibitor; a growth encourager, a growth agent?

Mr De Domenico: A growth enhancer.

MR CONNOLLY: A growth enhancer. Probably at the embryonic stage the pigs will be treated; they will be produced; they will grow; they will meet their maker at the abattoir; and they will appear on our bacon shelf, and we will eat the pig. The next generation of pig will be treated. It is very unlikely that we will have long-term, longitudinal studies of how the use of genetic growth enhancers may affect the pig. Given that we do not know how it is going to affect several generations of pig, there is a question as to why we are exposing it to future generations of humans, because we will be consuming this product. Unless we put up the signposts, we will be consuming it without being informed.

It is true that the National Food Authority is the national regulating standard for food products, but I must say that I have always had concerns about the way that organisation is operated. Mrs Carnell yesterday referred to an encouragingly useful meeting of Health Ministers in Alice Springs. My experience, and Mr Berry's experience, was that, when the National Food Authority was discussed at Health Ministers meetings, it tended to be at the very end of the agenda. Issues like the billions of dollars of Medicare funds - where Health Ministers would always be out to do the best deal they could for their States or Territories - quite properly, tended to take up the bulk of those meetings. The extent to which Ministers have actually been able to inform themselves on some of these issues, I think, has been limited; and I would certainly encourage Mrs Carnell to take a great interest in NFA processes.

When issues come to Ministers for approval they tend to come with a departmental recommendation. As a Minister, a year ago I found that in those recommendations there was no advice as to whether a proposal was supported or opposed by the industry and the consumers. I put forward a proposal to the NFA urging that, when Ministers are asked to support a change to standards, the standard information that comes out from the NFA advise Ministers of the industry's view and the consumers' view. In most cases the industry will support the product. In some cases the consumers, through the ACA or another peak body, will support the product. In some cases they will be opposed to it. I would encourage Mrs Carnell to keep pushing that proposal because sometimes, when a government changes, a proposal from a former government just drops off the agenda.

I am not satisfied, and many consumers are not satisfied, that there are appropriate standards through that national process to ensure that proper information is mandated. Certainly, the material that has been coming out of the NFA in relation to genetically altered products is tending towards opposition to a standard for notification. This law that we are putting forward today will not prevent the sale of genetically altered foods or irradiated foods. At the moment, it is illegal to offer irradiated foods for sale. That is a decision made by the National Food Authority. Until Ministers can be totally satisfied that a foodstuff is safe, I would urge Mrs Carnell, on behalf of the Territory, to hold to that position.

Genetically altered food is coming and is coming imminently. The NFA, through a process that I am worried is driven to some extent by the technological determinism "We can; therefore, we should", is moving against a national standard or any standard for mandatory information that the food has been genetically engineered. This legislation in the ACT would be the first in Australia. It would send a very clear signal to those scientists and officials in whom we have entrusted responsibility for Australian food standards that parliaments and politicians do take an interest in the food that we eat and that this Assembly, at least, is prepared to say, "If you are going to approve these new technologies, we require that consumers be informed". That is all that this legislation does; it places a signpost to allow the consumer to make his or her own informed choice as to whether to partake in the wonders of genetically altered or irradiated food products.

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

MEDICAL TREATMENT LEGISLATION
Exposure Draft and Paper

MR MOORE: Mr Speaker, I ask for leave of the Assembly to present an exposure draft of the Medical Treatment (Amendment) Bill and a related document, and to make a statement relating to the draft.

Leave granted.

MR MOORE: I present an exposure draft of the Medical Treatment (Amendment) Bill and a black line copy of the Medical Treatment Act 1994. In seeking to table the exposure draft of the Bill, along with the black line version indicating how the Medical Treatment Act would look if these amendments were implemented, I seek to have the broadest possible debate on the matter of voluntary active euthanasia. The last time I presented a Bill on this subject, as some members will remember, it went to a committee of inquiry and eventually resulted in the Medical Treatment Act 1994.

The Medical Treatment Act allows for patients to have more control over the withholding or withdrawal of treatment when suffering a terminal illness. Many believe that this clarification of the existing common law and the legal position of the medical practitioners involved was as far as we needed to go in patient control over their own terminal phases of their terminal illness. However, there are many more who do not agree with this belief. The withholding or withdrawal of treatment may result in an agonisingly slow and torturous death. Morally, it is extremely difficult to see the difference between active euthanasia, that is, doctor assisted death, and passive euthanasia, the withholding of treatment necessary to keep life going, if the intention in both cases is to cause the death. Ultimately, if both acts cause the eventual death, with aspects of one being within the law and the other completely illegal, why should the form which is painless and distress free not be legalised?

There are many reasons why voluntary active euthanasia ought to be legalised. First of all, it allows people to make a choice about their own end when they are in the terminal phase of a terminal illness. As research shows, many people view this choice as belonging fundamentally to the individual and not to the church or the medical profession. Those who do not believe it to be morally right to have assistance ought to be protected against having any intervention; and those who do wish to avail themselves of this choice will be assisted under the strictest of guidelines.

I know that the churches and the Right to Life Association always refer to medically assisted death as "killing". At this point I would like to quote this response to these lobby groups made by a doctor who admitted to acting illegally by medically assisting patients to die on request:

> It is ridiculous. I am not killing the patient ... the disease is doing just that. All I am doing is changing the date on the calendar and using compassion, as any good doctor should do; helping the patient to die a little earlier without having to suffer to the bitter end.

In those countries where this choice has been made available, many view it as akin to an insurance policy: You probably will not need it, but if you do the need can be overwhelming. Having that choice can take away the anxiety and fear of dying in an extremely painful or drawn out way. Relatives of those who have had this choice and did not eventually avail themselves of it have said that the final days of their loved ones were made much easier because they were anxiety free.

I believe that those who have lobbied against voluntary euthanasia are seriously mistaken in their belief that improvements in palliative care will be sufficient to relieve the types of suffering that motivate many to seek medical aid in dying. Anybody who listened to the radio between 9 and 9.30 this morning would have heard a number of people phone in and explain their own distress because they did not have adequate pain control. It is a furphy that pain control is at a stage where nobody has to suffer pain. It is simply still not true, although huge improvements have been made in that area over the last few years. Hopefully, there will be such improvements made that nobody will ever feel that they have to make this choice.

Dr Brian Stoffell, Director of the Medical Ethics Unit at Flinders Medical Centre, in a letter to the *Advertiser* on 13 May 1992, expressed the consequences of relying exclusively on palliative care as follows:

> Palliative care is an approach to treatment of the dying. As a treatment, it is something that may be accepted or rejected.
>
> Some who might not accept it would prefer a quick end through voluntary euthanasia. The Select Committee (of SA) has now made palliative care obligatory and has thus unwittingly endorsed a form of forced treatment against the individual's wishes. It has declared: "You will not be helped to die, you will be forced to live on, choosing only to do so painfully or medicated to relieve pain".
>
> The freedom to say no to either option is refused. The liberal spirit of empowerment has foundered in contradiction by the denial of active voluntary euthanasia.

I do not believe that we as politicians have the right to deny this choice to those who are, in their final stages of life, suffering a terminal illness.

Having said that, I believe that we have an obligation to ensure that our palliative care is of the highest calibre. That was the first recommendation of the Select Committee on Euthanasia of this parliament. No person who chooses palliative care when suffering a terminal illness should ever have that suffering exacerbated by lack of knowledge in pain management and poor palliative care. From what I have seen, read and heard,

the palliative care in the ACT is amongst the best available. The staff working in these areas are extremely dedicated, professional and compassionate human beings who are deserving of the highest praise. However, there are those who, regardless of the benefits of palliative care at its best, ought to be allowed the choice to have assistance to die if their pain and suffering cannot be eased to their satisfaction because of the nature of their illness. Evidence presented before the Select Committee on Euthanasia by people with expertise in these areas consistently claimed that somewhere between 10 and 15 per cent of terminal cases could not have pain relieved to the person's satisfaction.

Another most important reason is that the practice of doctors assisting patients to die already occurs in an uncontrolled manner and not necessarily at the patient's request. Those who argue that if we legalise this practice under stringent conditions the "slippery slope" effect will come into play where patients who do not ask for assistance will be disposed of by doctors for economic reasons or because of pressure from families. To them I say, "This legislation is necessary to protect patients from this possible malpractice". We know from a series of research works that, in fact, the practice of active involuntary euthanasia does go on; and that ought not be necessary. What we seek to do is ensure that the individual involved is the person that has the choice. Without controls, with current community thinking the way it is, we must guard the patient's rights with legislation that allows only the patient to choose this alternative; and then only under the strictest of guidelines.

Much has been made by opponents of voluntary euthanasia of the Remmelink report, since it was commissioned in the Netherlands. The results of this report were summarised in the *Lancet* in 1991. It is clear from the *Lancet* article that this is a detailed, careful study of euthanasia in that country. The estimate for active voluntary euthanasia in the Netherlands at the time of the study was 1.8 per cent of the population. The most common reasons given for requesting euthanasia were: Loss of dignity, 57 per cent; unworthy dying, 46 per cent; pain, 46 per cent; and being dependent on others, 33 per cent. You will notice, Mr Speaker, that there is an overlap in those figures; they do not add up to 100 per cent, because people would give two reasons. In only 5.3 per cent of cases was pain the only reason.

The report showed that each year there were approximately 9,000 explicit requests for euthanasia, of which one-third were agreed to. In addition, over 25,000 patients each year seek assurance from their doctors that the doctors will assist them if the suffering becomes unbearable. As the report showed, in the Netherlands the availability of the option alone under certain circumstances is valued by patients and falls well short of euthanasia on demand. There was an estimated 0.8 per cent life-terminating acts performed without the consent of the patient. Although almost all of those were clearly suffering severely and their life was shortened by a few days or hours only, cases such as this give serious cause for concern as they cut across the principle that there must always be a serious and informed request from the patient. This is the situation that occurs in Australia today, without voluntary euthanasia. Once again I stress that it only reinforces the need for strict guidelines so that this cannot occur in the future.

Professor van der Mass, the leader of the study, stated the following regarding the Remmelink report:

> I am aware that several right wing Dutch doctors have reordered our data in order to reach conclusions such as, "More than half of the euthanasia deaths in the Netherlands are being done without request of the patient".

I hope that members who oppose euthanasia and have used this report will listen very carefully to this, because Professor van der Mass explains very clearly that that simply is not the case. He continued:

> Fortunately the vast majority have interpreted our data as they should be. That is, on the whole, in the Netherlands there is reliable practice of taking decisions concerning end of life. Many doctors are certain that the fact that these issues are discussed so openly contribute very much to the quality of decision making in hospitals and in private practice. Issues can be discussed more easily with patients, families and colleagues, and there is more trust that a solution can be found that is desirable for the patient.

The idea of saying that more than half of the euthanasia is being done without request is simply not true. The figure is 0.8 per cent. It is less than one per cent.

Another compelling reason for this Assembly to pass the legislation is that it has been made demonstrably clear by the majority of people in our community that it is time for a change. In 1993 an Australia-wide poll conducted by the Roy Morgan Research Centre showed that 78 per cent of Australians were in favour of legalising this choice. In August this year the Roy Morgan Research Centre was commissioned by the Voluntary Euthanasia Society (ACT Branch) to conduct a poll specifically for the ACT. I have the results here. Of those surveyed in the ACT, 75.5 per cent responded to the following question with a resounding yes:

> In your opinion, if a terminally ill patient, suffering unbearably, with no chance of recovery, asks for a lethal dose so as not to wake again, should a doctor be allowed to give a lethal dose or not?

That question was worded to be consistent with the legislation. Of those that answered yes, the interesting thing is that the figure is 82.9 per cent for Labor voters; 73.6 per cent for Liberal voters; 86.4 per cent for Moore Independent voters; 80.3 per cent for Green voters; 66.5 per cent for Democrats voters; and 44.6 per cent for voters for Paul Osborne. He is the only member whose yes voters were less than a majority.

Mr Osborne: How many were polled?

MR MOORE: The interjection from Mr Osborne is: "How many were polled?". I am glad that he asked that question, because Mr Osborne - my understanding is - said to the newspaper, "Of course, you cannot draw conclusions from a poll of 500". If Mr Osborne were to look back over the last three elections and see how accurately the *Canberra Times* polling, with a sample size of 500, predicted the results, it would make him rethink his position. Anybody who studies polling would know that a sample size of 500 does give a significant accuracy.

Mr Berry: But a sample size of seven is a different matter.

MR MOORE: Indeed. There was an interjection in terms of Mr Osborne's own sample size. With a sample size of seven, the conclusions are very woolly. I do not think that that is a significant finding.

Mr Osborne: Woolly?

MR MOORE: With reference to you, Mr Osborne, only; they are woolly. Even more interesting, though, is that of those who responded yes - and here we are talking of numbers over 100 in the first couple of cases at least - the figure was 86.3 per cent for Anglicans and 61.4 per cent for Catholics. They were very strong sample sizes. For other religions, with much less strong sample sizes, the percentages were: 77.5 for Presbyterians; 74.8 for Uniting Church people; 100 per cent for Methodists - in that case, I think it was only a handful - and 53.2 per cent for Baptists.

The results showed overwhelming support for active euthanasia legislation in the ACT, after this issue had been debated for a rather long time. Certainly, the matter was raised in the First Assembly; the matter was debated at length in the Second Assembly, including through the Select Committee on Euthanasia; and both the Labor Party and I went to this last election making very clear and publicly clear our position on active euthanasia. The matter has had a great deal of public discussion and consultation. It appears to be abundantly clear that after years of having this issue before the community of the ACT, and Australia generally, the community has made its position clear through a range of media; through independent surveys; and through, for example, branch representation in political parties.

I suspect that there are many reasons for the changing attitudes of our population to this question. I believe that we have an increasingly educated and assertive patient population who insist on their right to choose their medical treatment and matters of conscience, rather than be dictated to by churches or other controlling forces. We have an ageing community which is aware of death, dying, and the often terrifying medical postponement of death through medical and technological intervention. There is an increasing number of deaths occurring from cancer and AIDS, and people are aware that there are ongoing limitations in pain relief and quality of life.

It is fitting that I finish with the most important reason of all for this legislation; and that is that we ought to be responding to this question with compassion. We have no right to deny people who will endure suffering beyond our comprehension the right to choose death when their death is imminent due to a terminal illness; just as we have no right to allow a doctor to end a patient's life without their consent. Every patient's rights must be protected so that they have control, as much as possible, of what is essentially one of the most significant times in a person's existence. I am proposing that we allow the people of the ACT the right to choose this for themselves; that we have the compassion to allow the people of the ACT the right to choose for themselves. In order that there can be maximum community input into this Bill, I have decided to issue this Bill as an exposure draft.

MR KAINE: Mr Speaker, I seek leave to make a statement on this matter.

Leave granted.

MR KAINE: I did not come here this morning to debate this matter. I understood that Mr Moore intended to table a private members Bill on which debate would have been adjourned, and we would have proceeded in the near future to determine the merits of that Bill. Mr Moore has taken a different track. Mr Moore has tabled what he calls an "exposure draft" on which he wants to get public comment. I do not believe that his tabling of this Bill, and his assertion that it is a good thing, should go without the other side having been heard. As I say, I did not come prepared; but I do intend to challenge some of the propositions that Mr Moore has put forward, because I think it would be unreasonable if they were not challenged.

The question of euthanasia is an emotional one. I notice that Mr Moore, in concluding his remarks, appealed to the emotions. He said, "We have not the right to ask people to suffer unendurable pain". This is a society in which, in my opinion, legalising murder is not yet on the agenda. That is what Mr Moore is asking for. Let us be clear about this. If you have read his exposure draft, he intends to put the onus on medical practitioners and nurses to do away with somebody's life. The circumstances in which he is proposing this are quite odd - quite bizarre, in fact. I want to make it clear that I am not ready to support any such Bill; not now and not in the immediate and foreseeable future.

There has been plenty of public debate on this issue. It has been before Mr Moore's committee twice. He has had plenty of public submissions put to it. He has not yet drummed up enough support to get it through this house. So you have to ask the question: Why is he bringing it back again? Nothing has changed. There is no change in the ground swell of public opinion on this issue. I very much doubt that the members of this house are prepared to change the view that they expressed only a short period of time ago; they do not favour active euthanasia.

Mr Moore got a Bill through that talked about passive euthanasia. I have no difficulty with that, because it does do the very thing that he purports to do now; that is, it protects the right of a patient to die with dignity.

Mr Moore: You opposed that one, too.

MR KAINE: But I am not ready to support this. Mr Moore, I listened to you quietly and carefully because I wanted to hear what you had to say. I think you have an obligation - and you talk about rights - to listen to what I have to say since I do not happen to share your view.

The Liberal Party does not have a policy on this matter. But there is one matter on which we are agreed, and it has been publicly stated: We will totally oppose any legislation that might require a doctor or a nurse to deliberately end a patient's life. We have no policy on the Bill, but we are agreed on that matter. We will totally oppose any legislation that in effect talks about active euthanasia. That is what Mr Moore's Bill does. If you read his Bill, it nowhere gives the medical practitioner the right to decline.

Mr Moore: It does.

MR KAINE: No; it does not. The only concession that you make is that the medical practitioner, if he or she does not agree, can pass the case to somebody else.

Mr Moore: That is right; which means that they can, themselves, not agree to do it.

MR KAINE: No. Why place that onus on a medical practitioner who is treating somebody if he or she is asked to do something that it is not within his or her will to do? If the patient wants it, surely it is up to the patient to find somebody that will do it; not place the onus on the medical practitioner to find somebody that is willing to be the executioner. That, in my view, is totally unreasonable.

Mr Moore has been nibbling away at this for a long time. What he hopes is that by gradually gnawing away at it he will get to the stage where the active euthanasia that he publicly advocates will be publicly accepted in all of its dimensions. It is not going to stop here. If Mr Moore gets this Bill through, in 12 months' time there will be another one seeking to push the forefront a little further forward. He keeps quoting overseas experience, but he does not talk about the downsides of overseas experience. He relies on these polls that have been conducted. I have a copy of the poll that was conducted in the ACT recently, playing on the emotions. This question was asked:

> In your opinion, if a terminally ill patient, suffering unbearably, with no chance of recovery, asks for a lethal dose so as not to wake again, should a doctor be allowed to give a lethal dose or not?

There are some very interesting points in that question. It is very much in the third person. We are not talking about "me"; we are talking about all those other people out there. A terminally ill patient who is suffering unbearable pain and who has no chance of recovery is somebody else; not me. Under those circumstances, people will answer yes. But it is not necessarily the answer that they would give if they were in that situation.

The second point is this: We all know about polls, do we not? We talk about polls which show who will get elected to this place. The only poll that counts is the one that is held on election day, when either you get elected or you do not. You can do opinion polling up to election day and get all sorts of answers. I would suspect that in this case the only poll that counts is the one which asks the patient in the bed who is perhaps terminally ill and who is suffering pain. Then you would get the real answer; and it might not be the same 75 per cent as Mr Moore and the people who conducted this poll got on this occasion. I am very wary - just as I am wary about political polls - about this kind of poll. Who is to say, for example, that the person has no chance of recovery? Mr Moore's Bill seeks:

> to protect the right of patients who are terminally ill to request assistance from a health professional to terminate the patient's life.

They are his words. In another place, under "Direction to terminate life", it states:

> A person who -
>
> (a) is of sound mind;
>
> (b) has attained the age of 18 years;
>
> (c) has been informed by a health professional that he or she is suffering from a terminal illness and is likely to die within the next 12 months as a result of that illness;
>
> ... ...

Which practitioner is going to say that with certainty? How many of us know people who years ago were given three months, six months or 12 months to live and are still around, healthy and recovered from their condition at the time? But, no, Mr Moore says that if they are in that situation they can issue a direction and the medical practitioner, by and large, on the face of Mr Moore's Bill, is supposed to carry it out, unless he or she seeks to find somebody else to be the executioner on Mr Moore's behalf.

I am not persuaded by this. There is no ground swell of public opinion asking for it. Nothing has changed since Mr Moore tried to push this issue through this Assembly only a matter of months ago. Here it is again. The Liberal Party has made it clear that it will not support active euthanasia; but Mr Moore comes back and pushes it again. I have to say, Mr Speaker, that I am concerned that Mr Moore keeps continuing to push this issue, which, in my opinion, is a dead horse. I do not think that he will get the support of this Assembly to put it into effect. He certainly will not get mine. If the public is going to take Mr Moore's Medical Treatment (Amendment) Bill exposure draft and think about what they want this Assembly to do with it, they have an obligation to think of both sides of the argument; not only the one put forward by Mr Moore. They need to know that there are a lot of people in this Assembly in particular who do not support it. In fact, I suspect that a majority do not support it.

Despite the leading question that was asked in that poll, I do not believe that most people in the situation that is described, if they had to make the decision at that time, would give the answer that they gave in that poll. I simply do not believe it. If a less loaded, less emotional and less directed question had been asked, the pollsters would have got a vastly different answer. If Mr Moore is going to rely on that kind of polling to say that 75 per cent of people want active euthanasia, I think he is misrepresenting the case. What is more, I think he knows that he is misrepresenting the case. But he has developed an obsession, apparently, with active euthanasia. God knows why - and I use the expression "God knows" deliberately. He has to rethink the situation, in my opinion. He has tabled a Bill that I will not support, and I do not think that the Liberal Party, given its position on this issue, publicly stated, can support it. I know that there are other people in this Assembly who, for good reason, will not support it. So, Mr Moore, why not drop it?

MR MOORE: Mr Speaker, I seek leave to make an explanation under standing order 47, just to explain where something has been misunderstood.

MR SPEAKER: I am reminded that there is no question before the Chair, Mr Moore; so you will have to seek leave to make a personal explanation.

MR MOORE: I seek leave to make a personal explanation, simply to explain where something has been misunderstood - not to debate the issue.

MR SPEAKER: Proceed.

MR MOORE: Mr Kaine suggested that the health profession, in some way, is going to be forced to be involved. That is not the case. I will read proposed new section 20A:

> **Health professional may assign case**
>
> 20A. Where -
>
> (a) a health professional is unable or unwilling to comply with a direction or the request of a grantee under a power of attorney; and
>
> (b) the patient or that grantee consults another health professional;
>
> the first-mentioned health professional shall, at the request of the second-mentioned health professional, give a copy of the patient's medical record to the second-mentioned health professional.

There is no forcing of a medical professional to be involved. It is critical to me that medical professionals also have the choice. That is taken into account in the legislation. For that reason, I believe that the legislation is consistent with the Liberal Party's statement.

EDUCATION (AMENDMENT) BILL 1995

Debate resumed from 10 May 1995, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR STEFANIAK (Minister for Education and Training) (11.14): Mr Speaker, this Bill provides for, firstly, appeals by students against dismissal from a school on the grounds that the decision and/or the procedures prior to the decision to dismiss were unfair; and, secondly, similar rights of appeal for school students across the whole spectrum of government and non-government schools. The Department of Education and Training has prime responsibility for government school education. However, as Minister for Education and Training, I also have responsibility for registration of non-government schools.

The Government is satisfied that the current legislation with regard to public school education, together with departmental policies on management of student behaviour and on suspension and exclusion, adequately address concerns about the right to appeal. The Department of Education and Training has a comprehensive policy and mandatory procedures for school principals to follow in relation to suspension of students. The principal of a government school has no power to expel or permanently exclude a student. This power resides solely with the chief executive of the department. There is a comprehensive process outlined in the policy which must be followed. To my knowledge, there has not been an exclusion from the government school system in recent times.

The policy and mandatory procedures on suspension of students are transparent and responsive to the rights of students at every stage. It is important to remember why such a policy is necessary. In government schools, a short suspension of up to five days is the final stage in a comprehensive student welfare and management process. Suspension is to be used only as part of an educative and rehabilitative mechanism, not as an up-front punitive response; and this is how it is used. It is a time-out period where the offending student can take time to reflect on his or her behaviour and think about how they can move on through their schooling. Suspension is used only when the behaviour of a student seriously interferes with their education and, just as importantly, with the opportunity of other students to learn.

The mandatory procedures have many safeguards built into them which provide for natural justice and full accountability to the student in question, the student's parents, the school community and the education system as a whole. An external review process is entirely superfluous, particularly if it is a heavy-handed, expensive, legalistic tribunal, as will be the result if this Bill becomes law. Further, this legislation and these policies are founded on the basis of fairness and the expectations of a reasonable person with respect to perceptions of justice and a fair hearing.

However, there are differences between public and private schooling in terms of a contract between the school and student. These differences have been discussed in a number of relatively recent Australian court cases. In a fairly recent case, Justice Blackburn found:

> There is no rule or principle of law from which it can be made out that the principal of a private school has to act, or acts in a quasi judicial capacity and therefore has to apply rules of natural justice.

The public education provider is obliged to enrol students between the ages of six and 15 years, with powers of exclusion resting only with the chief education officer. Parents enrol students in non-government or private educational institutions on a contractual basis under which, together with the payment of a fee, they agree to abide by the rules of the school. By means of the publicly administered registration process for non-government schools, these rules, including pastoral care provisions, are open to independent scrutiny, which provides parents and students with additional safeguards.

Earlier this year the Government approved new guidelines for the registration of non-government schools which strengthened accountability arrangements for pastoral care and the discipline of students. This process provides the flexibility not available in legislation to take account of the particular ethos in the wide range of non-government schools we have in the ACT. For example, Catholic schools have been established and are supported by the Catholic community because of their religious emphasis. Similar philosophical or religious convictions have motivated the establishment of other private schools. In 1993 the Catholic Education Commission thoroughly reviewed its student welfare policies, considerably strengthening them to ensure a higher degree of accountability to their community. To interfere, through legislation, with the pastoral arrangements associated with this ethos would have the potential to interfere with the basis of parental choice in education.

In summary, I believe that the current legislation, including recent amendments to the guidelines for registration of non-government schools, satisfies the need of all educational communities in the ACT. The Bill before us has the very real potential to create a situation in schools which would render exclusion a purely punitive measure. The complicated review procedures it proposes are unnecessary and will mean that exclusion will be used as a last resort only. This will undermine schools' ability to implement effective behaviour management while simultaneously putting the interests of those students who are not involved in disruptive behaviour at risk. We have, after all, a responsibility to act in a fair and reasonable way towards all our students. Policies and procedures which are already in place do this in a way that takes account of the interests of all involved in student management and care. Accordingly, Mr Speaker, the Government does not support the Bill.

MS TUCKER (11.20): Mr Speaker, the Greens will not be supporting this Bill. We do sympathise with Mr Moore's sentiments. However, we believe that it is not appropriate for the Assembly to take such drastic measures to deal with the problem. Our main reason for opposing this Bill is the question of imposing upon a school a bureaucratic system that may contravene the individual philosophy of that school.

We do have a government and non-government schooling system in the ACT. People have a choice. We have a good government schooling system. If a non-government school is preferable for any reason, then part of the decision to send a child there, for better or worse, is the philosophy, including the disciplinary system, of that school.

This proposed board of review is intended to apply to both the government and non-government school sectors. As Mr Moore said in his presentation speech, we already have an appeals mechanism for suspension, transfer or expulsion, although this is only a very last resort, in the government schooling sector. As neither the Australian Education Union nor the P and C Council has expressed strong views to the Greens over this issue, we trust that this mechanism already operates satisfactorily. Moreover, as Mr Moore said in his explanatory statement, many schools in the non-government sector have already put in place their own appeals mechanism, and we encourage others to do so.

We have some concerns that if this right to appeal is entrenched it is only the beginning of dealing with the problem. One fundamental principle of the Greens is to deal with the core of any particular problem, rather than where the problem may eventually be manifested. This is why we are wholly supportive of early intervention policies. They aim to address behavioural problems, for example, before these problems lead to the need for expulsion. If we legislate to introduce an appeals mechanism into non-government schools, should we not then have input into the curriculum of these schools to ensure that they introduce prevention measures, including comprehensive early intervention measures? My argument here is: If this Assembly sees fit to deal with the end result of a problem that stems from behavioural concerns, should we not also legislate to introduce programs which address the root of the problem?

Although we will not be supporting this legislation, I would like to commend Mr Moore for putting the work into it. As I have said, Lucy and I do not believe that a legislature should impose this process on the non-government school sector. However, the very act of bringing this issue to the attention of the Assembly has raised the profile of the issue. We note that the Catholic schooling sector has put in place its own suspension and expulsion policy, which includes an appeals mechanism. We are strongly urging the Association for Independent Schools to follow this lead, as it would not only increase their credibility to consumers but also give more certainty generally in the sector.

MS McRAE (11.23): Mr Speaker, the Opposition will similarly not be supporting Mr Moore's Bill. We endorse the sentiments and understand the concern that drives Mr Moore; but, having received representations from the independent school sector and having given it considerable thought, we see no reason at this point to support the Bill.

MR WOOD (11.23): Mr Speaker, I want to make some comments, as the Minister at the time Mr Moore introduced his Bill. I recollect that it followed the expulsion of some students from Canberra Grammar School. I think Mr Moore has gained something by proposing this Bill. He made the point that the Catholic education sector had introduced new processes in response, although they already had some. The independent schools also, I know, have been looking at it.

Ms Tucker made a point about early intervention, and that is the point that concerns me. Early intervention was evidenced recently at the Girls Grammar School, that is, they kicked out a five-year-old who was pulling hair. That is not exactly the response we would expect. Particularly, it is not the response we should expect because I imagine, although I have not checked it out, that that child is now attending a government school. Government schools are open to everybody, and we will take that child on willingly and well. However, I think there are occasions where, because of the smaller system, independent schools cannot as readily pass students from one school to another, and it comes back to the government sector to pick up a particular case. I know that the Catholic sector, because of its size, is able to do the same as government schools when there are problems, which are handled often by sliding students around schools. Independent schools are not quite large enough to do that, and I make the point that it is the government sector whose excellence picks up those students and, I hope, turns them into top quality products.

MR MOORE (11.25), in reply: Mr Speaker, in rising to close the in-principle stage of the debate, I would like to take on a couple of things members have said. First of all, I draw members' attention to the fact that I believe that they have confused autonomy with autocracy. There has been no attempt in this legislation to interfere with what goes on in schools, other than to do what is consistent with Justice Blackburn's finding that students are entitled to natural justice, which Mr Stefaniak pointed out.

Mr Stefaniak in his speech indicated that he believed this legislation to be expensive and legalistic. It is neither. That is simply a way of avoiding the issue. Mr Stefaniak, you know that this Bill was drafted at a time when our self-government Act made it quite clear that we could not expend money, and from a government perspective it is cost-neutral. From the perspective of a student or the family of somebody who has been suspended for over 10 days or expelled, this will be a much cheaper way than going through the Supreme Court, as was the case when an issue had to be raised. I understand that there is a case with respect to Geelong Grammar, and a number of parents are taking that school to the Supreme Court. To say that it is expensive is simply not true, compared to the alternatives. To say that it is legalistic is also not true. The whole point of the exercise is to avoid natural justice claims, which are much more difficult to prove, going to the Supreme Court, and to deal with the issue at hand.

To suggest that it interferes with parental choice is also absolute nonsense. The difficulty parents have is that they choose a certain education for their children. In the case Mr Wood mentioned that occurred around the time I originally drafted this legislation, half-a-dozen or so boys were expelled from Canberra Grammar without any appeal mechanisms at all other than to the Supreme Court. Mr Wood also drew attention to a very recent example where a five-year-old, for heaven's sake, could not be managed by a school. I have to ask what kind of school can possibly get to the point where they boot out a five-year-old kid - with no appeal mechanisms.

The legislation members have in front of them today makes quite clear that it is not dealing with just the end of the problem, and this takes me to the issue raised by Ms Tucker; it deals with the fundamental issue of how you avoid such problems. When an autocratic and autonomous school knows that there is a process of appeal that may be followed, they look at how their mechanisms work. It is quite clear from

the legislation that an appropriate process has to be followed, which was not followed at Canberra Grammar School three years ago and which was not followed at Canberra Girls Grammar just recently.

It is the right of anybody in our society to have a reasonable appeal mechanism. Mr Stefaniak drew attention to the fact that the Catholic schools have reworked their appeal mechanisms since I originally introduced this legislation, and I believe that was an entirely appropriate system. If through the tabling of this piece of legislation the independent schools also have a reasonable appeals mechanism, then I will have achieved what I set out to do, even if this legislation fails. As some people say, there is more than one way to skin a cat.

It seems to me that natural justice is the most important issue being dealt with by this legislation, and it is access to natural justice through a cheap and accessible mechanism. That is what this legislation can provide, and I must say that I am very disappointed that members have not supported it. If the independent schools do not rapidly move to set up a reasonable appeal mechanism, then I shall be introducing this legislation yet again, and I will continue to do so until there is such community outrage at young people's futures being ruined by an arbitrary decision - a decision that cannot be challenged - that members see the need for the legislation. I hope that situation does not occur, because, if it does occur, it means that some young people have suffered and their future has suffered. Going into the work force or on to further study and then into the work force, having been expelled from a private school, particularly in Year 11 or Year 12, is not something a person can wear easily. It is not a minor issue, and when the situation has been dealt with arbitrarily, as was done at Canberra Grammar just over three years ago, then it is appropriate that the appeal mechanisms be accessible. They are not accessible for ordinary people through the Supreme Court. If the appeal mechanisms are put in place, then, although I will have lost this legislation, I will have achieved what I set out to do.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 1	*NOES, 15*	
Mr Moore	Mr Berry	Mr Kaine
	Mrs Carnell	Ms McRae
	Mr Connolly	Mr Osborne
	Mr Cornwell	Mr Stefaniak
	Mr De Domenico	Ms Tucker
	Ms Follett	Mr Whitecross
	Mr Hird	Mr Wood
	Ms Horodny	

Question so resolved in the negative.

SPORT AND PHYSICAL EDUCATION PROGRAMS IN SCHOOLS
Proposed Government Inquiry

MS McRAE (11.36): Mr Speaker, I move:

> That this Assembly calls on the Minister for Sport and Recreation, Mr Stefaniak, to conduct the inquiry that the ACT Council for P & C called for before proceeding with any changes to the sport and PE programs in ACT Schools.

There has been quite a lot of discussion about the implementation of a new policy in regard to school sport, and I think the issues that are concerning people warrant an airing. Let me begin by saying that the Opposition has absolutely no problem with improving the level of school sport and the level of physical activity in schools. In fact, we would argue that we have a quite proud record of that in our schools, despite a lot of rhetoric to the contrary.

During the election campaign the Liberals issued what we can only say was a very good policy in regard to school sport, physical and sport education, and it won the hearts and minds of a lot of people in Canberra. Let me remind people of what was said, because quite clearly it was good, quite clearly it was supported, and quite clearly it carried a message that people wanted to hear. Let us remember what the facts were:

> Develop a joint approach to sports education.

That has been facilitated very easily because the Minister is the Minister for both; so full points for that. The policy goes on:

> Ensure that all schools, primary and secondary, have a Physical Education program in place.
>
> Raise the profile and status of physical education and sport within school communities, at both staff and student levels.

It then provides a few details, and continues:

> Support talented primary school children in interstate sporting competitions.
>
> Encourage teachers and parents to undertake sports coaching, umpiring and administration accreditation courses.
>
> Work with the Federal Government to foster and develop sporting initiatives in school, for example the Aussie Sports program.

That is something that we supported, everyone supported; it was not a problem. The problem comes because this was then translated instantly into a directive to schools that what this all meant, which was not ever spelt out publicly, was 200 minutes a week combined of physical education and sport. Nobody heard of the 200 minutes a week during the campaign; the detail suddenly landed as a directive from the Minister. In the long run, perhaps very few people would have a problem with that, and that will probably be where we end up. But, in the short run, we, along with many other people, have concerns that we believe should be raised.

The first report that Mr Stefaniak often quotes was done by Senator Crowley and raised some major concerns about sport and physical education Australia-wide. It was not a specific report about the ACT; it was an Australia-wide report. If you visit some of the schools in inner Sydney and inner Melbourne you can see why there are major problems. The school playground would be smaller than this chamber, for heaven's sake - not exactly something we copy in the ACT. So let us not get too excited about national inquiries and extrapolate every detail that was found to be a problem to the ACT.

Secondly, 1992 was a good long time ago for our school community and since then a great number of things have happened. The key learning areas have been implemented, and sport and physical education is one of the eight key learning areas which every school has undertaken to fulfil as an obligation. Although 1992 was not all that long ago, research has moved a long way, particularly in the area of fitness and health. The correlation between fitness and health is well known, but we now know a great deal more about genetic predisposition to obesity and about the greater capacity for physical fitness of some people and not others. So we are armed with a far better range of information about students, about fitness, about health, about sport, than we had in 1992. We also have a quite high level of ongoing concern about the level of involvement of women and girls in sport. However, all those factors do not automatically lead to 100 minutes a week, and I will come back to that.

Since that time in Victoria a report has been written by Steve Moneghetti for Victorian schools, and we commend him for that report. But, when the report was brought up at a national level, it was not instantly accepted by every Education Minister. Moneghetti is not an educator. The report is something further to add to our pool of information, but I do not see why it should be the instant blueprint for a solution to a problem that we yet do not know enough about.

We should be considering the problem in a great deal more depth in the ACT, not trying to impose a simplistic answer. No-one has ever shown me that 200 minutes each week, for everyone, irrespective of their physical state, is going to lead ipso facto to improved health. Health is a much more complex area. How can mental health be improved by running around an oval? We do not know. We do not know full details of the type of sporting activity that can be offered in schools and its effect on students. We do know that girls face a very high level of harassment. We do know that the development process of boys between Year 7 and Year 10 is markedly different. You can have within one class a boy who will weigh less than 30 kilos and a boy who will weigh more than 120 kilos. They are all in Year 7 and all purportedly able to do the same things. We do not know how to offer the best possible sports program for them; nor do we know that 200 minutes a week for each and every one of those children will produce the same results.

What we do know is that our schools have their own curricula and they have autonomy as to how best to manage their schools. We have given our educators the responsibility to develop a full and well-rounded student, which must include levels of physical activity; but it also gives them the discretion to allow choice and variation in that theme. What has been happening since the Minister first made his decree is that schools and parents and concerned community members have been trying to demonstrate how the schools solve the problem in each school and how they approach the issue.

We still do not have a full range of facts. Even the bland and easy statistic the Minister throws out, that in many schools Year 9 and Year 10 students do no formal physical activity or sport, does not have any basis once you examine the argument further. We do not know whether those students are actively involved in competitive sport outside of the school, whether they are actively involved in elite programs which prevent them from participating in sport in school. We do not know whether they go to aerobics every night and have taken personal responsibility for their fitness, which is ultimately the goal we want to reach, rather than relying on the school. Years 9 and 10 are extremely crucial years in terms of a child making decisions about where they are going to go for Years 11 and 12 assessment. They are positioning themselves, and we simply do not know why the students who opt out of physical education and sport have done so; nor do we know whether they are doing any alternative activity which is either equivalent to or better than whatever the school has been offering.

On top of that, we do know that the resources are simply not there. Perhaps the finger can be pointed at us and people can cry "Shame!". Okay; but just today I heard from a constituent that the Evatt Oval is no longer going to be watered and the activities that the Evatt school was going to undertake on that oval can no longer be undertaken. It is not as simple as saying that there will be 100 minutes of PE and 100 minutes of sport. It needs follow-through in terms of resources, and resources as diverse as water, proper maintenance of the surface, and facilities such as somewhere to park the buses - complaints I hear about in terms of access to sporting facilities. It is not as simple as saying to teachers, "Take these 1,000 kids out to do an activity for at least 100 minutes a week". We have a collective responsibility to ensure that those resources are there, and we know that the resources are not being maintained or kept up to a satisfactory level, even when this push is on to move more teachers and students to the sporting arena.

The other thing that has happened in recent years and that greatly worries everyone involved with outdoor education and sport is the far higher level of responsibility that teachers are expected to take, must take, for the security of their students. We witnessed in Canberra about four years ago a tragic accident in which a girl who was taken rock climbing was permanently brain damaged. The ripples from that accident have been felt throughout the entire ACT system. I have a brother-in-law who works in outdoor education in Victoria, and throughout the entire system in Victoria and everywhere else teachers are very wary of taking students anywhere where the level of physical damage could be high. Any rugby match fits into that category. Any cricket match fits into that category. Most sporting activity fits into that category.

Unless we have appropriate coaches and appropriate training so that the warm-up process and the warming-down process are correct, with the proper physical activity, the proper training, plus immediate first-aid on hand, we are putting our teachers into a situation where they are at risk. The risk of litigation is high; the expectation from parents is high. We have not seen anything that guarantees the level of resources teachers must have if they are going to markedly increase the level of sport particularly, but physical education as well. You can do enormous damage in a gym if you do not know what you are doing, particularly if an accident happens and a person is not trained expertly in how to deal with a spine injury or any other injury that can happen. It is not an issue that should be taken lightly and it is an issue for which we must see guarantees.

They are the sorts of things that have been mentioned since the Minister, quite rightly, raised the issue. I do not think anyone is complaining about improving the capacity for students to be engaged in physical activity in school. The Opposition is not opposed to increasing and improving that capacity. What I am concerned about is that not enough attention is being paid to the very serious issues that are being raised across the board. In particular, I thought the ACT Council of P and C Associations offered a very sensible process to be gone through at this point, which would lay to rest the sorts of concerns I have and would give us a more comprehensive and thorough basis on which to look at whether 100 minutes a week of PE and 100 minutes a week of sport is the answer to the problem.

Maybe - let us be personal about this - some good nutrition classes when I was in Year 11 would have done me a lot more good than the compulsory sport I took part in. We know that girls have a problem with diet. We know that girls have a problem with self-esteem. Having me run around an oval did not solve my problem at that point. What I know now about diet and nutrition is quite different from what I knew as an embarrassed, fat Year 11 girl, let us be frank. It is those sorts of issues that we have not begun to look at in any detail.

The P and C Council is calling for a more comprehensive analysis of the factors contributing to the problem, which will identify the problem, with that review to be undertaken with all the interested parties, instead of all of us playing catch-up games. May I say that I have never received a bit of paper from the Minister in regard to these initiatives. I have never received correspondence on it or any briefing. It is a catch-up game from every different group that is working in it, whereby gradually the sector gets together and finds out what is going on. I do not think that is good enough. There is a lot at stake that is of great importance to every student who goes through our schools, and I call on this Assembly to support the call by the Council of P and C Associations. They are not calling for the measures to be stopped. They are not calling for a decrease in sport. I know that they are wholeheartedly behind improving and increasing the level of physical activity and the level of attention to personal health, fitness, recreation and involvement in sport.

We need a comprehensive analysis of the ACT situation, of what ACT schools want, of what ACT parents want, and of what ACT students want. We want to know why students are opting out - whether they are thoroughly engaged in other activities and see their opportunity at school to do other subjects that they find more interesting and do not

need to do sport. With the very serious problems of health and obesity, is this the only solution? Do we need to look at a wider range of things so that the people who are at a health risk from inactivity are given the appropriate experiences at school, not simply forced to undertake physical activity which they find distasteful, for which they cannot see the reason, and for which they end up not thanking us. We want our students to come out well trained in this area.

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation) (11.52): I have listened with interest to what Ms McRae has said. I think virtually all of the concerns she has raised have been taken into account, are continuing to be taken into account and have been raised - - -

Mr Berry: By whom?

MR STEFANIAK: By the department, Wayne, and also by me. There has already been considerable consultation. A number of groups have seen me, from principals on.

Mr Berry: In Victoria.

MR STEFANIAK: No, not only in Victoria; in the ACT. The points Ms McRae raises have been raised and are relevant and are ongoing concerns.

Let us get back to where this all started, which was the Senate inquiry into PE and sport in schools, which included the ACT. In a statement on the summary of findings and recommendations, the Senate committee concluded that physical education was being dramatically reduced throughout schools in Australia and that there was a lack of political commitment to address the problems associated with the provision of quality physical education. Ms McRae is asking for a system-wide task force incorporating relevant expertise and a further inquiry, effectively. On the face of it, if one did not know the facts, that might seem reasonable. However, in all the circumstances, setting up a task force to formalise policy development, consultation and the implementation of new initiatives is not really necessary, because virtually all the groundwork has been done. We do not need to reinvent the wheel.

The Government is able to base its plans and its hopes on a number of extensive reports: The 1991 Australian Sports Commission survey; the 1992 Senate report on PE and sport in schools; the 1992 Aussie Sports report; the 1993-95 ACT Government PE and Sport Consultative Committee report; the Australian Secondary Principals Association's sport education policy; and the Moneghetti report into physical education and school sport in Victoria, which Ms McRae has already referred to. We can see that in a real sense the research has been done, and I think it is time to see how we can implement something that is going to work.

Mr Berry: All the evidence says that we are doing it right here.

MR STEFANIAK: The evidence unfortunately does not, Wayne. Why do you not ask Joan Perry, representing ACTSport, and maybe even people in the department too, about how we are not necessarily doing it right and how we can do it better?

Mr Berry: I look at the figures. Which State or Territory has the highest participation rate in Australia? The ACT.

MR STEFANIAK: But which State does not in schools, Wayne? There is a real problem there. We are probably in danger of losing that.

MR SPEAKER: Speak through the Chair, gentlemen.

Mr Berry: It has the highest participation rate in the whole community.

MR STEFANIAK: Mr Speaker, I listened to Ms McRae in silence. I would appreciate the same consideration from Mr Berry. I point out to Mr Berry that the 1993 ACT Government PE and Sport Consultative Committee report was completed in 1993 and Mr Wood accepted the principles of the report in 1994. Two of the principles in the report were compulsory physical education until Year 10 and interschool competitions, which is effectively what we are proposing. Under Strategies, 1.4 states:

> Daily or equivalent PE Classes pre - 10 Compulsory 11 - 12 elective.

Under Timeline, it refers to starting in 1995, with action by schools. Further on, 1.7 states:

> Primary School Sports Association and Secondary School Sports Association explore possibilities for effective Interschool and Inter-District/Zone sport programs.

That was for implementation before the end of 1993. Those two things are in a report accepted by the previous Government; but, unfortunately, it did not progress it. It did not progress a number of things. For example, Ms McRae mentioned Evatt Oval. That was one of the low-maintenance ovals resulting from ALP action last year. So the former Government's own report basically backs up what I and the Government have been saying in relation to this. It is time to see how we can implement the best possible outcomes for our school students up to Year 10, in line with all these reports. Incidentally, if Ms McRae was serious about this motion she would not have lodged it at 5.00 pm the night before the debate started. I wonder whether she has even talked to the P and C in relation to it.

I have drawn attention to that report. It is a pity that it was not implemented properly. PE is not compulsory up to Year 10 now; that report indicates that it should be. The P and C Association, to my understanding, thinks it should be. Certainly, the PE Teachers Association does. I do not think there is necessarily any argument about that. The argument now is not that we need to send this off to another committee, which would take forever and delay further any improvement; the argument is on how we go about it. This Government, unlike the previous Government, is going to act on the research that has been done into school sport and PE. We intend to try to change things for the better and not simply sit on our hands. We are on about improving things, and this means taking action when the time is right.

We have had a number of discussions with various people in the department and various groups, including the P and C, the PE teachers, a number of individual primary and secondary teachers, constituents and other members of the department. The sports unit, having gone to Victoria, is currently drawing up a series of options, which I understand I will have within the next few days. It is intended that those options will then go out to the key stakeholders and, indeed, anyone else who is interested. I am very keen to ensure maximum consultation now as to how improvements can be made. Schools are different - some have very good programs; some have very few programs at all - and there are a number of factors that need to be looked at. These factors have certainly become apparent to me as the relevant Minister over the last few months. I do not think we can have simplistic solutions here, but it is utterly important that we improve the situation.

Moneghetti came up with some pretty sensible timeframes and timelines in relation to children from kindergarten through to Year 10. However, I have not seen the draft proposal. That has not gone through further consultation, and it needs to do so. We need to see what is the best way of making the necessary improvements to make sure that it works in our system, and that is the next stage. I would encourage not just the few members of the Assembly I have spoken to who are keen to assist, but all members, to contribute in this stage, especially members such as Ms McRae and Mr Wood, who have expertise and experience in this area in either their previous lives or their Assembly lives. Mr Wood, of course, was a Minister at the time this document came out. I think it is important that everyone should be involved. This should not be something on which people try to score cheap political shots. I could do that by saying that the previous Government did very little in relation to this and we are doing something, but I think the most important thing is to see that improved PE programs and sports activities are given to all children up to Year 10.

A number of people have said, "You just want competitive sport". I have never said that. That has never been the Government's intention. There will always be some kids who want to play competitive sport, but there will be a hell of a lot who do not want necessarily to engage in that form of physical activity. There are numerous types of activities, good physical activities, that suit children who may not enjoy playing soccer, netball, rugby league, rugby union, Australian rules, cricket or the other more traditional sports.

Mr Kaine: Billiards.

MR STEFANIAK: That is possibly not terribly physical, Trevor, but a lot enjoy that. A lot enjoy bushwalking. A lot enjoy things like rock climbing. A lot enjoy cycling. There are any number of good physical activities that help kids appreciate the need for a healthy lifestyle and set them on the way to achieving that. Things have changed from what was offered by schools 20 or 30 years ago, when some of us were at school. The options then were far more limited. It is important to realise that, whilst interschool sport and competitive sport are very important, and of course improvements can be made there, we are primarily concerned about those 30 or 40 per cent of kids, especially in their high school years, who are doing little or no activity. The Senate inquiry report indicates

that in many instances they are overweight and have real problems, and we need to get them active and, ideally, active in something they are going to enjoy. They might then be encouraged to continue the activity into later life, and we will avoid the problems that some of us may have had when we went through school.

The department is currently finalising its draft implementation series of options. As I have indicated, those will be put out for formal consultation with all the stakeholders, and I would welcome contributions by members of this Assembly. This is a terribly important area. What is more important than the health of our children? It is recognised by all governments as being one of the eight key learning areas.

Mr Berry: But 200 minutes of compulsory sport?

MR STEFANIAK: That was a quite sensible recommendation by Moneghetti, but let us see what the Department of Education comes up with. Let us see what further discussions reveal as to the best system to implement in the ACT and what can best achieve our aims. The Government is keen to get something up and running that works, and works well.

Mr Berry: Where is your courage? Have a proper inquiry. Do not base it on your ideology, Bill. Have a proper inquiry that looks at the facts.

MR STEFANIAK: We have had a number of inquiries. How many inquiries do you want, Wayne? We can have inquiry after inquiry after inquiry and do absolutely nothing, and that is the problem. You want to cover up your inactivity. Let us do something now.

Mr Berry: You are locked into a compulsory school sport ideology. You have a mind-set on it.

MR SPEAKER: Order! Could we have the Marquess of Queensberry rules.

MR STEFANIAK: I do not have a long enough reach for that, Mr Speaker; nor has Mr Berry.

Mr Berry: I will stop gouging if he stops scratching.

MR STEFANIAK: As long as we do not knee each other in the head, Wayne.

MR SPEAKER: Continue, Minister.

MR STEFANIAK: Thank you, Mr Speaker. Let us actually do something now. There has been a lot of input, a lot of surveys, a lot of reports, a lot of work done this year, which have highlighted a number of problems and a number of points we have to look at in terms of implementing any plan. Ms McRae has raised a number of points, which of course are considerations in terms of anything we do; we realise that.

It is now time to let the department get out its proposals and have consultation occur in relation to those. Let us hope that we come up with something that, ideally, we are all agreed on and that will improve dramatically the status of PE and sport within our schools up to Year 10. I think that is terribly important for our children. It is something that all these reports that have been done in recent years have highlighted as being a problem and something that has been slipping against other subjects in the curricula. There are a number of factors we will look at, but this Government is very keen to ensure that this terribly important area of our children's education is attended to. I welcome any constructive comments and any assistance from other people in this chamber. But now is the time to do something, rather than just shove this off to another committee and delay it for an extra year, or however long it would take.

MS TUCKER (12.05): Mr Speaker, the Greens have tried to get this motion off the notice paper today because we do not believe that it is constructive at this stage to politicise the issue of school sport. We are totally in favour of open discussion and community input, and we believe that that has been happening. This is about the wellbeing of students and also about the development of cooperative processes in this place. I personally do not believe that it is totally incompatible with the Westminster system. It is clear that to date Ms McRae has not had the opportunity to talk to Mr Stefaniak; so she feels that this is the appropriate action. There would have been a place for Mr Stefaniak, I suggest, to have talked to Ms McRae before this and to have given her a better briefing on what is under way.

Mr De Domenico: She knows where he is. She should have rung him up. Did she ask for a chat?

MS TUCKER: I think both parties can take responsibility for that. We are not supporting this motion, but not because we do not share the concerns of Ms McRae and the ACT P and C about the draconian nature of the original policy. We also agree that ill-considered implementation of increased sport programs could produce an unintended counterproductive outcome. While the Greens welcome a commitment to improving the physical wellbeing of our students, it can have negative effects, particularly on girls. I am particularly concerned about the impact on the self-esteem of girls by imposing inappropriate sporting measures, and I support the sentiments expressed by Ms McRae. I also believe that there is a necessity to consider very closely the relationship between physical and emotional wellbeing. I have a problem with forcing kids to undertake competitive sport, although we have been assured by the Minister that this is not the proposal.

Aside from the proposals regarding sport, the Greens were also very unhappy with the back-to-front process, which originally involved bringing in the key stakeholders only at the final stage, rather than having input from the key stakeholders throughout the process. It is not good enough to come up with a virtually completed strategy and then ask for input on how it is to be implemented. While it is good to have a goal or outcome, it is our belief that the goal should have been to increase the physical fitness and enjoyment of attaining physical fitness of students, not the goal of 200 minutes of sport happening in whatever way, and I have made that point to Mr Stefaniak this morning.

We will not be supporting this motion, because we believe that this is not the appropriate time to be raising such a directive to the Minister. As I have said, we share all the concerns of the Labor Party, as well as some others I have mentioned; but we do not believe that it is constructive to the desired outcome and to students, parents and teachers to make this a highly politicised issue, to be reduced to numbers once again. Instead, we have sought an assurance from the Minister that he will improve the process and that he will listen to key stakeholders. I have a written commitment from him. As I said, we have this assurance, which I believe addresses all the concerns before us.

An options paper will be released soon, and this will be the beginning of an extensive consultation process with all stakeholders, including the Australian Education Union, the P and C and all MLAs. The process will include two round table meetings of all interested parties before a strategy for implementation is formulated with these stakeholders. I hope to have input, as I have strong views on this issue. I have received assurances from Mr Stefaniak that this process is taken seriously and will ensure that the concerns of the P and C Council regarding provision of essential information are taken seriously in the original options paper. These include access to baseline information about the extent of physical fitness in schools and the scope of programs already in place.

I believe that it is counterproductive to achieving a desirable outcome for all to put this motion up before this process is tried out. If it fails, then I would strongly encourage this Assembly to consider a motion along the lines of the one we have before us. However, we do not need another inquiry now if there is a commitment from the Government to conduct the necessary consultation. I understand that much of the baseline information already exists and I have been looking at it for some time. At a later date, if sufficient information is not available to key stakeholders and gaps are found in the information base, then it would be time to look at the issue in more detail again. We also understand that an initiative is being pursued to seek Commonwealth funding for a program of sports trainees in schools. I understand that this does already have widespread support. If, through a cooperative approach to the issue of sport in schools, we can come up with an outcome that all stakeholders are happy with, this will complement such a trainee program and will allow for more individual attention to students in our schools.

MR WOOD (12.10): To respond quickly to Ms Tucker, she said that she did not want to engage in the politics involved in a debate in the Assembly, but she then proceeded to give Mr Stefaniak a short serve about the processes he had adopted and pointed out how inadequate they were. So she actually did engage in that debate. I think the Greens may discover over a period that this Assembly is actually a good place to have that debate to make those sorts of views known directly to the people concerned, whether on that side or this side or the crossbenches. There is a deal of commonality in what we say here. There is broad agreement about the importance of activity, of fitness, of sport in schools. We all agree with that. No-one yet has disputed that. So, in the end, it may be that Mr Stefaniak comes back to the fold and emerges with sensible propositions. I am sure that as he listens further to advice he will do so.

There has been a view expressed in the ACT in the last few years which seems to say that there is no sport in school or it is entirely inadequate or there is very little of it. That is a view much expressed by ACTSport, and they are entitled to do it. They are a body to promote sport; so, if anyone is going to say it, they will. I had disputes with that body when I was Minister, and I did not believe on every occasion that they presented the case entirely accurately. Physical activity is very much a part of school life. As a consequence of that, it is well accepted now into the eight key learning areas. It is there, and as we redefine our school syllabus - a process that has happened and has now been incorporated into schools - sport will continue to occupy the role it always has. Sensationalising the issue, as occurs in the ACT from time to time, will not do anything to promote the cause.

Mr Berry made the point, by way of interjection, that participation in sport in the ACT is at a level higher than anywhere else in Australia. Something good must be happening to produce that data. It is unquestionably the case, so what is wrong? I would argue that, as with any area of study in our schools, we must constantly look to see how it may be further improved, and in this respect I would encourage the activity that Mr Stefaniak is now engaging in. He was not always so well advised. He rushed into this and came out with ill-considered ideas and, indeed, ill-defined ideas. People had trouble understanding exactly what he meant. It is only now that some of the details are emerging and it is only now that some of the discussion that ought to have occurred earlier is happening.

Mr Stefaniak's approach to this issue as Minister, I suspect, is rather like his approach to his much beloved rugby. I understand that he was a forward of some note, a line-outer and breakaway - is that the term, Mr Stefaniak?

Mr Stefaniak: Second rower.

MR WOOD: Second rower. The ball is there, and Mr Stefaniak's role was to get into that scrum, head down, tail up, and go for it; emerge from that and get into another scrum five metres away down the field. I suspect that when he came into this job his approach to this issue was much the same - get in there and, without a great deal of thought, go for the target and see what result comes out.

Mr Whitecross: He tackles them before they have the ball, though.

MR WOOD: He was setting out to scatter the opposition. He certainly did it with no regard for that much acclaimed word “consultation”, which his Chief Minister never stopped talking about in her days in opposition. He just went out there and did it. That consultation is now happening retrospectively.

Mr Stefaniak: Do not judge everybody by yourself.

Mr De Domenico: Bill sat in the back row of the stand.

MR SPEAKER: Order! Some Government members are offside at the moment.

MR WOOD: They often are, Mr Speaker. We are now hearing the Minister talking about the department putting out options. Mr Stefaniak is meeting with interested groups, and I think a little more sense is probably starting to emerge. He would perhaps deny it now, but it seemed fairly clear at one stage that he wanted one afternoon or morning or some part of every week set aside for interschool sporting competitions. I think that foolish notion, if it was there, and I will be generous to him - it was there? - has certainly been buried now; is that the case?

Mr Stefaniak: Let us see the options, Bill. I have not seen them yet.

MR WOOD: I suspect that those options will not be forthcoming on that because the Minister has been told quite clearly that school timetables, apart from anything else, are not geared for that sort of arrangement; nor perhaps are there enough buses, and certainly there are not enough interested students to engage in such activity. So we may get something rather more sensible.

Part of the debate earlier, and I am pleased that it is not emerging in this Assembly - I do not think it is part of Mr Stefaniak's thinking - concerned elitism in sport. There was that element from ACTSport, I believe, earlier on; but I am pleased to say that it is not emerging in our schools. The view that is expressed here and the view that is generally agreed is that we must look to physical activity for all our students. Bushwalking, I think Mr Stefaniak said, is as fine as anything else, if you do not fall over the cliff, and Ms McRae pointed out that supervision is a very large issue. Getting that activity from all students and then seeing it as part of their whole life is very important. I think there has been success in that. The fact that we are a very participative community in terms of sport makes that point. Obviously, in Canberra people are carrying these habits into their adult life. It may be that the process is rather more back on track.

The inquiry is a sound idea because it will ensure that the views of all those people who have interest and knowledge and concern in this area are very carefully heard, and that is the point I should finish on. There was a time when people were not being heard on this, and we need to listen carefully to what all those participants - the students, the parents, the teachers - have to say on the matter.

MR OSBORNE (12.18): Mr Speaker, being a person who prides himself on his physical fitness, I had planned to cover this topic in more detail in my reply to the ministerial statement Mr Stefaniak made back in May on Government support for sport and recreation. However, I will make a few brief comments now. The motion before us is a call for, and I quote from Richard Scherer's letter to the *Canberra Times*, "a comprehensive inquiry to examine the full extent of the problem of students' fitness and health in the ACT". That is something I agree with. All sides in this issue have the same starting point, namely, that something needs to be done to change radically the level of general health and fitness of our schoolchildren and that these changes need to be good value for money and long lasting. That much cooperation at least is very encouraging.

Mr Stefaniak has outlined in the past couple of weeks some changes to the health syllabus that he would like to see in place next year, and here it seems that everyone parts company. The problem, it seems, is not the goal but, rather, how to get there. Coming from a school where we had compulsory sport, or Thursday afternoon sport, I must say that I am somewhat biased in that department.

Mr Moore: For or against?

MR OSBORNE: For. I survived the Christian Brothers school. I do not agree that children, whether male or female, should be forced to take part in competitive sport. However, I do agree that all children should be exposed to some form at least of physical activity.

There are two important points to consider in looking at the Minister's proposal and this call for an inquiry. The first is that eight inquiries have already taken place in the past four years, some of which have had Canberra's children as their only focus. We hardly need another inquiry to tell us what we already know. I know how I feel when my daughter asks me a question nine times and I give her the same answer. The second point to consider is that the Minister has also announced the formal consultation process, which will begin next month, for interested groups to join in. This consultation is there to provide the parents and various school groups, including the P and C, with the opportunity to have their say and to help refine the proposed physical education package. I encourage interested groups to take full advantage of this opportunity. Mr Speaker, for these two reasons, I will not be supporting this motion.

MR MOORE (12.21): Mr Speaker, the motion before the Assembly provides for an appropriate amount of consultation before proceeding. It is interesting to me that a number of members of the Labor Party have stood up and said to the Minister, "You have had no consultation at all. You floated an idea and then you just pushed it". In fact, that is not my observation at all. To say that none of us can float an idea without going to consultation first is not reasonable. The consultation process has to start at some point. For the Minister to have raised the notion of compulsory sport and then forced that through and ensured that there was compulsory sport in schools would have meant that there was no consultation. In fact, I have noted this morning a letter that the Minister has written to Ms Tucker with reference to this issue which will achieve the things Ms McRae has put in her motion. I think the motion has served a very important purpose in bringing this issue before the Assembly and ensuring that the level of fitness of our students is increased. The health of our students, in the very broadest sense of ensuring the healthy way they play and improving general health and fitness, is the issue that is being dealt with.

I am pleased that the Minister has moved from his original position. We can cover that in one of two ways. We can say that the Minister has done a backflip and has backed down and therefore in some way is an incompetent politician; or we can colour it in a different way and say that the Minister has put an idea out to the community. He has been prepared, under community pressure, under consultation, to move his position and to listen to what is being said. I must say that at this stage, perhaps because we are so far from an election, I am happy to put the latter complexion on it.

I have had a number of discussions, albeit fairly brief, with Mr Stefaniak on this issue and indicated to him that, while we all share the goal he was looking for - the general fitness of students - the way he was going about it was not necessarily the best way. Involving the ACT P and C, the teachers and the students, and the process that has now been developed, will enhance what we are trying to achieve, and we will see the development of further fitness for our students. That being the case, I think the process, which I will be monitoring, will turn out to be a very good one.

MS McRAE (12.25), in reply: I thank members for their contributions. The irony of the situation is that what the Minister has announced today is exactly what the P and C Council wanted, and it did not happen from the very beginning. I have a letter dated 10 August, written to a school, which says, amongst many other things:

> To this end, all secondary schools will be required to provide a minimum of 100 minutes of physical education and 100 minutes of timetable sport per week for all students in Years 7 to 10 from the start of the 1996 school year.

Is this an option? Is this a discussion? Is this a round table? Is this a fair discussion of the issues before us? No, it is a directive - a directive that this will happen beginning in the year 1996. I had to put the motion on just to get this debate up, to bring the concerns together. It is my public role to ensure that the concerns that are in the community are raised at a public level. All the community discussion we had, all this consultation that is supposed to have occurred, resulted in a letter written on 10 August saying, "You will do 100 minutes of sport and 100 minutes of PE at the beginning of the year 1996".

Is that the outcome we want? How do we know that these 200 minutes are going to make fat girls fitter? We do not. How do we know that we are offering a fair alternative to children who want to do languages, maths, science, English - who want their full choice of subjects? I know, having lived the life I have, that fitness and physical health are crucial elements of one's life. I have brought up three sons and I know about these issues as well as anyone else. I do not need 500 million reports, as no-one else does. But what I do know is that you do not ram through a solution before you know what the specific problem is. This solution says, "You will do 200 minutes of sport in Years 9 and 10". Anybody who has had a child going through Years 9 and 10 knows how crucial those years are, what sorts of choices there are, what sorts of things happen to those children. Anyone who has had a 30 kilogram-boy going through school with a 120 kilogram-boy knows what ridicule those boys go through.

How dare we come through with a solution and then come into the chamber and say, "We are going to put up options. We are going to have a round table. We are going to discuss it further."! Why do we discuss it further today? Only because finally enough people are saying, "Hang on a minute; we are talking about children's lives". Of course we want them fit.

Mr Stefaniak: We were always going to discuss it further, Roberta; you know that.

MS McRAE: You were always going to? Then why is a letter written saying that there will be 200 minutes a week? This is what is driving teachers mad. It is not that they want or do not want to do PE and sport; they all do. What is driving them mad is that we are getting a simplistic solution to a complicated problem.

Last week I walked into a school and found that one girl was being removed from her home because her father had battered her nearly to death; she was going out to foster parents. How is 100 minutes of PE going to help that child? Why is forcing her onto a sporting field going to help that child? That is the complexity of what we are dealing with in Years 9 and 10. How do we know why some kids will not participate? They have a range of serious problems they are encountering in those years, and putting through simplistic solutions will not help. We do not have compulsory anything else. There is no compulsion for a school to do 100 minutes of English, 300 minutes of science, 500 minutes of anything. The school works out its curriculum around eight key learning areas, and this is one of them. The schools have their own solution. The schools have their own way of dealing with those issues, and for a Minister to impose a simplistic solution that will not address the specific problems is outrageous.

To be fair, to get the endorsement today that this consultation is happening is exactly what I wanted. I never asked for a year's inquiry. I never asked for some long, complicated process. I never asked for anything to stall anything. I began my speech by saying that the Liberal policy was a good one and that people supported it. What I am angry about is that we do not know. I am fully allowed to be angry and I will continue to be.

MR SPEAKER: Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77.

Sitting suspended from 12.30 to 2.30 pm

DISTINGUISHED VISITORS

MR SPEAKER: I inform members of the presence in the gallery of Mr Peter Blackmore and Mr Peter Debnam from the New South Wales Parliament. Welcome.

QUESTIONS WITHOUT NOTICE

Mrs Carnell: Mr Humphries will not be present for question time today, Mr Speaker. I will take questions on the environment, land and planning and emergency services, and Mr Stefaniak will take questions on the police and Attorney-General's.

Student Assessment

MS FOLLETT: I have a question for Mr Stefaniak in his capacity as Minister for Education. I refer Mr Stefaniak to the issue of his interference in the assessment of a Year 12 student in our government school system. You have repeatedly said that you acted on advice in this matter. Can you explain whose advice you acted upon, and will you table that advice?

MR STEFANIAK: Firstly, I might ask the Leader of the Opposition what interference she is actually alleging. The matter she refers to, as I indicated yesterday, is an ongoing matter. There are privacy provisions in relation to it. But what exact interference is she alleging?

MR SPEAKER: Minister, I remind you that under standing order 116 questions may be put to a member, not being a Minister, relating to any Bill, motion or other public matter concerned with the business of the Assembly of which the member has charge. I am not convinced that the Leader of the Opposition necessarily has charge of the matter.

MR STEFANIAK: She is not very specific. As I indicated to the Leader of the Opposition yesterday, my involvement in this matter followed advice from my CEO. We have discussed the matter. It is an ongoing matter; it is a matter that is still current. I understand that there are further actions that are going to be taken and further actions that might be taken. There are privacy issues. It was a complex and difficult matter. As a result of discussions I had with my chief executive officer, and on the advice of the department, I did a number of things, and I think that was most appropriate in the circumstances.

I might note, in relation to extraordinary circumstances in relation to these types of matters, that there was an earlier matter in, I think, January, when the previous Government was still in power, where the procedures differed from the normal procedures. I think each case does have to be taken on its merits. On taking advice and having due regard to all the circumstances and all the persons I had talked to in relation to this matter, I caused certain things to happen. Events have subsequently superseded a lot of what has happened and, as I said, the matter is ongoing. It is a bit hard to table my chief executive officer.

MS FOLLETT: Mr Speaker, I have a supplementary question. It relates to the matter of advice that the Minister himself alleges he obtained, although he has been unwilling to table or produce any of it. In today's *Canberra Times*, Minister, you are quoted as saying that you sought advice from the Attorney-General's office. I ask: Who in the Attorney-General's office provided that advice? What was that person's qualifications for providing that advice? Why was the Attorney-General's Department bypassed?

MR STEFANIAK: Ms Follett, I do not know whether you need to believe all you read in the paper.

MR SPEAKER: Order! Minister, I would remind you that under standing order 117(c) questions shall not ask Ministers for a legal opinion.

Ms Follett: I have not asked for one.

MR SPEAKER: The Leader of the Opposition did not ask for a legal opinion, but I simply remind you of that.

Ms Follett: I asked for a name.

MR STEFANIAK: I think you might recall from yesterday, Ms Follett, that the Government Solicitor, who I understand is part of the Attorney-General's office, in the course of this matter gave advice to the chief executive officer which was discussed with me. It seemed to be sensible advice. It refers to part, I understand - - -

Ms Follett: You said that you sought advice.

Ms McRae: You said it. Do not mislead.

MR STEFANIAK: That is what the paper said. I think if you have a look - - -

Ms McRae: Check the *Hansard*, Minister. Read it carefully.

MR STEFANIAK: I am reading it carefully because I certainly would not want to do that.

Mr Berry: You are up to the knees. You will be up to the neck shortly.

MR STEFANIAK: I doubt it.

Mr Berry: Which one was it?

MR STEFANIAK: Which of you was it? Yes, indeed.

Mr Connolly: They are looking hungry on the backbench, Bill.

MR STEFANIAK: That is nice.

Mr Berry: This is quicksand.

MR STEFANIAK: This is quicksand, yes. You know all about that, Wayne.

MR SPEAKER: Mr Minister, would you like to revisit the matter when you have had a chance to look at the *Hansard*, so that we can move on with questions?

Mr Wood: Come on; this is unheard of.

MR STEFANIAK: It is not unheard of.

Mr Hird: Take it on notice.

MR STEFANIAK: I will take that on notice, actually, yes.

Mr Connolly: Is this going into extra time, Mr Speaker? Do we stop the clock for extra time?

MR SPEAKER: No.

MR STEFANIAK: Why do you not have a look at page 52? Mr Speaker, if they have a look at page 52 in relation to a question by Ms McRae they will see that I said:

> In terms of my involvement and the department's involvement, I have acted under very good advice, I believe, from my chief executive officer, who has also acted, I believe, under advice from the Government Solicitor's Office in matters.

Ms Follett: That is not what you said in the paper, though.

MR STEFANIAK: I do not write for the paper, unfortunately, Ms Follett.

Rescue Helicopter

MR HIRD: Mr Speaker, the scaremongering that goes on across there and all that wilful damage and complaint about - - -

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

MR HIRD: Mr Speaker, I have a question which I am sure will enlighten even the people opposite. They were there for 4½ years and did absolutely nothing and my question - - -

MR SPEAKER: Order! Ask the question, Mr Hird. Never mind the trailer.

MR HIRD: Thank you, sir. I am taking it off Mr Berry - - -

Mr Berry: I raise a point of order, Mr Speaker. In relation to Mr Stefaniak's response to the question, could you advise the Assembly whether the three minutes' silence will be recorded in the *Hansard*?

MR SPEAKER: There is no point of order, Mr Berry.

MR HIRD: That is typical. He had a white flag yesterday.

MR SPEAKER: Order! Just ask your question, Mr Hird.

MR HIRD: My question, sir, is addressed to the Chief Minister - and a wonderful Chief Minister she is, too, not like the last one, who sat on her hands and did nothing. I ask the Chief Minister, representing the Minister for Emergency Services, whether she can tell the Assembly whether there have been any - - -

Mr Berry: Where were you between half past 12 and half past 2? That is what I would like to know.

MR SPEAKER: Order!

Ms Follett: What did you have for lunch?

MR HIRD: Listen, Wayne, never mind about that. Do not judge everyone by yourself, Rosie. Have there been any developments on the issue of the rescue helicopter for Canberra and the region? That is very important.

MRS CARNELL: I certainly thank the member for his question, and I note that there has been a good deal of ill-informed speculation on this matter recently. Indeed, last week I heard a Labor member - in fact, I believe it was Mr Whitecross - interviewed on radio suggesting that the Government was about to ditch the commitment to the Canberra-based rescue helicopter and had shown "reluctance to go ahead with the plan". It was very hard, Mr Whitecross, to bite the tongue at that time, but we did. I am happy to inform the Assembly today that Mr Whitecross could not have been further from the truth. Boy, was it hard not to tell him at the time! I am delighted to inform the Assembly that the Government has reached an agreement with the New South Wales Government on the provision of - - -

Mr De Domenico: With whom?

MRS CARNELL: With the Labor Government in New South Wales, for the provision of an emergency rescue helicopter service for this region. At lunchtime my colleague the Minister for Emergency Services, Gary Humphries, met with the New South Wales Minister for Health and agreed on a position which would see the New South Wales Government transfer its funding component from one of the three Sydney-based helicopters to a service based in Canberra and servicing the ACT and south-east region. They have just made a joint announcement on this in Sydney.

As part of that process, the ACT Government will make a limited annual financial commitment which will not exceed $150,000 - not the million dollars that Mr Connolly was raving on about in the previous Government. The New South Wales and ACT governments will issue a call for expressions of interest this Friday, and potential parties wishing to provide a service have until 20 September to lodge their expressions of interest. After the expressions of interest process is complete, a formal tender process will be undertaken, probably in November, with the service to be operational from early next year. Initially, the service will be based at Canberra Airport. However, future moves to locate the service at another base, such as Woden Valley Hospital, certainly will not be ruled out. This service will provide primary emergency medical support and secondary

retrieval capacity for an area 70 times the size of the ACT. In our region some 700,000 people and over one million tourists will now be brought within an hour's flying time of the principal hospital of our region, Woden Valley. Those people have always had to rely on aeromedical support which was at least 90 minutes away.

Today's decision will enable potential tenderers to evaluate an offer by businessman Dick Smith, who has offered to donate a helicopter valued at $1.8m for either use or trade-in on a more appropriate helicopter. It is quite fair to say that Dick Smith's generous offer gave a big boost to this concept, which otherwise would have been a whole lot more difficult to fulfil. Today's decision also means an injection of about $1.1m a year from the New South Wales Government into the funding of a regional service - a contribution that will make the continued viability of this service well into the future much more certain. The Government is conscious of a 16-month trial offer from the NRMA CareFlight group which, it was claimed, would be at no cost to government. Some brief evaluation of this offer revealed that there were significant costs in infrastructure and paramedical support from both the ACT and New South Wales governments which would need to be met despite there being no requirement for an ongoing recurrent contribution.

The expressions of interest being called on Friday will seek expressions from organisations interested in providing the aircraft and aircrew side of the operation. The ACT and New South Wales ambulance services will be responsible for the provision of mission-based clinical support. The successful tenderer will have access to a vast ground swell of community support for this project. The level of community support this concept has generated has been quite overwhelming, and Mr Humphries has received many calls from regional businesses interested in sponsoring the service.

The announcement today by Dr Refshauge and Mr Humphries was made in Sydney, as I said, a short time ago, following a long series of meetings between officials of the ACT Emergency Services Bureau and the New South Wales Health Administration Corporation. The New South Wales Government has decided to implement the recommendations of the Reid Harris and Associates review into aeromedical services, which recommended that the three Sydney services be reduced to two and that a service be established in south-east New South Wales - - -

Mr Berry: Mr Speaker, I raise a point of order. I think we have given Mrs Carnell a fair go. Perhaps she might like to table it. If you have a little look at the standing orders, Mrs Carnell, you will probably find that it is more appropriate for a ministerial statement - - -

MR SPEAKER: I think standing order 118 is the standing order that you are referring to. It certainly concerns the subject matter of the question, but I ask you to wind up if you could, Chief Minister.

MRS CARNELL: The Reid Harris and Associates review suggested that the current three services that are based in Sydney be reduced to two and that one be based in Canberra. This recommendation essentially means that the ACT and New South Wales recognise that there is a priority in health care. This is one of a series of cross-border initiatives that this Government will be pursuing.

Mr Moore: I raise a point of order. Mr Speaker, you drew the Chief Minister's attention to standing order 118(a), which states that answers shall be concise, and asked her to wind up; but still we have a "ministerial statement" continuing. We are very delighted that the helicopter service is here, but if she wants to give those sorts of details she should make a ministerial statement.

MR SPEAKER: Order! I have asked the Chief Minister to wind up. Perhaps under the circumstances I should be asking her to wind down for a helicopter, but never mind.

Mrs Carnell: I have finished.

Mr Whitecross: Just on that point of order, Mr Speaker, I draw your attention to standing order 117(c)(ii), which requires that questions not ask for announcements of Executive policy. It is quite clear that that is what this question did and that the Minister's reply is exactly that - an announcement of Executive policy. While we welcome the announcement and it is an excellent result for the people of Canberra, I just - - -

MR SPEAKER: I do not uphold the point of order, in so far as it was not an announcement of Executive policy. It was certainly an announcement of an agreement which had been reached.

Mr Whitecross: Could I just clarify your ruling on the point of order, Mr Speaker? Are you saying that, if you issue a press release at lunchtime, then you can announce Executive policy in answer to a question because it was already announced in a press release?

MR SPEAKER: No. I said that I did not uphold your point of order because I did not believe that the answer was announcing Executive policy. It was a statement on an agreement between two governments which had been certainly - - -

Ms McRae: It is Executive policy.

MR SPEAKER: I do not regard that as Executive policy.

Health Promotion Fund

MR MOORE: Mr Speaker, my question is directed to Mrs Carnell as Minister for Health. Mrs Carnell, during the last Assembly you consistently brought to the public's attention and the attention of this Assembly your concern about the reduction of funds in the Health Promotion Fund, particularly in relation to the level of funding derived from the tobacco franchise. Can you assure the house that you will restore the level of funding of the Health Promotion Fund to its former level?

MRS CARNELL: Our policy, which will be implemented in the context of the budget, is to tie the amount for the Health Promotion Fund to a percentage of the tobacco franchise fee, which will actually produce a substantial increase in the amount of money available to the Health Promotion Fund, and hopefully later this year or early next year there will be a second round of funding. The first round of funding took into account only the money made available by the previous Government, which had decreased every single year. There was less and less money available for the Health Promotion Fund. We will tie the funding to the tobacco franchise fee, which will give us a substantial increase. Later this year we will also be tabling legislation, as we promised in the election campaign, to make the Health Promotion Fund unit a separate statutory body so that it can actually control the Health Promotion Fund and we can have some forward planning in this important area.

MR MOORE: I ask a supplementary question. Chief Minister, I wonder whether you could make clear whether the increase you talk about in the Health Promotion Fund will take it back to its former highest level in percentage terms or whether you are going to continue it at one of the lower levels that were introduced by the former Government.

MRS CARNELL: The figure that we announced in the election campaign was 5 per cent, Mr Moore, and that is the figure we are still sticking with.

Student Assessment

MS McRAE: My question is addressed to the Minister for Education, Mr Stefaniak. Before I begin my question I want to repeat that we are not interested in talking about a particular school, a particular child or a particular assessment by name other than the one that we have discussed thus far. We are trying to make the Minister understand and to get to the point of why - and this is my question - - -

Mr Kaine: On a point of order, Mr Speaker, I ask you to rule on whether it is appropriate for a member of the Opposition to lecture the Minister on what his answer has to be before she asks her question.

MR SPEAKER: Order! I think Ms McRae is coming to her question now.

MS McRAE: Minister, my question is this: Would you please explain why you chose to intervene in an objective and proper process of assessment? These Year 12 scores are absolutely vital in a child's life and the public needs to know why, under any circumstances, a Minister has chosen to intervene in an assessment process of one student. Will you explain why you chose to intervene? We know you got advice, but you are the Minister and it is your ministerial responsibility to either accept or reject advice. We want to know why you did not reject the advice. Why did you accept the advice to intervene? It is an extraordinary circumstance and the public needs to be assured that this process is not going to be regularly subverted by the Minister.

MR STEFANIAK: I would not think, Ms McRae, that situations like this would arise very frequently. Normally, with secondary studies the process goes very smoothly. It has been running for a long time and there are rarely appeals and, if there are, they are dealt with in the normal course of events. However, there are occasionally exceptional circumstances and exceptional cases, as there was apparently in January when a matter was heard directly by the Board of Senior Secondary Studies rather than through the normal college appeal system. I am never going to intervene - no Minister, I do not think, can intervene - in the substance of an assessment appeal, but occasionally procedural problems can arise and the department may give very strong advice that the normal processes may not be entirely applicable.

As I said yesterday, the interests of the child, the interests of the school and, I suppose, the interests of the system occasionally mean that some situations require a slightly different approach. There are precedents. It has occurred in the past. I certainly do not think there will be too many in the future; but, as a result of very good advice and discussions with the department, as I said yesterday, I took a certain course of action following departmental advice. That does not in any way affect the substance of any appeal process or anything like that; but I think it was essential that fairness to everyone, fairness to the system and the child particularly, be indeed paramount.

MS McRAE: I ask a supplementary question, Mr Speaker. Mr Stefaniak, would you please table the advice that you acted on and the evidence of the previous occurrences in which a Minister intervened and on what basis those previous Ministers intervened? It is in the interest of every child to score 10 As at Year 12. It is in the interest of every child to come out of the assessment process feeling good. Those are not reasons for a Minister to intervene. We must be informed objectively and openly why a Minister would intervene in what is an objective, neutral process which must be fair to everyone, and you have not provided that information.

MR SPEAKER: I do not know whether that is a supplementary question.

MS McRAE: I asked a question. I asked the Minister to table the advice.

Mr Stefaniak: What is your question?

MS McRAE: I will repeat my supplementary question. My specific question, which I had to expand because the Minister clearly does not understand what I am talking about - - -

Mr Stefaniak: Not really, no.

MS McRAE: The specific supplementary question was: Will the Minister table the advice that he has on previous ministerial interference, the instances and the reasons, plus the advice and the reasons for his intervening?

MR STEFANIAK: I do not believe that I have actually intervened. I am the Minister. I get advice from the department and certain things flow from that. The department has been handling this, I have received advice and I have acted accordingly. I do not really know what your problem is, Ms McRae. I have indicated that because this matter is still an ongoing matter and involves privacy considerations I will provide a confidential briefing. That still applies. It is a matter for you whether you take that up.

DISTINGUISHED VISITORS

MR SPEAKER: I would like to welcome to the gallery Mr Joe Schipp, MLA, and Mr Gerry Peacocke, MLA, and their wives, from the New South Wales Parliament. Welcome, gentlemen and ladies.

QUESTIONS WITHOUT NOTICE

Student Assessment

MR CONNOLLY: My question is also for the Minister for Education. Minister, it also refers to your intervention in relation to one assessment. I would prefer an answer that says more than, "I was given certain advice and certain things happened". Can you explain what directions you gave to the school, and why a solicitor was asked to sit in at the Board of Senior Secondary Studies?

MR STEFANIAK: I do not even know whether a solicitor has sat in on this Board of Senior Secondary Studies. I think you had better check your facts on that one, Mr Connolly. Could you clarify your question about a solicitor sitting in on the Board of Senior Secondary Studies?

MR CONNOLLY: My supplementary question is: Will you explain what directions were given in relation to a solicitor being involved in this matter, who selected the solicitor and who paid for the solicitor, or who would have? Will you tell us what happened, Minister? You are continually evading the questions?

MR STEFANIAK: I am not even aware whether the Board of Senior Secondary Studies has met with or without a solicitor in this particular matter. I think the Board of Senior Secondary Studies is keen to consider whether a solicitor should sit in on any sort of appeal or assist in matters in the future, I would assume, in an honorary capacity, and that is something that is being looked at, but - - -

Mr Berry: Did you suggest a certain solicitor?

MR STEFANIAK: That really has nothing to do with this. I do not see any need to answer that.

Student Assessment

MR WOOD: I direct my question to Mr Stefaniak. There has been a variation to the process of student assessment in respect of one student. Mr Stefaniak has said repeatedly, and at the last moment, "I get advice from the department". Will Mr Stefaniak advise the Assembly who initiated this issue? Did he take it to the department or did the department come to him with the issue? What happened first?

MR STEFANIAK: Mr Wood, you people are making an incredible mountain out of what is really a very small molehill. Again, I say what I said yesterday. I really think you people need a full briefing on this, because it is not a matter that is finished and it does have privacy implications.

MR WOOD: My supplementary question is a repetition of my first question. Who initiated consideration of this issue? Did someone come to you and did you initiate it with the department, or did the department raise this issue with you out of the blue?

MR STEFANIAK: Mr Wood, as you probably are aware, this issue has been a longstanding issue and, unfortunately, it seems that it will continue to be so because it is not finished yet in terms of what is occurring.

Schools - Entertainment Videos

MR OSBORNE: My question is addressed to the Minister for Education, Mr Stefaniak, regarding the showing of entertainment videos during school time. Minister, recently my office received a complaint from the parent of a Year 3 child that was forced by their teacher to sit through an M-rated entertainment video that the child knew their parent would disapprove of. Minister, what is the Government's policy on schools showing entertainment videos during class time? Is it a common practice to do so and why? Most importantly, who chooses the videos and should our schools not at least offer parents lists of available films for their approval or else provide an alternative activity?

MR STEFANIAK: Mr Osborne, I will take that question on notice so that I can give you a full reply. I do not have that information available to me at present.

Captain Cook Memorial Jet

MR KAINE: I direct a question to Mr De Domenico, the Deputy Chief Minister. Minister, I have a copy of a media release put out yesterday by the National Capital Planning Authority and saying that the Captain Cook jet is going to be closed from today until the end of November. It seems to me that the timing is impeccable with Floriade falling in the middle of that time! Did the NCPA discuss this question of closing down the jet for repairs with anybody in the ACT Government? If not, do you intend to pursue it with them to see whether or not it can remain operating during the period of Floriade?

MR DE DOMENICO: I thank Mr Kaine for his question. Mr Speaker, I find it regrettable that the Federal Government has decided to close the Captain Cook memorial jet throughout the duration of Floriade, until the end of November in fact. Members of the Assembly may or may not be aware that the NCPA has decided to "ground" the jet from today until the end of November - Mr Kaine is correct - to allow installation, I am advised, of two new motors and replacement of the pipeline. As you are all aware, this covers the month of Floriade, which will be from 16 September until 15 October. Ironically, Floriade was launched on Sydney Harbour today, Mr Speaker.

Mr Connolly: That is a good place to launch it.

MR DE DOMENICO: It is, actually. Floriade attracts an estimated half a million visitors each year to Commonwealth Park, where it is located, with half of these being tourists to the ACT. The jet is an integral part of the Canberra landscape and, due to its close proximity to Commonwealth Park, it complements the Floriade landscape during the month-long festival. Mr Speaker, I find it quite appalling, in fact, that no consideration at all was given to the timing of repairs. You would think that the NCPA would at least consult with the Territory Government before going ahead with this decision; but, rather than advise the Government, or even the department, the NCPA has flexed its muscles in the most arrogant fashion. What makes this all the more disgraceful is that the decision will have a direct impact on Floriade. Actions like this merely reinforce the NCPA's reputation amongst an increasing sector of the community as aloof and autocratic.

While I understand that the jet requires a significant overhaul, and while I am aware that these repairs need to be carried out during the warmer months, I do think that the NCPA should at least review its decision to undertake the work during the month of Floriade. As a result, I have written to the Federal Minister for Housing and Regional Development, Brian Howe - mind you, I do not expect an early response, but I have written to Mr Howe anyway - requesting that the NCPA change its decision to close the jet at this time and, if possible, delay repairs until after 15 October, perhaps until January next year. I will also be ringing Senator McMullan and anybody else I can get hold of who might get Mr Howe to make a decision and not sit on his hands.

If it is not possible to delay repairs, I have asked Mr Howe to arrange for the repairs to occur at a time when the jet will be working during Floriade, even if it is in a diminished way. This will enable visitors to Canberra to see one of our significant attractions during one of our premier events. Once again, it goes to show you how arrogant and aloof the NCPA is, and with the advent of a Federal Liberal government perhaps we can make some changes to that, Mr Speaker.

Student Assessment

MR BERRY: My question is directed to the Minister for Education, Mr Stefaniak, and it relates to his interference in the assessment system within our school system. Minister, given that your intervention in this matter has caused a crisis of confidence in the education system, will you tell us what new guidelines you have implemented for Year 12 assessments, or reassessments - whatever you like to call them? What new guidelines are you using in relation to assessments, or reassessments, within the education system? There are 40,000 students out there, Minister, who want to know. They want to know how they are going to be treated and whether their parents can ring you up and ask for an A grade.

MR STEFANIAK: Mr Speaker, this is really quite ridiculous. Mr Berry, the guidelines continue. As I said, there was a matter in January which had some exceptional circumstances. This one did too. In terms of Year 12 assessments, the normal situation continues. I understand that the department has looked at a review of the Board of Senior Secondary Studies and what sort of procedures could operate. I have not seen the outcome yet. Certainly, whether a solicitor should be part of it is being looked at. But the guidelines continue. I stress that this was an exceptional case and that both the department's advice to me and any actions I took recognised that.

MR BERRY: I have a supplementary question. In the exceptional circumstances, as the Minister has described them, was there a suggestion that video ought to be used for part of the reassessment, and could the Minister please outline why the old guidelines were not followed in this case? Would you please do it in detail and stop dodging the question?

MR STEFANIAK: Mr Berry, this matter is still ongoing. If this matter had finished I would be happy to take you through the whole thing because it would be a finalised matter. But there are privacy matters.

Mr Berry: What about the video? Did you want to use a video?

MR STEFANIAK: I have already indicated that when the department and I discussed this matter we took a number of situations into consideration. There were exceptional circumstances.

Mr Berry: What about the video?

MR STEFANIAK: Mr Berry, are you saying a video was actually taken? I understand that any question of it is fairly academic because - - -

Mr Berry: Did you direct it? Did you suggest it?

MR STEFANIAK: Mr Berry, we are getting to a situation where I think we might start really involving the privacy issues, and that is the problem. I know - - -

Mr Berry: You cannot keep this one private, mate. Tell us about the video.

MR STEFANIAK: As I said, I am happy - - -

Mr Hird: I raise a point of order, Mr Speaker. The point of order is that the honourable gentleman opposite has asked the Minister for a reply to a question, but he keeps on interjecting and making statements. I ask you to rule on that, sir. You are in charge of this chamber, certainly not the Deputy Opposition Leader.

MR SPEAKER: There is no point of order.

Gooromon Ponds

MS HORODNY: My question is addressed to the Minister for the Environment, Land and Planning but today will be dealt with by Mrs Carnell. Gooromon Ponds at Dunlop are one of the few remaining areas representing this particular type of aquatic system in Australia. The ponds are currently being damaged through soil erosion caused by unauthorised four-wheel-drive access and trail bikes. I have been advised by the Department of Urban Services that fencing will not be erected in the area until after Dunlop has been further developed. What plans does Mrs Carnell have to ensure protection of Gooromon Ponds?

MRS CARNELL: I understand that most of the land in question is being transferred to City Services as the area is being developed for housing. Gooromon Ponds is actually in New South Wales, I understand. Certainly, unregistered motor vehicles are a problem in the area; but they are a matter for police, as are trail bikes or vehicles being driven in areas where they are not permitted. Police have been asked to investigate this problem. Residents seeing unregistered vehicles in this area causing damage are urged to take note of the vehicles and to inform the police. Any environmental damage in the ACT near the ponds will be investigated by the Parks and Conservation Service, and remedial work will be undertaken. Some soil conservation work has already been completed this year in the area, to close down tracks and to improve drainage. But, certainly, it is an issue that we take seriously. As we say, we would like more information from residents to ensure that this can be followed up and we can stop trail bike riders and people in four-wheel-drives from using unauthorised areas.

MS HORODNY: I ask a supplementary question. Does that mean that fencing will not be erected in the area? Fencing would obviously be a simpler measure than policing or asking residents to ring in.

MRS CARNELL: My understanding is that the ponds are actually in New South Wales, so determining to do that would cause us some deal of difficulty. But, if Ms Horodny would like a full briefing on this from the people in question, I am very happy to organise it.

Women's Health

MS TUCKER: My question is for the Chief Minister in her capacity as Treasurer and Minister for Health. Can the Minister please inform the Assembly what consultation she has undertaken regarding the health needs of women in the budget process and what priorities these consultations have produced?

MRS CARNELL: As Ms Tucker would be aware, we had a full range of budget consultations. We asked many people to come forward. As she would also be aware, I have also attended many meetings of groups, particularly women in the health arena, over the last five months and talked to them about their budget needs. We also asked for submissions on the budget from all interested groups. All those submissions have been taken on board in our process.

MS TUCKER: I ask a supplementary question, Mr Speaker. At the moment, the closing of Tamar, the defunding of the Women's Counselling Service at the Women's Health Centre and the cutting of funding to Inanna refuge are causing grave concern. Have these cuts been made because the Government believes services, particularly counselling services, for women in the ACT are adequate, and what evidence has been gathered to inform this conclusion? I note that the Commonwealth has already provided money for two new counselling positions in the Women's Health Service because of shortages in this area.

MRS CARNELL: The decision to change the funding formula was one that we made in looking at fairness and equity in this area. I assume that you are talking about the reduction in funding to Inanna women's refuge. In that area the money that was made available to Richmond Fellowship was actually increased. We looked at equivalent funding across those sorts of areas and attempted to make sure that organisations that were providing similar services were given similar grants. To do that we had to bring Inanna down slightly and Richmond Fellowship up slightly.

In the areas of support services generally, our view was that all support services, rather than actual organisations supplying services, should be given similar amounts of money. That meant that some organisations got a bit more and some a bit less. Organisations supplying services, say Diabetes Australia, ended up getting somewhat less, whereas organisations that had never had funding before, say the Epilepsy Association, ended up being funded for the first time, in an attempt to overcome a problem that has occurred since self-government or even before self-government. Organisations that were funded at a time when money was somewhat more available in the ACT were on quite high levels of funding and organisations that had come into the funding process over the last couple of years, when things were quite tight, ended up not being able to be funded at all or being funded at low levels.

There is an attempt to bring funding under some rules that are the same for everybody. In some circumstances it is unfortunate that Inanna had their funding reduced. Mind you, they did the year before last as well, under the previous Government. We are disappointed about that, but the quantum amount of money that we had to give out simply did not increase. If we were going to try to make it fairer, there were going to be winners and losers.

Student Assessment

MR WHITECROSS: Mr Speaker, my question is addressed to the Minister for Education, Mr Stefaniak. It relates to your interference in the assessment of one Year 12 student. Can the Minister explain why the normal procedures were not followed? Can the Minister confirm that he suggested or directed that reassessment processes be videotaped? Is it true that the only reason why that process is not now to be followed is that teachers rejected that suggestion or direction by you? Is it true that you suggested or directed that a solicitor sit in at the Board of Senior Secondary Studies? Is it true that you nominated a specific solicitor, and why did you do that?

MR STEFANIAK: There are about 18 questions in one there. Mr Whitecross, first in relation to the solicitor, because of a matter like this arising it was sensible, I think, for the department and the board to consider using perhaps some legal assistance not necessarily only in a case like this but in any future cases. In relation to any interference or any involvement by me in this, I would say to you, Mr Whitecross, that I have a duty to ensure a fair and reasonable outcome for every student in the system. To say that I interfered, and wrongfully interfered, in this is quite wrong and I take strong objection to it. Any involvement by me in relation to this situation was in consultation with my department and as a result of discussions with, and advice from, them to ensure a fair and reasonable outcome. Because cases are different and you do sometimes get exceptional circumstances, sometimes certain things flow from that, and any actions that flowed from that were taken by me, as a result of advice, and by the department to ensure a fair and reasonable outcome.

MR WHITECROSS: I ask a supplementary question. I ask the Minister to answer some of my questions which he has not answered. Did you suggest or request that reassessment processes be videotaped, and is it true that the only reason that that has not occurred is that the teachers rejected that suggestion or direction from you? Is it true that you nominated a specific solicitor to sit in at the Board of Senior Secondary Studies during those reassessment processes? Why did you nominate this particular solicitor, and who was the solicitor meant to be representing - the student or the Board of Senior Secondary Studies?

MR STEFANIAK: Mr Whitecross, in relation to this matter and to any future procedures I would envisage, as I said earlier, any solicitor who would go on the Board of Senior Secondary Studies would be there to assist the Board of Senior Secondary Studies. I think perhaps as a result of incidents such as this there is a very strong case for that to happen, and that is why the department has for some time been looking at how the Board of Senior Secondary Studies operates. I as Minister, the department and the chief executive officer all have a duty to ensure a fair and reasonable outcome for this student and for every other student in the system.

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

PERSONAL EXPLANATION

MR WOOD: Under standing orders I rise to make a personal explanation. Mr Speaker, in endeavouring to handle a difficult situation, Mr Stefaniak commented on a referral in January, when I was Minister, to the Board of Senior Secondary Studies to examine an issue. I might say that, contrary to his own views on the world, I would be very happy for him to table any documents on that. If he does not table them, I might write to get them and table them myself. The Board of Senior Secondary Studies is the body responsible for Year 12 certification and is the appropriate body to settle issues of a significant nature. It would be appropriate - it would be indeed proper - for a Minister to refer a matter to that board. That approach is totally different to the intervention initiated by the Minister himself.

Mr Stefaniak: I raise a point of order, Mr Speaker. You are quite right, Mr Wood. It is appropriate for a Minister to refer something to the Board of Senior Secondary Studies in exceptional circumstances, which I did.

Mr Berry: I raise a point of order, Mr Speaker. Under what standing order does the Minister rise?

MR SPEAKER: Mr Stefaniak was not making a personal explanation; he was taking a point of order.

MINISTERIAL TRAVEL SCHEDULE
Paper

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members and in the interests of open government, I present the ministerial travel schedule for the period 1 May to 31 July 1995. It is available for everybody.

NORTHERN TERRITORY EXPO
Ministerial Statement

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Northern Territory Expo.

Leave granted.

MR DE DOMENICO: Mr Speaker, members of the Assembly: I am pleased to have the opportunity today to present a ministerial statement which reflects this Government's commitment to raising Canberra's profile in national and international markets. Following an invitation by the Northern Territory Government, I recently attended the Northern Territory Expo in Darwin. An initiative of the Northern Territory Chamber of Commerce and Industry, the Northern Territory Expo has been a major trade event for over 20 years.

The expo aims to expose Australia's products and services to Asian markets and highlight Australia's many business opportunities. The expo is about networking, opening doors and building relationships with Australia's Asian neighbours. In many respects, the ACT is a young but increasingly important player in Asian markets. Companies like Hassall and Associates and the Hindmarsh Group, to name two, are becoming increasingly active. The expo was therefore an important forum in which to learn from our Territory, State and Commonwealth colleagues and to explore strategic relationships with Asia's expanding markets. As you are all aware, Asia will be increasingly important to Australia's economic wellbeing. The ACT has a lot to offer and a lot to gain from being involved in that marketplace, but we have to be in it to win it and we have to be in it for the long haul. That is the message I want to reinforce today.

The Northern Territory Expo hosted some 28,000 attendees, 700 international visitors, 23 international stands and 160 Australian exhibitors. The countries represented included China, Indonesia, Malaysia, the Philippines and Brunei - all enormous and growing markets. Importantly, Mr Speaker, I had the opportunity to meet senior representatives of their public and private sectors and to start their education on the national capital. Mr Speaker, one of the main activities I undertook at the expo was a press conference attended by some 250 guests, where I presented Canberra's business credentials, focusing on our strengths in education, advanced technology and tourism and our status as the national capital. The conference also involved presentations by Senator the Hon. Bob McMullan, Commonwealth Minister for Trade; the Hon. Shane Stone, Chief Minister for the Northern Territory; the Hon. John Olsen, South Australian Minister for Industry; and the Hon. Hendy Cowan, Western Australian Deputy Premier. All of these Ministers and the jurisdictions they represent have been long involved in the Asian market, and the expo was a good opportunity to "stand by their side".

Mr Speaker, one of the most valuable outcomes of the visit was an intention to work together to bid for projects in Asia. The Northern Territory has invested considerable time and effort to establish a strong network of contacts in Asia, and Shane Stone is certainly interested in, and recognises the mutual benefits of, working with the ACT to develop stronger commercial ties. The ACT has particular expertise in education and advanced technology which would supplement the Northern Territory's strengths in resources, livestock and primary products. By working together, our collective bargaining power is much greater and we will be working with government and business to produce some very solid project proposals. As I said, Mr Speaker, we have to be in it to win it.

I think there are a lot of lessons to be learnt from the Northern Territory in its marketing approach. They are aggressive, into joint ventures and in for the long haul. They have invested considerable time and money to produce a professional marketing image, researched their markets and maintained a constant, unrelenting drive. They clearly work closely with the private sector - a philosophy shared by this Government and fundamental to any marketing push.

Mr Speaker, whilst in Darwin, I also visited the Trade Development Zone - an industrial estate focused on the export market in Asia. This estate has been particularly successful over the past year as Darwin's new port has been developed nearby. The visit highlighted the strong link between transport infrastructure and the estate's development. In a Canberra context, it reinforced the Government's commitment to improve our transport links and consequently our industry base.

Mr Speaker, it is time for the ACT to stand up, to promote our strengths and to be counted with all the other States and the Northern Territory. The expo in Darwin was a start and I will continue to look for opportunities - indeed, I would invite all Assembly members and the Canberra community to nominate opportunities - to sell our services, products and expertise. We have to all work together to sell the message that Canberra is indeed open for business. I present the following paper:

> Northern Territory Expo - Ministerial statement, 23 August 1995.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

TUGGERANONG VALLEY COMMUNITY AND HEALTH FACILITIES AND URBAN INFRASTRUCTURE
Discussion of Matter of Public Importance

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

> The lack of community and health facilities and urban infrastructure in the Tuggeranong Valley, especially in comparison with the other town centres in the ACT.

MR OSBORNE (3.22): Mr Speaker, I want to draw a matter of major public importance to the attention of the Assembly. It is not only important, it is urgent, I feel; and it needs the Government's urgent attention. I am talking about the lack of facilities of every kind at the southern end of the Tuggeranong Valley. This is a new population area; the mortgages are high; the families are young; they are all doing it tough. I would like to put you all in the picture because some of you probably do not go south of Woden unless it is to the Murrumbidgee or down the Monaro Highway to the ski fields.

Some 90,000 people live in Tuggeranong, and about a third of them live in the south, from Calwell down. That is where the last petrol station is - in Calwell. Calwell has a small group of shops, but there is no health centre or recreational facilities. Further up the valley, on the western edge near the Woden end, there is the town centre and the Hyperdome. On the other side there is the Erindale Centre and Wanniassa.

Calwell is quite a way south of these two large centres. South of Calwell there is Conder, Gordon, Theodore, Banks and, of course, Tharwa. Gordon is by Point Hut. Do you remember the days when Canberrans thought of Point Hut as a full day's drive in winter to go tobogganing?

The far end of Banks is only a few kilometres from Lanyon; but, I am telling you, not many people living in Banks can afford to go to Lanyon for a cup of up-market tea or coffee. Banks is about eight kilometres from the town centre and it is half an hour, at least, by bus. The buses down that end of the town run on the hour on weekdays. That means that a woman with a baby, and perhaps a toddler, has to spend a good half a day getting to and from the town centre. She has no nearer choice for shopping, a doctor or vaccinations for the little ones. Erindale is about the same distance from Banks as the crow flies, but you cannot get there directly by bus. Calwell is not quite as far - about five kilometres - but again you need a car to get there; there is no bus service. Calwell has only a few shops, no health centre and, as I said, no recreational facilities. If a woman with small children simply has to have the family car for the day, there are almost no public phones if she has any problems; and her husband is up for three separate bus trips - to the town centre, to Woden and then into Civic. That takes 45 minutes to an hour, if he is lucky; and at least an hour-and-a-half if he goes any further.

People in the southern end of this city are battling. They are financially stretched in our deep south; yet neither this Government nor the last one has done much or is doing much for their quality of life. But they are all ratepayers or rent payers.

Mr Berry: You voted for this lot.

MR OSBORNE: Wrong end of town.

Mr Berry: And they put the rates up by 4 per cent.

MR OSBORNE: Wrong end of town, Wayne. I know that successive waves of population in what were once new areas of Canberra feel that they had hard times at the beginning; but you cannot compare the lack of facilities in southern Tuggeranong with, say, conditions in central Woden 25 or 30 years ago. That was when young families in the new suburb of Chifley complained that they had only a few shops a short distance away at Phillip. They protested long and loud for the promised Woden shopping mall. They got it too, against the lobbying of the Canberra Chamber of Commerce, which was trying for as long as possible to keep Civic as the only large shopping centre. They got it because they convinced the then Federal Minister, Peter Nixon, as Minister for the Interior, of the justice of their case. They had bought their leases and mortgaged themselves to the hilt on the promise that shops and schools, bus services and recreational facilities would come shortly after the roads, the footpaths, the sewer and the electrical services. The Minister was a Country Party Minister from Victoria and was probably more interested in the Electoral Commission, which was in his portfolio, than in the Canberra voters; but he recognised their needs, and the Gorton Government honoured its obligations.

Every one of us in this Assembly lives in the ACT. Our constituents live and work here. With the exception of Mr De Domenico, who does live in Conder, we live in much better serviced neighbourhoods than 30,000 people at the southern end of Tuggeranong.

Mr Wood: I live south of Calwell.

MR OSBORNE: Do you, Bill?

Mr Wood: I live south of Calwell.

MR OSBORNE: My apologies then. Good on you; you will agree with me then, Bill. Can we justify a population bigger than most Australian country towns being have-nots and being disadvantaged compared with the rest of us? Unfortunately, I cannot. I appeal to every member of the Assembly: Do you feel comfortable about it? Do you think it is fair to our fellow citizens? The far end of the Tuggeranong Valley is quite beautiful as an environment. Right now, there is snow on the tops of the hills. Some of the views would do justice to a calendar. If you detour through it a bit as you take the Monaro Highway to the mountains or the coast, you can see why so many people chose to take up the leases that were offered there.

At the very least, this Government should be moving fast to provide better shopping in and transport to our deep south. There is a crying need for the facilities that the rest of Canberra enjoys. I will talk about some of those on other occasions - like Tuggeranong needing a new police station and more health, recreational and sports facilities. But right now the biggest thing for me is the urgent need - - -

Members interjected.

MADAM DEPUTY SPEAKER: Order! Mr Osborne does not need any assistance.

MR OSBORNE: Not from those two anyway, Madam Deputy Speaker. Right now the urgent need is for a shopping centre of some sort in the Conder area. It is only three months ago that the Planning Minister, Gary Humphries, talked about that.

Mr Kaine: It is about to be built.

MR OSBORNE: When, Trevor?

Mr Kaine: Any day now, they will be digging a hole.

MR OSBORNE: Watch this space. There is one shop in that whole area, at Gordon. Mr Humphries said that the unchecked expansion of town centres would kill off suburban shopping centres. He said that the short-term injection of cash would not justify the long-term loss of small business. He also said that this Government was committed to ensuring that people had access to a range of facilities but was determined to support local shops. A few days later the ACT Planning Authority told a meeting at Tuggeranong, that both Mr Whitecross and I were at, that a recent study of retailing in

Canberra showed that a proposed group centre at Conder would be viable. The authority said, "We will be encouraging the developer to provide a wide range of facilities which could be established at various stages". What is happening? When are we going to see them? Mr Kaine has said that they will be starting soon. Christmas is soon; the next election is soon.

That retail study showed that about $511m is spent by valley residents each year, but only $326m is actually spent in the valley. It was said that the flow of dollars out of the valley was due to three things: The undersupply of shops in the valley; the town centre being on the outer, south-western side; and the close competition from Woden and Fyshwick. Three-quarters of all food spending was in the valley, but only 50 per cent of all non-food spending was in the valley. The Hyperdome draws about 77 per cent of the total sales. I want to see all the retailers and traders in the valley getting more of the local business. If they are not on the ground for the local buyers to get to, the Government has a problem; this Assembly has a problem; but, most importantly, the 29,998 people, plus Mr Wood and Mr De Domenico, living in the south of the valley have a problem. I say that, as citizens of Canberra, they are being short-changed. We owe them a better deal. There are those who argue that development in the new suburbs to the far north should have a higher priority for any dollars from the Government that are going around. I would like them to answer this question: How long has Tuggeranong, and especially the southern end of Tuggeranong, been waiting, in comparison? How much longer will they have to wait?

MR DE DOMENICO (Minister for Urban Services) (3.31): Madam Deputy Speaker, I thank Mr Osborne for raising the issue of community and health facilities and urban infrastructure in the Tuggeranong Valley. As one of the members for Brindabella and, as Mr Osborne said, a resident of Conder, I, too, am concerned to ensure that Tuggeranong gets its fair share of community and health facilities and urban infrastructure. Notwithstanding the budget difficulties that this Government has inherited, we have undertaken to build a level of facility in line with standards established elsewhere in Australia.

As Mr Osborne said, the benefits of living in the Tuggeranong Valley are many. We have access to Lake Tuggeranong; we are surrounded by open space; and we are in the Murrumbidgee corridor. We have two fine government colleges, both with excellent public library facilities; a good standard network of roads; a cycle path network, which is being further developed; a well-developed public transport system, with express bus services from South Tuggeranong to the city, as well as express and local services from other parts of the valley; a world-class indoor swimming facility; and a range of playing fields comparable with those in other cities. The town centre is nearing completion and will have all the facilities to service a region of this size.

Notwithstanding the above, we will not stand still. A range of new works for Tuggeranong is proposed. We will work with the community and the private sector to develop a range of new facilities. These will also be important for employment within the valley. For example, a joint feasibility study is in hand between the ACT Government and Business in the Community Inc. for the establishment in the Tuggeranong Valley of a small business incubator, similar in concept to existing centres in Kingston and Downer.

It must be recognised that the distribution of both government and private sector employment is playing its part. The Health Insurance Commission, our own ACT Department of Education and Training and, more recently, the Department of Social Security and the regional offices of a range of ACT government departments are all contributors to the economic wellbeing of the Tuggeranong Town Centre. The maintenance of adequate levels of employment opportunity in the Tuggeranong area must remain the principal driver of economic and infrastructure development.

On the sporting front, discussions are under way with a consortium of ACT Basketball, ACT Netball and the Southern Cross Club for construction of an indoor sports centre at the Tuggeranong Town Centre. I am hopeful that we will conclude these in the near future. A cricket wicket at Conder and the Gordon playing fields are now approaching completion. The final stage of the Tuggeranong enclosed oval will be completed within the next 12 months. Design work has also commenced on the refurbishment of the Erindale Leisure Centre. What we promise, we deliver. A new basketball court in Greenway East has recently been completed. I am sure that members would agree that these sporting and recreation initiatives begin to complete the provision of facilities in the southern part of the valley. Anyone who drives down the Tuggeranong Parkway and Drakeford Drive on a Saturday or a Sunday will be impressed, I am sure, by the extensive use of the current wide range of sporting facilities. The additional facilities I have referred to are sure to enjoy great patronage and will be highly valued by Tuggeranong residents and other Canberrans who regularly use these sporting facilities in the valley.

The Government is committed to providing an adequate level of community and health facilities and urban infrastructure across Canberra. Some of the facilities currently available to residents of the Tuggeranong Valley that have been recently completed include the Conder Neighbourhood House and Day Care Centre, Beau and Jesse Park in Banks, the Tuggeranong Aquatic Centre, the Tuggeranong Youth Resources Centre, the Tuggeranong Community Centre and the Greenway Child Care Centre. Works currently approved or under construction in the Tuggeranong Valley include the Gordon Child Care Centre; the Tuggeranong enclosed oval and grandstand; improvements to Karralika Alcohol and Drug Centre; works in the Tuggeranong Town Park to provide additional facilities, including public toilets, a children's playground and a beach on the lake, with artworks being provided by community groups to further enhance the park; and Lanyon High School to be opened for term one in 1996.

The provision of shopping facilities is clearly a basic element of any city’s infrastructure. The Government is moving on a range of initiatives in this area. Expressions of interest were called in November 1994 for local centres of 500 square metres maximum size at Banks, Bonython and Conder. These will make provision for a supermarket and associated shops. A major retail study, that Mr Osborne was alluding to, for the ACT has just been completed. A review in regard to the size, composition and timing of release of local centres in Tuggeranong is now under way, taking into account the review's findings. The Conder group centre is expected to be released by December 1995. This will consist of a large supermarket, related shops and related facilities. These may include a church, medical centre, service station and fast food outlets. Additional residential land releases are programmed in Gordon, Conder and Banks for approximately 1,000 dwellings and are expected to be released as from 1996-97. These will add to the viability of existing and proposed shopping centres in South Tuggeranong.

A proposal has been received to extend the Hyperdome by 16,000 square metres. The proposal will be assessed against the findings of the retail study that I mentioned earlier. This assessment will include full consideration of all relevant factors, including its impact on other commercial centres. There will also be full public consultation. In addition, the following works have been included in the draft 1995-96 capital works program recently referred to the Assembly's Planning and Environment Committee. Firstly, there is a range of significant environmental works, including the Fadden cut-off drain reconstruction; the conversion of the Tuggeranong Town Park irrigation to second-class water supply; the restoration of flood damage at Tidbinbilla Nature Reserve; the upgrading and restoration of flood damage at Point Hut; the replacement of the ranger's residence at Corin Dam; and the rehabilitation of Boboyan Pines. In addition, further community facilities are planned, namely, the Conder group centre infrastructure; the Tuggeranong Community Arts Centre; the rural fire shed at Kambah; and the Monash Child Care Centre.

There have been significant improvements in recent years of the transportation and access arrangements for the Tuggeranong Valley. The duplication and improvement of the Monaro Highway is largely completed; the duplication of Drakeford Drive is continuing; the 1995-96 budget makes provision for the Conder 1 distributor road; and a number of major intersection and road safety improvements have commenced. For example, in recent months I have directed that bus lanes in Athllon Drive be utilised more effectively by opening them up for multiple occupancy private cars and taxis. This will make better use of community infrastructure and further improve access for Tuggeranong residents. Can we ever forget that year in, year out we were told by the previous Labor Government that you could never open up Athllon Drive bus lanes. After five months in government we have done it. We will continue to deliver the programs that we have promised the people of the ACT.

While the development of infrastructure started in the northern part of the valley in the mid-1970s, we still have much to do in the newly emerging areas of South Tuggeranong. Consequently, we will have the challenge of both maintaining our existing infrastructure and financing the growth of new essential services. Given our difficult budgetary circumstances, this is a difficult challenge for the Government and one that members must be prepared to recognise. However, we must strive to ensure that there is an equitable distribution of facilities and services throughout the whole of Canberra. We must recognise that Canberra operates as one city and that major facilities such as Bruce Stadium cannot be provided in every region in the city. They are there to support the whole of the community. We will continue to maintain a balanced and holistic approach to the development of Canberra's infrastructure.

I agree with Mr Osborne, and as a resident of Conder I will be anxiously awaiting and making sure that this Government makes good its promises. After five to six months in government, what we have promised, basically, we have delivered. Mr Berry, well may you laugh. You were in power for four years and did nothing. You personally cost us $4m over the VITAB affair; so you are the last person that ought to be pouring vitriol on this Government. We have been in government for five months. Most, if not all, of the promises we made to the people of the Tuggeranong Valley have been delivered or will be delivered by the end of the term of this Government.

We will make sure that the people in southern Tuggeranong, in areas like Banks, Gordon and Conder, are catered for. You would not even know where they are, Mr Berry. Mr Osborne is right. You have never been there. We do not want you there, by the way. We are quite adequately represented by the people that we have.

Mr Berry: But I always treat my staff properly.

MR DE DOMENICO: That was a nice comment, Mr Berry; and you will hear more about that, I have to tell you. In the meantime, the people of South Tuggeranong, which is what the matter of public importance is all about - and Mr Berry continues to smile - will be catered for. We look forward to having you down there in Conder, Banks and Gordon to have a look at the magnificent infrastructure provided by this Government. We will look after the people of the Tuggeranong Valley.

MR WHITECROSS (3.40): I thank the Minister for his detailed and eloquent exposition of the achievements of the previous Labor Government in providing infrastructure and services for the Tuggeranong Valley, including South Tuggeranong. I do applaud the Minister for continuing those projects which we announced in our last budget. I see in the capital works budget a few new items as well. So, there is no doubt that the previous Labor Government had a proud record of providing facilities and services for the growing Tuggeranong Valley and went to the last election with an agenda of providing additional services. I applaud the sentiments of Mr Osborne in wanting to see the best possible community and health facilities and the best possible urban infrastructure in Tuggeranong. But I cannot agree with him that the Tuggeranong Valley, or South Tuggeranong even, has not been serviced in the past.

If I can, at the price of reiterating some of the Labor Government's achievements as enunciated by Mr De Domenico, again go over Labor's record: The Labor Party went to a lot of trouble in providing urban infrastructure and other services for the Tuggeranong area. In regard to roads, we committed, I think, over $6m for Tharwa Drive. We committed the funds for the upgrade of the Monaro Highway, which is going on at the moment, and for the duplication of Drakeford Drive, below Isabella Drive, which is going on at the moment.

Mr De Domenico: Only after pressure from Mr Kaine and me, Mr Whitecross; with the greatest deal of respect, you would never have known it existed.

MR WHITECROSS: That is your version of history, Mr De Domenico, but I am sure that my colleague Annette Ellis would be only too happy to give you chapter and verse of her representations on behalf of the people of Tuggeranong as well.

The Labor Government was also active in the provision of sporting facilities. We committed funds for the Tuggeranong enclosed oval. We promised a million dollars for an indoor sports facility in Tuggeranong as part of a joint venture with the private sector, with other groups in the community, to ensure that we had an indoor sports facility in Tuggeranong. We put money into the Conder and Gordon playing fields and into facilities to go with the playing fields at Gordon. We committed money to build aged persons units in Gordon. We put money into the provision of a number of

child-care centres in the Tuggeranong Valley, at Greenway and Gordon. We promised in the last election campaign a further 42-place child-care centre over and above the Gordon one, which I understand from Mr De Domenico is now going to be in Monash. We committed money from the casino premium for a $1.75m community arts centre. We committed money for the construction of Lanyon High School. The Labor Government built Gordon and Charles Conder pre-schools and primary schools.

The Labor Government called for expressions of interest for local shopping centres in Banks and South Gordon. The Labor Government undertook to release a shopping centre site at Conder in May 1995, and continued with that undertaking in the face of pressure from the Liberals for a five-year moratorium on the construction of new shopping facilities in Tuggeranong. So, the Labor Party has been active in providing facilities in the Tuggeranong Valley and has always supported the continued expansion of facilities in Tuggeranong.

Mr Osborne has expressed some enthusiasm for a new police station in Tuggeranong. Mr Osborne will, I hope, recall that it was the Labor Party that promised to spend $10m on upgrading the Tuggeranong police station.

Mr De Domenico: Which you did not have.

Mr Kaine: You did not have it; that was the only problem.

MR WHITECROSS: It was in the forward estimates. Mr Osborne will also recall that it was the Labor Government that implemented a trial of country town policing and promised to expand it to other areas of Canberra, including Tuggeranong, at the completion of that trial. It was the Labor Government that went to the last election promising not to reduce funding for policing in the ACT.

Mr Hird: Because you did, you got kicked out on the 18th.

MR WHITECROSS: No; we promised that we would continue the police budget at its existing level, which is higher per person than in any other State, Mr Hird. We promised to build a community health centre for southern Tuggeranong, which was going to cost us $1.5m, with ongoing costs of $0.6m. Mr Osborne, these are the undertakings which the previous Labor Government made in relation to Tuggeranong in order to improve and continue to develop the infrastructure and the facilities in Tuggeranong.

Other achievements of the Labor Party in relation to Tuggeranong included the bringing of a Canberra Institute of Technology flexible learning centre to Tuggeranong as part of our expansion of the delivery of vocational education and training services in the valley.

Mr De Domenico: That was done by the rugby union club; it was not done by you. Come on; give credit where it is due.

MR WHITECROSS: Who owns the CIT? It was done by the Labor Government, Mr De Domenico. That was a nice try. The Labor Party also promised to provide floodlighting to the Calwell and Kambah No. 1 district playing fields as part of its continued commitment to service provision in Tuggeranong. The Labor Party promised

to provide a business service centre regional facility to support business advisory services and monitoring in Tuggeranong as part of the ACT Government AusIndustry program. The Labor Government promised to expand skateboard facilities in the valley to provide an appropriate venue for skateboarding.

Mr De Domenico: Did you cost any of this?

MR WHITECROSS: Of course. The Labor Party has, because of its strong presence in the valley, its history of strong representation in the valley - - -

Mr De Domenico: It is not strong any more.

MR WHITECROSS: It is strong in the valley.

Mr De Domenico: What happened to Ros? Do you remember her?

MR WHITECROSS: Only vaguely. The Labor Party has always had a strong interest in representing the people of Tuggeranong. We have worked hard at representing the people of Tuggeranong. We had a lot of achievements in the last three years in relation to the Tuggeranong Valley. We went to the last election, not resting on our laurels but with a further program of development in relation to police, sport, child care and health facilities. We were ready to implement them.

It is interesting that Mr Osborne has come into this place this afternoon expressing concern about the state of health facilities in Tuggeranong. He voted yesterday for the privatisation of Jindalee, even though the Liberal Government has broken its promise to provide - - -

Mr De Domenico: On a point of order, Mr Speaker: I dare say that Mr Whitecross does not realise that he may be reflecting on a vote that was taken yesterday in the Assembly.

MR SPEAKER: I am sure that Mr Whitecross is aware that he cannot reflect on that; that would be quite out of order. I am sure that he is aware of that, Mr De Domenico.

MR WHITECROSS: It was a nice try, Tony; a good time waster. Mr Osborne voted for the privatisation of Jindalee, even though that will mean that the Liberals have broken their promise to provide a nursing home in Tuggeranong. Mr Osborne voted for the Government's decision to sack salaried medical officers, even though he professes to be interested in health facilities in Tuggeranong. Mr Osborne voted for the Liberal Government even though, unlike the Labor Government, the Liberal Government has no commitment to a health centre in South Tuggeranong.

Mr Osborne has the opportunity to support at any time he chooses a government which is committed to providing good levels of infrastructure in the Tuggeranong Valley - the best level of infrastructure in the Tuggeranong Valley - that is, a Labor government. We went to the people with the best record in relation to the people of Tuggeranong. Unlike the Liberal Party, we have not been downgrading services to Tuggeranong; we had promised to increase them. I would urge Mr Osborne to consider that as he deliberates on matters over the next few years.

MR KAINE (3.50): Since Mr Osborne sat down, after introducing the subject, it has been interesting to see the patting on the back and the beating of the chest about all the good stuff that has been done or that it was promised would be done. But that is not what the matter of public importance is about. It is about the facilities that have not yet been provided; not all the good stuff that the Labor Party did or promised to do. I noticed that it was pretty strong on promises but not too good on delivery.

The fact is that in a community of 90,000 people there are community facilities and infrastructure that have not yet been provided. I do not think that anybody is under any illusions about that. I do not think that either of the Labor members from Brindabella, over the other side, is going to get up and say that all of the facilities, all of the infrastructure and all of the community facilities that are required by the 90,000 people in Tuggeranong have been provided by the Labor Party; they are not that dumb.

Mr De Domenico: I do not know.

MR KAINE: They might. We will let them go and see what they say. The fact is that there are many good services that exist in Tuggeranong. I have a litany of them, pages of them. It is all good stuff. People do not complain about the services that are there, but they do complain about the ones that are not there. I think that we are all pretty well informed on the kinds of facilities that have yet to be provided. I do not think that there is any mystery about it. The fact is that governments, no matter of what colour, have budgets to live with and have a limited amount of resources that they can allocate to the provision of public resources and infrastructure in new suburbs.

Mr Osborne said that you could not compare the mother with the two children in Banks with somebody that lived in Chifley 25 years ago. He is dead wrong. I have been in politics for nearly that long, and I know the problems that young mothers with children had in places like Charnwood and Holt a long time ago. They did not have a telephone on the corner; the bus did not run within a mile of their place; they had two kids that they had to do the shopping with; they had to use the bus, when it ran occasionally, because dad had to drive the family car to get to work. The circumstances are no different for a similar family in Banks today from what they were for that kind of family in Charnwood, McKellar or anywhere else 10, 20 or 30 years ago.

The fact is that when new suburbs develop it is beyond the capability of government to provide every facility that the community requires before anybody moves in. They are going to have to wait. I submit, Mr Osborne, that if you talk to some of the people who have been living in Gungahlin - some for a year or a year-and-a-half already - they have nothing; they do not even have a shop. It is purely relative. While it is timely that Mr Osborne should raise this matter, it is timely for the Government to stop and take stock once in a while as to where it is, what is still missing and what is still to be planned for and still to have resources allocated to it. I am not sure that the people in Tuggeranong are necessarily any worse off than people in suburbs at a similar stage of development anywhere in Canberra at any time in the past 30 or 40 years.

I think there is another aspect of the problem; that is, there seems to be a presumption in Canberra that the Government will provide everything. There are some resources, some facilities, that should not necessarily be provided by the Government; it ought to be a three-way partnership - the Government, the community and the business world. There are some things that could be provided in Tuggeranong by the private sector, by the business sector. If you go out in the area and ask people what they really think is missing there, they will mention a limited number of things. In the new suburbs they are concerned about not having shops. They are on the drawing board; they will be provided. But they are not going to be provided until the business community is ready to move there. The Government can allocate the land and the Government can provide the planning; but the construction of the facilities and the provision of the services at the end of the day are the responsibility of the private sector. They are not going to move in until they can get a return on their investment and get a funds flood. It is about the right time to put some shops in Conder, and they will be there quite soon. In the meantime, people have a few problems.

I could identify a few things that I think are still missing in Tuggeranong. I think that we are way past the stage of providing facilities for the ageing community down there. There seems to be a presumption that there are not any old people in Tuggeranong.

Mr Berry: You promised to build a nursing home, and you ratted on the promise.

MR SPEAKER: Order!

MR KAINE: Mr Berry, I live there.

Mr Berry: Yes; I know. They promised to build a nursing home for you, Trevor.

MR KAINE: But there are no public health facilities there.

Mr Berry: That is right. There is an empty doctor's office.

MR KAINE: You talk about all the good stuff that you provided.

Mr Connolly: And you are shutting down what is there.

Mr Berry: There is an empty doctor's office there.

MR KAINE: I did not want to make this political; you people made it political. I did not want to do that. But there are 90,000 people there. Where are the health facilities for those 90,000 people?

Mr Berry: Kate reckons that they were not worth the money that was spent there.

MR KAINE: You would complain like hell, I suggest, Mr Berry, if there were not any in Belconnen.

Mr Berry: I can tell you where the Tuggeranong Health Centre is. Do you remember the day that you could not even find it?

MR KAINE: But you do not care about the fact that there are no health facilities in Tuggeranong. There is an increasing need for health facilities that older people can use. Just forget for the moment the young people, the kids and all of that. Where are those facilities? They are not even on the drawing board. This is Mr Whitecross's forward thinking, promising Labor Party. It is a sad commentary, I think, that there was nothing there to provide for these people. The Liberal Party has said that we believe that there is a need for increased medical facilities there. We think that there is a need, at some stage in the future, for a hospital there. We have said that there is a need for increasing accommodation for aged people; people who need hostel care, for example. We have recognised that there is a need there. You lot did not even acknowledge that there was a shortfall there.

I come back to the problem that there is a shortfall of resources. The Government cannot provide everything, and it may be that this Government will use its intelligence and go to the private sector and say, "Are you able to provide some of the facilities that are needed there?". We are not going to have the budgetary resources for some years because Mother Hubbard left the cupboard bare. We are not going to have the resources available to us until we pull ourselves out of the fiscal hole that we are in and additional resources become available. But at least we know that there is a shortfall, and we acknowledge that there is a problem in some of these areas.

I, for one, would like to see increased facilities. If you sit back, the list is endless; starting with child care, through the recreational needs of young people, schools, work opportunities, right through to the range of facilities and infrastructure that the older people in the community need. I would suggest that, if you did a check of every ACT government agency today, they could tell you where the shortfall lies and what needs to be done in their own areas of responsibility to fill it. But every year the capital works program comes around and they make their bids; those bids have to be accommodated in the capital works program; and the government, at the end of the day, has to make available what resources it can. You can never satisfy all those needs; you have to program them over a period of years.

The gaps will be filled - not necessarily as quickly as some people would like; not necessarily as quickly as I would like, or Mr De Domenico would like. We live in Tuggeranong. We want to see our people there have the facilities that they need; just as Mr Osborne does, and, I hope, Mr Wood and Mr Whitecross do. I do not think that we should be fighting about these things; we should be able to agree amongst ourselves on what is needed, and we should be able to sit down together and figure out how best to provide them, instead of sitting on opposite sides of the chamber and fighting about it. I do not see that there is any merit at all in that. I do not seek to gain any political kudos out of criticising you people for what you might or might not have done in the time that you were in government. I would ask that you do not do the same to us. I say to Mr Osborne that, with a sense of purpose - a common sense of purpose shared by the people in this room today, and some cooperative action in conjunction with our public servants, who do know what the shortfall is - we will satisfy the requirements. As I say, it may take a little longer than some people would like, but they will be met.

MS HORODNY (4.00): Mr Osborne has touched upon an important issue today. The level of community services available to residents in outer areas of the ACT is not what it should be. Much of the focus on the development of community services, including cultural and other community facilities, has been focused on central Canberra. While there may be good reasons for this, the Government's policy of encouraging development of new town centres without making adequate provision for services such as community health care and aged care, not to mention public transport and other facilities which are an essential part of a new area developing a sense of place, clearly needs to be questioned.

Naturally, there is some time lag when new areas are developed; but if we are to strengthen local communities we have to strengthen what are now regarded as essential services in outer Canberra and also look at cultural and commercial facilities in these areas. For example, while central Canberra is now quite well served by community places, open air coffee shops and so on, these things are sorely lacking in outer areas of Canberra. I cannot believe that residents in these areas do not like such facilities and do not want the opportunity to shop in a more friendly atmosphere, such as is available in inner Canberra; rather than having a choice of only large shopping malls. Yet the development of Conder shopping centre, for example, looks likely to follow the traditional model of shopping centre development, rather than taking a more innovative approach which provides real opportunities for local businesses to develop.

The problems are not unique to Tuggeranong. Residents of my electorate of Ginninderra have also raised with me a number of real concerns about the services that they have available. I know that many of the same concerns are raised by residents of Gungahlin. The recent debate over the timing of a new high school in Nicholls reflects the feeling of residents in Gungahlin that they are lacking many services. In parts of Belconnen, which is an older area than both Tuggeranong and Gungahlin, where such services exist, their longer term survival appears uncertain. I need only raise the example of the library in Kippax and the continual closure of local shops and newsagents in the Belconnen area to illustrate this point. I believe that this is a reflection of the lack of a strategic plan for the ACT.

When you look at a pictorial depiction of the Territory Plan, the ACT looks like a well planned and thought out place to live. Unfortunately, the plan is only a land use map. It does not provide any indication of the strategic direction required to make it function as a living community. While government has encouraged growth in Tuggeranong and the outer areas of Belconnen, it has had no guide or vision to ensure that these new areas get equal access to services. There is a strong need to develop a strategy to guide the evolution of the ACT. The strategy must take into account changing demographics; it must support the viability of neighbourhood shops; and it must ensure access to vital community services, including health and community care, cultural facilities and access to public transport.

MR CONNOLLY (4.04): I am not a member representing Tuggeranong; I am a member representing central Canberra. But I want to enter this debate. I know that Mr Osborne is very concerned about facilities for Tuggeranong, particularly schools. I know that because during the election campaign he promised more schools for Tuggeranong by closing my local primary school at Red Hill. I know that he feels very strongly about Tuggeranong facilities, as does the Labor Party. The proud record of achievement of the Labor Party in the last four years or so has been gone into in great detail by Mr Whitecross.

As Mr Whitecross pointed out, I do need to remind Mr Osborne that raising an MPI on the importance of health facilities in Tuggeranong the day after you vote to sack the doctor in the health centre is somewhat inconsistent and hard to rationalise. But that is the decision that you made and are responsible for. As a member for Molonglo, I want to refer to the latter part of Mr Osborne's speech in which he said that the Tuggeranong Valley compares very poorly with other town centres in the ACT. I want to say that residents of an important and growing area of my electorate would beg to differ. I am talking about residents of Gungahlin. Gungahlin is now increasingly the focus of development in Canberra. Gungahlin is really where Tuggeranong was four, five or six years ago. It was as little as three years ago that it was merely sheep paddocks. There has been massive growth and development in recent years.

During the period that we were in government, we were conscious of learning the lessons of the development of Tuggeranong; and there were some errors in that staged process of development. They were some of the things that Ms Horodny referred to - not properly coordinating facilities and facilities not being put in at the right time. Planners and governments learnt from those lessons. For example, originally we put a temporary building at Gungahlin as a community centre. That has been expanded. There was a plan. One of the key lessons learnt in the development of Tuggeranong must be the staged development of the town centre as the spur to development and the peg to hang other facilities off. One of the key lessons learnt in the development of Tuggeranong was that, until there is a sound employment base, it is very difficult to get the private sector to take off. Mr Osborne would well remember, as would other members, that the Hyperdome, when it first opened, had a difficult period because there just was not the employment base in Tuggeranong. I heard a lot of interjectors heckling Ros Kelly, but I think anyone in Tuggeranong would be aware that the decision to move the Department of Social Security was a vital decision for the economic viability of commerce in the Tuggeranong Valley. You must have that employment base.

Labor was putting in place a very important opportunity - one of the few opportunities that will emerge in coming years - to move a substantial ACT government department to Gungahlin. That move of DELP to Gungahlin would have been the spur for development in Gungahlin. It was abandoned by this Liberal Government. Another key community facility obviously is police and emergency services facilities. Labor had put in train a lot of work to provide a coordinated approach to emergency services for Gungahlin - a combined police, fire and ambulance facility. Again, the lessons were learnt from Tuggeranong, where we have a police facility at Erindale and we have three fire stations at the points of the triangle of the valley. We would be much better off if we had been able to plan those better and have a central facility. Both parties promised that in the election. That was abandoned in last week's capital works program.

It must be to the great shame of the Liberal Party that the Mitchell-Gungahlin Chamber of Commerce - a group that one would normally expect to find some praise for the Liberal Party - was moved to come out yesterday and quite seriously attack this Liberal Government for its twin failures in Gungahlin. The first is the failure to go ahead with the DELP building - a conscious decision by the Liberal Party to abandon the opportunity to put a sound employment base in Gungahlin, which would have been vital to the private sector there. The second is another conscious decision by the Liberal Party, this time to abandon - or put aside or put off - the development of the police and emergency services facility. Another conscious decision of the Liberal Government, which the Chamber of Commerce did not refer to but which the Gungahlin Community Council is very concerned about, is to put off and further delay the building of the school there.

Mr Osborne, as a Tuggeranong MLA, is legitimately and properly concerned for facilities in Tuggeranong; but he is wrong when he says that, when you compare Tuggeranong with other town centres, it may not fare as well as the established town centres in central Canberra - hence the suggestion to close my local school. It fares extraordinarily well in comparison with Gungahlin, where this Liberal Government has truly turned its back on residents' needs.

Mr Hird: We have been there two minutes.

MR CONNOLLY: Yes; two minutes, and you have scrapped three projects.

Mr Humphries: On a point of order, Mr Speaker: I should indicate that what Mr Connolly said is untrue. The Government is not scrapping any projects, but we are facing up to a very serious budgetary problem inherited from that former Government opposite.

MR CONNOLLY: Which is why you are scrapping the projects, you would say.

MR WOOD (4.10): Mr Humphries said, "We are not scrapping anything; just wait till the budget and we will tell you that we have scrapped it then". I thought that it was rather rude of Mr Osborne to come in with this matter of public importance today - I agree with my colleagues - because yesterday he voted against the retention of salaried medical officers, a policy which the Government is pursuing and which will threaten, for example, the Tuggeranong Health Centre.

Mr De Domenico: On a point of order, Mr Speaker: Once again Mr Wood seems to be reflecting on the way a member voted on a particular issue yesterday.

MR WOOD: You are out of date.

MR SPEAKER: I am sure that Mr Wood would not intend to reflect on any vote which was cast in this house.

MR WOOD: No; that is absolutely the case. I think that we have had definitions that that standing order is not intended to stop debate altogether.

The other point that still sticks in my mind and that Mr Osborne goes on about is the one that Mr Connolly referred to about the closure of the Red Hill school to protect schools in the valley. On the policy that Mr Osborne proposed at that time, given the vacant space in Red Hill school, he would close up to six schools in Tuggeranong. The policy was quite the same.

I thought that Mr De Domenico was also rather rude. Arising from the retail study that is now complete, he had something to say about shopping in the valley. At the time, when Mr De Domenico and Mrs Carnell were on this side of the Assembly, they said, "Oh, no more shopping; we do not need any more. We are overserviced; no more shopping in Tuggeranong". I remember Mrs Carnell going to a meeting in the Churches Centre in Tuggeranong - she will remember it well - at which she told that audience, "We do not need any more facilities". Subsequently, the Liberals said, "Oh, we need a retail study. We will do our own retail study".

Mr Kaine: On a point of order, Mr Speaker: I am not sure that Mr Wood is not being disingenuous. I was at the meeting in question and what was said was that we would have no more shopping facilities until we had done a review of retail facilities in Tuggeranong. That review has been done.

MR WOOD: There was a blanket no. That came later, Mr Kaine.

MR SPEAKER: Order!

Mr De Domenico: Tell the whole truth, Mr Wood.

MR WOOD: I remember very clearly, because I was the Minister. I was having to stand up here and say, "We will follow a process". But, no; the people then on this side of the house wanted to say, "We are overserviced; there is too much". Read the *Hansard*, Mr De Domenico.

Members interjected.

MR SPEAKER: Order! Mr Wood has the floor.

MR WOOD: On the other hand, let me thank Mr De Domenico for giving a long list of what the Labor Government had achieved in Tuggeranong. He read it out in great detail. It showed well the attention that the Labor Government had given to Tuggeranong.

Mr Kaine - to include you in this, Mr Kaine - was also rather rude. Mr Kaine stood up in a statesmanlike manner, which he can do now that he has been consigned to the backbench, and said, "We need a cooperative approach. We do not need to be arguing about this. Let us all get together with the bureaucrats and identify the gaps and come up with solutions". What a wonderful approach! But, of course, the rudeness is related to the fact that when he and his colleagues were on this side of the Assembly, just six months or so ago, that was never their approach. They never proposed that approach. It was attack, attack, attack; no matter what.

However, the person that I do want to agree with in total is Ms Horodny. For example, she did point out that you cannot sit in an outdoor cafe in Tuggeranong and have a cup of coffee. She did point out that we need arts facilities and facilities moved from the centre into Tuggeranong and into outer areas. She was not being specific about Tuggeranong alone. I hope that it will not be very long before Mr De Domenico puts into place the Wood policy for an arts centre in Tuggeranong, adjacent to the lake. It can be either works or arts, whichever; I think that both Ministers have an involvement here. Maybe as part of that there will be arts facilities in the valley, which is what Ms Horodny was arguing for. Members will know how strongly I fought for that. There will also be the opportunity to have some of that outdoor environment that we all appreciate.

There are still some gaps to be filled. As Mr Kaine says, "They - the other things - will be filled by private enterprise when we get some more development on the other side of the bridge, adjacent to the lake". Maybe we will then have some up-market restaurants or some higher-class restaurants than McDonald's and Kentucky Fried Chicken. There are restaurants by the lake, which are much needed; but they are for the private sector to provide for us. I am sure that they will come in due course.

The main thrust of Mr Osborne's MPI is important, and we do not take that away from him. He has raised the issue, but in the end it comes down to the provision of retail facilities. That is the main thrust of what is needed further down the valley. Hopefully, this Government is changing its approach to that which it had in opposition and will move rapidly, more rapidly than Mr De Domenico's December date, to get things going.

Mr De Domenico: You had four years. What did you do?

MR WOOD: We had it going. You stopped it all.

MR SPEAKER: Order!

MR WOOD: You put a close on it.

MR SPEAKER: Order! The discussion is concluded.

ANNUAL REPORTS (GOVERNMENT AGENCIES) BILL 1995

[COGNATE BILL:

ANNUAL REPORTS (GOVERNMENT AGENCIES)
(CONSEQUENTIAL PROVISIONS) BILL 1995]

Debate resumed from 22 June 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Annual Reports (Government Agencies) (Consequential Provisions) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MS FOLLETT (Leader of the Opposition) (4.18): Mr Speaker, the Labor Party members of the Assembly will not be opposing this Bill. The Bill establishes a framework for annual reporting for ACT Government Service agencies and sets a consistent reporting requirement for ACT public bodies. It also allows for the date by which reports should be tabled in the Legislative Assembly, and I will have more to say about that later. The Bill codifies the form and the content of the reports and it also provides a scheme of consolidation of reports. Mr Speaker, as I say, we will not be opposing the Bill. In fact, from my recollection, the Bill was being drafted at the time that I was in charge of such matters and I regret that it has been so much delayed.

There is one issue that I want to raise, Mr Speaker, as I indicated earlier, and that is the timing of annual reports. In discussion with my colleague Ms McRae, who is chairing the Estimates Committee, she raised with me the fact that the proposed three months deadline contained in the Bill is not compatible with the deliberative processes of the Estimates Committee. It allows them far too little time. It would be consistent with the reporting requirements set by this Assembly for the Estimates Committee if the timetable required were to be altered somewhat, and I will be moving amendments in order to achieve that. I think the amendments will enable the Estimates Committee to have annual reports available to them for consideration in the last week of September that is set down for the committee's hearings. As I say, Mr Speaker, we support the Bill, but I will be moving those amendments in the detail stage. I believe that those amendments will ensure that the Estimates Committee will have available to them the information that they need and in sufficient time to allow the Estimates Committee in turn to meet the timetable that has been set by this Assembly.

MRS CARNELL (Chief Minister) (4.20), in reply: As I indicated when I tabled the Annual Reports (Government Agencies) Bill 1995 and the Annual Reports (Government Agencies) (Consequential Amendments) Bill 1995 on 22 June, they are critical administrative pieces of legislation which will provide a simple, streamlined and consistent annual report arrangement for ACT government agencies and public bodies. Subsequently, I have tabled a number of amendments to the Annual Reports (Government Agencies) (Consequential Provisions) Bill 1995. One relates to the Mental Health (Treatment and Care) Act 1994. The other amendments are of a minor technical nature related to tidying up references to annual reporting under other legislation referred to in the consequential provisions Bill, and I will move those at the appropriate time in this debate.

Most importantly, these Bills will raise the level of accountability to the community and will encourage agencies to improve their level of service. In conjunction with new arrangements for financial accountability and reporting which I will be announcing in the context of the 1995-96 budget, they will greatly improve the level of accountability of chief executives by placing clear responsibilities for reporting with these officers.

They will also make transparent the financial and non-financial performance of government activities and their reporting to the Assembly and to the community. There will be legislative requirements to report and the date by which these reports are due in the Legislative Assembly, and specific provisions for informing the Assembly on late reports and the reasons for them.

Annual report directions and guidelines issued under this legislation will support the adoption of a more rigorous approach by agencies to providing relevant information in annual reports. This will enable the Assembly to more accurately assess an agency's performance. Specified information will include performance indicators and narrative-type information which together will provide a more comprehensive understanding of an agency's performance. Requirements on chief executives' performance will also be included in the annual report directions and guidelines. These directions and guidelines will be tabled in the Assembly to ensure that the maximum accountability and reporting requirements of the Assembly are met. By passing this legislation the Assembly will clearly indicate its requirement for a higher level of accountability and reporting by chief executives, both to the Assembly and to the community.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS FOLLETT (Leader of the Opposition) (4.24), by leave: Mr Speaker, I move:

> Page 4, lines 7 and 8, clause 6, subclause (1), omit "3 months", substitute "10 weeks".
>
> Page 4, lines 17 and 18, clause 7, omit "3 months", substitute "10 weeks".
>
> Page 6, line 2, clause 11, add the following subclause:
>
> > "**(2)** The Minister shall not fix a time under subsection (1) that exceeds 10 weeks.".

As I indicated in my speech in the in-principle stage of the debate, the purpose of the amendments that I am moving is to allow the Estimates Committee a greater length of time in which to consider annual reports. The effect of the three amendments is to reduce the reporting time for annual reports from three months to 10 weeks. I believe this is necessary in order to allow the Estimates Committee to do the job that the Assembly has asked them to do, and to report in the timeframe that the Assembly has asked them to report in. Mr Speaker, I commend the amendments to the Assembly. In doing so, I am fully aware that they will not take effect this year; they will take effect in future years.

I believe, Mr Speaker, that delays in annual reports have caused considerable difficulties to estimates committees in past years. I think we should allow departments some time in which to accommodate a new timetable if these amendments are agreed to. I commend the amendments to the Assembly. I believe it is only a two-week difference. If departments have time to plan for it they should be able to accommodate it quite readily. It will make all the difference in the world to the hearings of the Estimates Committee, which I am sure all members know can be a very rushed period and a period in which members of the Estimates Committee, and other members who are interested, are often so inundated with information and documents that they constantly have the feeling that there is just not enough time to give to all of them. The annual reports are the most fundamental documents that the Estimates Committee requires for its work. I believe it is essential that the annual reports are available to the Estimates Committee in time for it to give them full and ample consideration and also to be able to scrutinise the contents of those annual reports in hearings with the Minister and with departments. I commend the amendments to the Assembly.

MRS CARNELL (Chief Minister) (4.26): I had not seen those amendments until now, until this minute, and I think that is a little bit unfortunate in this sort of situation because there are other consequences of passing this sort of amendment, not the least of which being that when you change the time by which an annual report must be presented you also, obviously, have to change the timeframes by which other reporting happens within the department. Certainly, that can be done by instrument; but it does mean that the whole timeframe for an annual report must be changed right from the beginning through to the end. I am advised that those timeframes would be quite difficult to achieve. If that is what the Assembly wants to do, that is fine. It is certainly not something on which we are going to die in a ditch. If we want the best possible annual reports, I am advised that a three-month timeframe is a quite tight timeframe. It is obviously in the hands of the Assembly.

MR MOORE (4.27): Mr Speaker, I think the amendments put up by Ms Follett are very sensible. I can easily understand why it is that people from within the bureaucracy would advise the Chief Minister that they do not want three months; they probably would prefer six months. Looking at the last five years, a number of times 12 months or 24 months would have been ideal. That is why the Chief Minister originally put the legislation up - to tighten up the system. If we are going to make the departments responsive to the work of the Estimates Committee the Assembly as a whole ought to ensure that we have the information in appropriate time and not allow the departments to have a time that could effectively run beyond the Estimates Committee. The most important point that Ms Follett made was that that does not apply to this year. Once this legislation has passed, departments are going to know that as of 1996 they will have 10 weeks after the end of the financial year. That is plenty of time for them to set out their timeframes and to ensure that they comply with the law that goes through today. It gives me great pleasure to support the amendments as part of my general support of the Bill.

MR KAINE (4.29): Mr Speaker, I am not quite clear on what Ms Follett seeks to achieve by setting this timescale, because if the reports are published at any time after the fiscal year they have no relevance to Estimates Committee considerations. This year, for valid reasons, the Chief Minister and Treasurer has set back the budgetary cycle, but I presume that next year we will go back to the situation of getting our budget on the table by the end of June for debate in the middle of August. That means that even if the annual reports are brought down within 10 weeks the Estimates Committee process will be over. This has no relevance to consideration of the estimates and the processes of the Estimates Committee.

I think this flows from the fact that there has been some confusion in this place over the years about what the Estimates Committee is supposed to do. I note that the function of an estimates committee is to look at the budget that has just been brought down, not to do an over-the-shoulder look at last year's budget. That is not the role of an estimates committee. Because of the timing that has been in place since we have had self-government, the Estimates Committee has tended to do both things. If we look at the budgetary cycle and assume that the budget will be brought down in future years in June, and that the budget debate will take place in the middle of August, this timetable that the Leader of the Opposition is putting up is pointless. It has no bearing on the Estimates Committee process. It cannot, because even under this timescale the annual reports will not be brought down until after the Estimates Committee process has finished.

I do not quite know what she is seeking to achieve. If she wants these annual reports in time to be considered by an appropriate Assembly committee as a review of last year's budget performance, that is a different thing. In that case it does not matter, in a sense, whether the annual reports are brought down in 10 weeks, 12 weeks or 16 weeks, as long as they are brought down in sufficient time for an appropriate Assembly committee to do that over-the-shoulder look. There seems to be some confusion. It does not seem to me to make any difference whether the annual reports are brought down in 10 weeks or 12 weeks, in terms of the Estimates Committee process, which demonstrates that there is still some confusion about what the Estimates Committee process is.

MS McRAE (4.32): Mr Speaker, I do not believe there is any confusion about the Estimates Committee process. It is quite helpful to read annual reports before going into the review of appropriations. I do not see any problem with incorporating the two, using them as a benchmark, using them as a basis for information. That is exactly what people have always done. The amendment was late. My apologies, Mrs Carnell; mea culpa. It was essentially because I was looking at the timetable that was before us this year. When we looked at this Bill we thought, "Oh, my goodness, if we strike the same problem next year, we will not be able to read the annual reports before the estimates process begins". I take Mr Kaine's point that they are not an integral part of the process; but, if you can read them before you begin a process, all members have found that particularly helpful.

In rising to speak to this amendment I am seeking to solve a problem in the future. We have no indication of when the budget will be next year. We assumed it would again be in September. If not, we will worry about that problem then. For the moment, our information is that it will be at the same time next year. Budgets are usually for a year at a time, and that is the basis on which this amendment was put.

Mrs Carnell: We made it clear that we were going earlier next year.

MS McRAE: Our information was different from that. The further problem that I would like to anticipate now, whilst looking at this amendment, is the problem that is raised this year and the timing of the estimates report. If our annual reports are still due on 30 September this year we run into the problem of having sufficient time for the Estimates Committee to read the reports, review estimates and then subsequently report on 31 October. I am anticipating that, after discussion with my colleagues, we may be seeking some commitment from the Chief Minister that perhaps this year, as far as possible, the annual reports could be in by either 15 September or the end of that sitting week. After the budget we will explore this issue further. This was specifically why this amendment was raised. It was raised to improve the review process. Even if we move to a different review process, we will no doubt need to report again in October in anticipation of a November sitting - - -

Mrs Carnell: Why?

MS McRAE: Because we have so few sitting days, Mrs Carnell, that any report - - -

Mrs Carnell: The budget will be passed, already.

MS McRAE: It does not matter. Whether a budget is passed or not, in the other process that Mr Kaine is talking about you can still have a review that incorporates annual reports and looks at the previous year's work.

Mrs Carnell: But then it does not matter what the times are.

MS McRAE: No. In my book the time element still comes into account because in each instance you have to allow the Government fair time to respond to a report, which is exactly why we get into problems with the Estimates Committee reporting on 31 October within two weeks of subsequent sittings and then - - -

Mrs Carnell: But that is because that is when we will pass the budget.

MS McRAE: No, not entirely. It is also to do with the number of sitting days that are available for a government to respond. I accept that you might have a different opinion on that, Mrs Carnell. I know that that puts extra pressure on the Government response to an estimates report. But, either way, this amendment will assist the process of Assembly review of annual reports, whether it be for an estimates report or a further over-the-shoulder review, as Mr Kaine states. It raises the problem that we will be facing this year in anticipation, and I will be following that up again by letter. I commend the amendment to the Assembly.

MRS CARNELL (Chief Minister) (4.35): Just to clarify interjections, Mr Kaine is right. We have to have the estimates procedure and the report to the Government before we pass the budget, in a normal circumstance. Now, that is fine; but, when you go to an earlier budget, it means that you certainly will not have the annual reports when you have your estimates procedure and you go to pass the budget. That will not happen even if it is 10 weeks or 12 weeks. For the supplementary approach, looking at annual reports, it really does not matter when those committee hearings are because you are not passing the budget after them. So whether they be in October or November simply does not make any difference. The timeframes here simply are totally irrelevant. As I said, the second approach, looking at last year's annual reports, does not have the same timeframe concerns because you are not debating the budget after them. That is the point we are trying to make here. Why would you put this extra two weeks time constraint on the whole process if there is no time constraint really, because you are not debating the budget after it?

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

ANNUAL REPORTS (GOVERNMENT AGENCIES) (CONSEQUENTIAL PROVISIONS) BILL 1995

Debate resumed from 22 June 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MRS CARNELL (Chief Minister) (4.38), by leave: I move:

Schedule -

Page 4, line 3, (proposed amendments of the *Betting (Totalizator Administration) Act 1964*), insert the following amendment:

"Subsection 9(4) -

Omit the subsection.".

Page 5, line 1, (proposed amendments of the *Commissioner for the Environment Act 1993*), insert the following amendment:

"Subsection 14(8) -

Omit the subsection, substitute the following subsection:

'(8) A report presented by the Commissioner, or information provided by the Commissioner, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include, where the Commissioner decided not to investigate a complaint during the period to which the report or information related, particulars of the decision including the reasons for it.'.".

Page 5, line 6, (proposed amendments of the *Commissioner for the Environment Act 1993*), insert the following amendment:

"**Section 23 -**

Repeal the section, substitute the following section:

Information to be included in annual reports of agencies

'23. A report presented by the principal officer of an agency under section 7 or 8 of the *Annual Reports (Government Agencies) Act 1995*, or information provided by the principal officer of an agency under section 8 of that Act, shall include -

(a) details of any request under section 18 of this Act received by the agency;

(b) details of any assistance provided by the agency in response to any such request;

(c) details of any investigation carried out by the Commissioner in respect of any activity of the agency;

(d) details of any recommendation made by the Commissioner following an investigation of the activities of the agency; and

(e) details of any action the agency has taken in respect of any such recommendation;

during the period to which the report or information relates.'.".

Page 5, line 26, (proposed amendments of the *Director of Public Prosecutions Act 1990*), insert the following amendments:

"Paragraph 12(4)(b) -

Omit 'pursuant to subsection 34(1)', substitute 'presented, or information provided, by him or her under section 8 of the *Annual Reports (Government Agencies) Act 1995*'.

Subparagraph 12(4)(b)(I) -

Insert 'or information' after 'report'.".

Page 8, line 9, insert the following heading and amendments:

"Mental Health (Treatment and Care) Act 1994

Section 86 -

Repeal the section.

Section 120 -

Repeal the section, substitute the following section:

Information to be included in annual report of Director

'120. A report presented by the Director, or information provided by the Director, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include -

(a) statistics in relation to persons who have a psychiatric illness; and

(b) details of any arrangements with the State of New South Wales in respect of such persons.'.".

Page 8, line 10, (proposed amendments of the *Nature Conservation Act 1980*), insert the following amendment:

"Subsection 15C(3) -

Omit the subsection, substitute the following subsection:

'(3) The Conservator shall include in a report presented by him or her, or information provided by him or her, under section 8 of the *Annual Reports (Government Agencies) Act 1995* a copy of any direction given to the Committee by the Minister during the period to which the report or information relates.'.".

I present the supplementary explanatory memorandum. As I said earlier, the purpose of these amendments is to sort out some minor technical details and also to remove the requirement for the Mental Health Tribunal to provide an annual report. The requirement to report will now come under the Annual Reports (Government Agencies) Act 1995. A report or information provided under section 120(a) and (b) of the Mental Health (Treatment and Care) Act 1994 is to be authorised under section 8 of the Annual Reports (Government Agencies) Act 1995.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

TRUSTEE (AMENDMENT) BILL 1995

Debate resumed from 30 May 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (4.40): This is legislation that the Labor Opposition is quite happy to support because it is legislation that both parties promised to introduce in the latter months of 1994. The Bill removes a range of restrictions which prevent trustees from investing moneys in credit unions. Those restrictions are historic. They date from an era when banks were seen as safe because there were lender of last resort facilities. Non-bank financial institutions, credit unions and building societies were seen as less safe than banks.

While there remains a distinction between a bank and a non-bank financial institution, developments in recent years, particularly with the success of the so-called AFIC package, the Australian financial institutions code, under a cooperative State, Commonwealth and Territory package - in fact, essentially it is a cooperative State and Territory package; the Commonwealth has a limited role - have seen the non-bank financial institutions club together and there are, in effect, last resort facilities. People who invest in credit unions or building societies now are far safer than they were some years ago. That quite substantial reform was prompted by some of the situations that occurred in Victoria in the late 1980s when a number of prominent non-bank financial institutions, principally Pyramid, collapsed and there was no facility whereby non-bank institutions in trouble could secure any last resort facilities.

One of the principal reasons why we were attracted to support the calls for this amendment from the credit unions lobbyist, the credit union peak body, was their argument that levelling the playing field and allowing credit unions to access the trustee market in the same way as banks would make it easier for the credit unions to be generally competitive. As Consumer Affairs Minister for some years, and now as Opposition spokesperson, it is noticeable to me that a number of the credit unions, to their great credit, have tried to avoid many of the practices that the banks have introduced in recent years, in relation to fees and charges, that have created howls of protest. There is no doubt that when you look at what are competitive and attractive products for the small banker, the person who does not have massive investments but just wants to deposit their salary cheque and access their money in a convenient manner, and perhaps take out minor loans and do modest domestic banking operations, credit unions - without trying to do an ad for credit unions - offer an attractive alternative.

It does seem fair, given that credit unions have tried to do the right thing by consumers, that governments, if they safely can, should level the playing field to allow credit unions access to markets like the trustee market. We were certainly convinced late last year, when we promised to do this, as I am sure Mr Humphries was when he was then in opposition and also promised to do this, that the AFIC package meant that we were able to provide this opening of the market because the trustees could feel confident, if they chose to invest trust moneys in credit unions, that the AFIC package would provide adequate protection.

Mr Speaker, Mr Humphries, just some little while ago, provided me with some amendments that he proposes to make. I notice that the Chief Minister was a little critical of Labor amendments that were tabled only this day. I think the timeframe is roughly equivalent, but fortunately I had been spoken to by industry representatives who flagged that these amendments were coming. What Mr Humphries is proposing is a fairly minor opening up to provide the same facility for bodies not resident here. He assures me that he is mirroring New South Wales legislation. That seems sensible because New South Wales moved in this direction some little while ago. Labor is happy to support the Bill and the minor amendments that the Attorney-General is bringing forward. It is legislation that both parties supported before the election. It does open the market to credit unions and we would hope that, as a result of a new market being opened to credit unions, they can continue to strive to provide competitive and attractive packages to small consumers.

MR HUMPHRIES (Attorney-General) (4.44), in reply: Mr Speaker, I thank the Opposition for its support of this Bill. As Mr Connolly indicates, this Bill does arise out of agreements made by, I imagine, a number of parties before the last election to see a freeing up of the position in respect of credit unions. Banks have long been seen in some way as more reliable than other financial institutions. I am not entirely sure what the basis for that assumption is. Certainly, as Mr Connolly suggests, there is some suggestion that, be they more reliable, they may also be more capable of some rapacious activity in dealing with their customers. Whatever we might think about banks, it is obviously in the interest of consumers generally that they be placed under considerable competitive pressure, and to preserve what is essentially a restriction on people's capacity to invest in credit unions in favour of banks is clearly not required in this day and age.

The suggestion originally against allowing credit unions, particularly those outside the ACT, those not incorporated in the ACT, to be a suitable object of investment by trustees was that banks were regulated by the Reserve Bank of Australia, whereas credit unions were regulated and monitored for their ongoing capacity to provide services and not go under by the particular State departments responsible for administration in the State in which they were incorporated. That is probably a fairly unsatisfactory dichotomy, but it is a fairly marginal case as to whether that really disenfranchises someone from being capable of then investing in a particular credit union.

It may be, Mr Speaker, taking into account the amendment which Mr Connolly has just mentioned, that we are not going far enough in what we are doing today. I am advised that Victoria is about to abolish the list of authorised and trustee investment sources and instead introduce the prudent person principle - namely, that a trustee with trust moneys to invest may make a decision which, in all the circumstances, it would be prudent and appropriate to do. Perhaps even restricting people's choices might be inappropriate. Obviously, there will be a variety of decisions that a trustee might make. Some might decide to invest in shares or offshore companies. Who knows? Trustees might even be tempted to invest in, say, small betting agencies on remote Pacific islands. But whatever they might choose to do they would, under the test to apply in Victoria, have protection if the decision that they might make was prudent to a reasonable person. For us to provide lists of organisations in which trustees might invest is perhaps a little bit on the way out. Nonetheless, I think it is appropriate for us at least to widen the net that far, and I welcome the support of the Opposition in that process.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (4.48), by leave: I present the supplementary explanatory memorandum and I move:

> Page 2, line 7, clause 4, (proposed subparagraph 14(e)(ii)), omit "society incorporated in the Territory; or", substitute "society;".
>
> Page 2, line 8, clause 4, (proposed subparagraph 14(e)(iii)), omit "union incorporated in the Territory;", substitute "union; or".
>
> Page 2, line 8, clause 4, (proposed paragraph 14(e)), insert after subparagraph (iii) the following subparagraph:
>
> > "(iv) a foreign society;".
>
> Page 2, line 23, clause 4, paragraph (f), omit "definition", substitute "definitions".
>
> Page 2, line 28, clause 4, paragraph (f), add the following definition:
>
> > "'foreign society' means a society registered under the Financial Institutions (ACT) Code as a foreign society;".

Mr Speaker, as Mr Connolly has indicated, this did come rather late, and I apologise for not having been able to give the Opposition more notice. We have only just received word from New South Wales that it intended to widen the list of credit unions that could be invested in in that State from those that are incorporated in that State to include those that are foreign registered credit unions in that State. It seems appropriate for us to match that arrangement here in the ACT. There are a number of credit unions that would be affected in the ACT by this widening. One that I know of is the Piccol Credit Union, for example. That is based in Victoria, but it has a presence in the ACT. I think there is little basis on which to suggest that it would not be a suitable source of investment whereas one incorporated in the ACT would. Therefore, I urge that we accept these amendments which would have the effect of widening that net that little bit further.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

QUESTIONS WITHOUT NOTICE

Student Assessment

MR STEFANIAK: Mr Speaker, I seek leave of the house to give some additional information relating to matters that were raised during question time.

Leave granted.

MR STEFANIAK: Mr Speaker, having looked at the Opposition's questions over the last two days, it is clear that there is some confusion over my role in relation to the assessment of a particular secondary student. In order to clear up this confusion I intend to clarify my role and put to rest any misunderstandings. Some of the confusion relates to whether or not I issued a ministerial directive to the department to carry out certain actions. I am aware of a letter which was sent from my office in July and which gave advice on action that would be taken in relation to the assessment of a student. That was not a directive. The advice had been fully discussed with the Department of Education and Training and staff from senior secondary studies. This advice took the form of oral and written briefings, and it was advice with which I ultimately agreed. It was not a course of action that I decided unilaterally.

I reiterate my offer to all members of this Assembly to provide a full briefing on this matter. It is a highly confidential and highly sensitive matter. It is not something that I can divulge details of publicly because it concerns a particular student. I should add that it relates to a long-running issue that certainly predates my time as Minister, as I am sure Mr Wood would be well aware.

MS FOLLETT (Leader of the Opposition) (4.51): Mr Speaker, could I move that the document be tabled? I am referring to the statement he just read. It is a statement.

MR SPEAKER: I am advised that you can move under standing order 213 that a briefing note be tabled.

MS FOLLETT: Mr Speaker, it is not a briefing note; it is a statement which the Minister read. I move:

> That the document the Minister quoted from be tabled.

MR SPEAKER: I am advised by the Minister that it is a briefing note. I am not in a position to judge whether it is a letter, a briefing note or a billet-doux; but you can move that it be tabled if you wish.

Mr Humphries: We are not normally asked to table these documents. They are briefing notes for us to use.

MR SPEAKER: There is a convention. I would have to agree with Mr Humphries.

MS FOLLETT: I totally support that convention, Mr Speaker, but the Minister stood and read word for word from that document. If it is not to be tabled I would appreciate a copy of it.

MR SPEAKER: The question is before the house.

MR HUMPHRIES (Attorney-General) (4.52): If I may speak to the matter that Ms Follett has raised, I would say it is within the competence of the house to move this motion and to carry it. However, it is a most unfortunate precedent. There has been an informal agreement in this place that members are entitled to read from briefs or speaking notes without having to table those notes. Where a member reads from, say, a letter or a document, that is another matter. Members would certainly expect to have to table that document if they use it on the floor of the house. This is a speaking note prepared for Mr Stefaniak in his office and he has read it in full. I think, as a matter of principle, it is undesirable to open that up for members to see generally. Members can annotate that or cross things off. That really is a matter for members to have to deal with on their own. We have not traditionally asked for those documents, and I would urge members not to now start doing that.

MS FOLLETT (Leader of the Opposition) (4.53), in reply: Mr Speaker, I totally support the convention that people's notes ought not to be tabled, and I always have supported that; but we have another convention, and that is that any statement by a Minister is circulated in this place. In my view, that was a statement by the Minister, and I ask that it be tabled.

MR SPEAKER: It is for the Assembly to decide. The question is that the motion be agreed to, and that is to table the document Mr Stefaniak read from, whatever it is.

Question put:

> That the motion (**Ms Follett's**) be agreed to.

The Assembly voted -

AYES, 10	*NOES, 7*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Follett	Mr De Domenico
Ms Horodny	Mr Hird
Ms McRae	Mr Humphries
Mr Moore	Mr Kaine
Mr Osborne	Mr Stefaniak
Ms Tucker	
Mr Whitecross	
Mr Wood	

Question so resolved in the affirmative.

RETIREMENT OF ASSISTANT EDITOR OF DEBATES
Statement by Speaker

MR SPEAKER: Before I call on the Manager of Government Business to move the adjournment, I would like to take this opportunity to inform members of the recent resignation of the Assistant Editor of Debates, Mrs Pat Sales. She resigned from her position and retired from the ACT Government Service on 28 July. I believe it should be recorded that Pat Sales was part of the Assembly Secretariat at its very beginning in 1989, when she was seconded from the Commonwealth Hansard Staff to act as Editor of Debates and assist in the establishment of the Hansard Office. She returned to Parliament House in 1990, but when the position of Assistant Editor of Debates was created here early in 1994 she was promoted to it.

Pat Sales had been appointed as a reporter on the Commonwealth Hansard Staff in 1969 - the first female reporter on that staff in its then 68-year history. The quality of her work as a reporter and editor in those intervening years constantly attracted admiration and praise from all of her colleagues. Needless to say, in her editing of the *Hansard* of this Assembly and in discharging her responsibility for the production of Assembly committee transcripts she continued to achieve the highest possible standards. The Assembly was indeed fortunate to have the services of such a highly skilled, experienced and dedicated Hansard officer.

On behalf of all members of the Assembly and her colleagues in the Secretariat, I wish to congratulate Pat Sales on her record of outstanding service as a parliamentary officer and to wish her a long, healthy and enjoyable retirement.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.59 pm