



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 October 1995

Wednesday, 25 October 1995

Visitors	1973
Domestic relationships - property rights	1973
Domestic relationships - property rights (Statement by Minister)	1975
Charnwood High School - possible closure	1976
Questions without notice:	
Taxi licence auction	2010
Parkwood Eggs	2011
Taxi licence auction	2014
Freedom of information	2016
Parkwood Eggs	2017
Taxi licence auction	2019
Government revenue	2020
Disposal of government property	2021
Taxi licence auction	2022
Postnatal nursing care	2023
Road closures	2024
Small business program	2025
Workers compensation - sports people	2025
Taxi licence auction	2027
Health care centres	2029
Study trip	2030
Paper	2030
Housing strategy (Ministerial statement)	2030
Legal Practitioners (Amendment) Bill 1995	2033
Health Promotion Bill 1995	2037
Adjournment:	
Kippax Health Centre	2055
Carnell Government	2056
Crossbench members	2057
Carnell Government	2057
Carnell Government	2058
Removal of trees	2058

Wednesday, 25 October 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.

VISITORS

MR SPEAKER: I would like to acknowledge the presence in the gallery of students from Charnwood High School.

DOMESTIC RELATIONSHIPS - PROPERTY RIGHTS **Discussion Paper**

MR CONNOLLY (10.31): Mr Speaker, I seek leave to present a discussion paper and draft legislation in relation to the Domestic Relationships Act.

Leave granted.

MR CONNOLLY: Mr Speaker, last year this Assembly passed legislation which was acknowledged around Australia and in other jurisdictions as being groundbreaking legislation in the area of providing access to equality in property rights for people in same sex relationships and for people who are long-term carers of others. The issue of property rights for persons in gay relationships has been an issue of concern around Australia for many years. Indeed, the issue of property rights for people in relationships who are not married, regardless of the sexual nature of the relationship, is a problem. We saw last year in Queensland where the partners of miners who perished in a mining tragedy were disadvantaged because the de facto relationships legislation in that State at the time did not give them equality in property rights on the same basis as married persons.

Two years ago the Labor Government of the ACT sought to address this injustice with a very innovative legislative approach, and that was to create the concept of a domestic relationship which would cover the issue of same sex property rights and also the issue of persons who for many years provided care to another - perhaps a daughter looking after an ageing mother or a more distant relation; a person who gave up their own career prospects and put a lot of effort - financial, physical and emotional - into providing long-term care in circumstances which gave rise to an expectation that they would have some right over the common property only to find that that right was thwarted.

25 October 1995

The Domestic Relationships Act of the ACT had all the potential for a divisive and unpleasant community debate where stereotypes of gay relationships could be lambasted. We could have had a divisive “shock, horror; gay marriage law proposal in Canberra” debate; but, as a credit to the maturity of all sides of this house and the Canberra community, that did not happen. We issued a discussion paper outlining the Labor Government's innovative proposal for domestic relationships laws. That discussion paper was warmly welcomed by a range of groups. Obviously, the AIDS Action Council were strong supporters of that legislation; but so, too, was the Carers Association of the ACT, and so, too, was the Council on the Ageing. When there were some attempts to stir up some division in the community over this issue it was, to me, very pleasing that church and community leaders in Canberra took the view, and took the view publicly, that this was not a law about passing moral judgment on whether a person was in a same sex relationship or a non-married heterosexual relationship; it was a law about access to property and access to justice.

The fact is that a person probably always had the right to bring an action to secure access to property, but that right could be enforced only by an extremely expensive Supreme Court action. The benefit of the Domestic Relationships Act was that it simplified access to justice and allowed cheap and inexpensive actions to be brought in the Magistrates Court if prior mandated mediation was unsuccessful. The Attorney-General was good enough to provide me fairly quickly with an answer to a question earlier this year which showed that as of May there were some 20 applications on foot in the courts of the ACT, which is quite significant for legislation that at that stage had been in place for under a year. My feedback, from talking to practitioners in the ACT, is that this law is working quite well. I get the same feedback from groups like the AIDS Action Council.

When Labor introduced that law we made it clear that it was our intention to take the law further in a fairly short period. The major limitation with the law as it now stands is that an action may be brought only during the lives of both parties to the relationship. Clearly, that can cause an injustice, in some circumstances, in same sex relationships; but it can also cause a grave injustice in the circumstances of the carer who is looking after an ageing relative, or an ageing person who is not a relative but where the circumstances that would create a domestic relationship property right during the lives of the parties have been established.

The legislation that I am putting before the Assembly today is, in legal terms, amendments to the Administration and Probate Act - that is, amendments to the situation that occurs when a person, as lawyers say, dies intestate, or dies without a will. This will allow persons who would fit within the definition of domestic relationship to make application in the same way through the Magistrates Court for their rights to be recognised in the distribution of property when a person dies without a will. At the moment there is a very proscriptive regime which means that a person in a domestic relationship situation may get nothing. The legislation also comprises amendments to the Family Provision Act, which deals with what lawyers tend to term testators family maintenance - that is, the ability of a person who is being cut out of a will in circumstances where they had an expectation that they would be provided for, or in circumstances where prior to the death of the person they had an expectation of enjoying some form of financial support.

Mr Speaker, these amendments are very significant in the sense that they take what is already Australia's most progressive law one step further. Viewed from another perspective, they are but the logical development of the law that was put before the Assembly and passed last year, given the nature of the law and the fact that it gets into some points where there are some black letter legal issues that should be fully debated in the community. I have sought to replicate in opposition the course we took with this law reform measure in government - that is, to issue for public discussion a draft of the law. I will be circulating this to the obvious interest groups, such as the Council on the Ageing and the Carers Association. I would hope that the Government would look at it from any technical perspectives with the much greater resources that the Government Law Office has.

I would very much hope, Mr Speaker, that this law reform measure can be debated in this parliament with the same maturity that marked the debate on the Domestic Relationships Act, which was a significant step forward for human rights in this country. I present the following paper:

Domestic Relationships - Extending property rights to cover intestacy and testators family maintenance - Discussion paper, including exposure drafts of the Family Provision (Amendment) Bill 1995 and Administration and Probate (Amendment) Bill 1995.

I move:

That the Assembly takes note of the paper.

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

DOMESTIC RELATIONSHIPS - PROPERTY RIGHTS **Statement by Minister**

MR HUMPHRIES (Attorney-General): I seek leave to make a short statement on the paper on domestic relationships and property rights presented by Mr Connolly.

Leave granted.

MR HUMPHRIES: Mr Speaker, I have not had an opportunity yet to examine this paper fully, but I certainly accept the premise of Mr Connolly's remarks - that there is a need to extend some of the provisions of the domestic relationships legislation passed last year into matters of administration of probate and intestacy. I should indicate to the Assembly that there is legislation well advanced on the Government's part to carry forward that legislation in that way.

25 October 1995

Mr Connolly: But not on your program, Gary, which is why I tabled this.

MR HUMPHRIES: No. I indicate to the Assembly that some work already has been done by the Government on this subject. Perhaps Mr Connolly and I should talk about whether there are any policy differences between these two Bills and attempt to sort them out so that again, unanimously in the chamber, we can support extensions of the law to cover people in these circumstances.

CHARNWOOD HIGH SCHOOL - POSSIBLE CLOSURE Suspension of Standing Orders

MR BERRY (10.39): Mr Speaker, I propose to move a motion to suspend so much of standing orders as would prevent Ms McRae from moving a motion in relation to the restoration of supplementary funding for Charnwood High School arising from a public meeting last evening. I seek leave to make a short statement in relation to the business paper today.

Leave granted.

MR BERRY: Mr Speaker, I wish to indicate to members that we will move that notice No. 1 be postponed to a later hour this day in order that the arrangements which were reached yesterday in the Administration and Procedure Committee will not be upset. I move:

That so much of the standing orders be suspended as would prevent Ms McRae from moving a motion concerning Charnwood High School.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Motion

MS McRAE (10.41): I move:

Noting the level of community concern about the possible closure of Charnwood High School, this Assembly requires the Government to restore supplementation staffing to Charnwood High School to enable it to remain open in line with community wishes.

Mr Speaker, Charnwood High School has found itself in the worst of all possible worlds and the process that has been undergone has cheated the community and cheated the students of time to consider options fully. The Government says that their policy is to not close schools unless the community agrees. The community met last night and the agreement was not there. In fact, there was a distinct level of anger about the mere notion that their school, of which they are very proud and which they have spent a lot of time building up and working in, has to be closed.

The options that were offered to this school were first raised in September when the school was notified that five of its staff were to go, 2½ of whom were supplementary staffing. All schools lose staff, all schools face declining numbers and all schools face changes, but the dramatic change that was wrought in September has had very sad and serious consequences for Charnwood which this Government has refused to take seriously or consider the impact of. The school was offered four options and there was a consultation committee formed to look at those four options.

The first option was that Years 7 and 8 be amalgamated and Years 9 and 10 be amalgamated, so that the school could then operate with two major groupings of classes rather than four - a very sensible way to cope with declining numbers, a very sensible way to cope with declining teacher numbers. But could the option be even explored? No; it was killed before it even began, because you cannot begin to teach in 1996 without a curriculum and without a program. When the school community committee began to look at that option it was a non-option. They needed time, they needed staff and they needed support to look at that option fully and to prepare a program to begin. Was that offer listened to; was that concern listened to? No. So that option was gone.

Option No. 2 was to investigate the possibility of amalgamating with a local primary school - a very sensible option. We see that option working in other places in K to Year 10 schools. We have one at least in the ACT. But, again, you cannot, in October 1995, say, "Oh, what a good idea! Let us keep Charnwood High School open by amalgamating with a primary school, and let us just open in 1996". What a nonsense! What a ridiculous option to put up with no support, no planning, no staffing, no thought, no curriculum, no negotiation, no investigation! What a fraud! What a duplicitous fraud was put on this community. Two options out of the four that were offered were completely non-viable. It had to be operational by the beginning of 1996.

Option No. 3 was to amalgamate with Ginninderra High School. What a nice idea! Lovely! Suddenly a nice, well-run, comfortable, good school of 200 or 300 students was to be lost in a new school. Was that option padded with any support? Was that option offered with extra counselling, extra support, extra staffing, and some sort of transfer process? Good heavens, no. Bye-bye, Charnwood High School! Go and lose yourselves in Ginninderra High School; but of course you remain as a school, because all of a sudden you are an enclave in Ginninderra High. I have no qualms that Ginninderra High would have treated them extremely well, and that they may well have a very good time there; but that is not the point. The point is that this Government set up a third option which was not viable, not thought through, and not in any way in the best interests of the students and the community.

The fourth option was a cold-blooded, "Close the school". Thank you very much! What about the families that have more than one child at the school and suddenly have to put them on buses? What about the families that simply do not have access to buses in any readiness? What about the families that do not have any transport? What about the families that are genuinely concerned - which they are - about losing their community school, the centre of their community, their building, their place, their fields? The school has a lot more to do with life than just being there from 9.00 am to 3.00 pm.

25 October 1995

What about all the after-school activities? What about the places where the students meet? What about the places where life goes on after school, with productions, with sport, and with other activities? Suddenly, all of that is simply gone; no discussion, no negotiation, end of story. All of this was couched in a lovely letter that says, "We will do this only if the community agrees".

What did the community say last night, and there were 250 of them? They said, "We do not agree". So, thank you very much. We are back to our school with insufficient staffing, with insufficient resources to run a proper program, with insufficient time to run a new program, with insufficient time to consider our options, and this Government refuses to face the reality of what that means. Do you think Charnwood High School does not know what has happened at Narrabundah Primary School or Stirling College? Of course they do. They told us. They know that other schools are favoured. They know that other schools are concerned about it. What is so wrong with Charnwood High? This community felt doubly disadvantaged. This community said, "We are sick to death of Charnwood being treated as the end of the world. We are proud of Charnwood. We like our high school. We do not want our children to be sent elsewhere. We do not want our children in the bus interchange. We do not want our children on the streets. We want our children in our school, in our place, in our space, in our community, and we are proud of it".

The fact that other parents have chosen to go is neither here nor there. I hear a lot of nonsense such as, "If the school was so good, parents would have stayed there". That, in my mind, is just a superfluous and ridiculous argument. The students who are there are the students who matter, and the community concern that is there is what matters. The Government says, "We will close it only with the community agreeing". The Government was not even at the first public meeting to which we were all invited. For the Government to say that this is a fabrication of my fervid political imagination is just hypocrisy and nonsense beyond belief. The parents understood fully what the consequences were. The parents were very concerned. Even after last night they are probably still thinking about the unnecessary and unpleasant option of having to transfer their kids; but they do not want to. They feel that they are being rushed into a decision that they do not want to make.

They were given four options, three of which were non-viable, and one of which was not an option at all; bye-bye, goodbye, close Charnwood High School. What they were angriest about was that they were being forced into the position of being told, "You make the decision". One of the parents said loudly and clearly, "Why do we have to do this; so that this Government can look good and hide?". They said, "Why does the Government not just come straight out - - -"

Mrs Carnell: What did you do with Griffith Primary?

MS McRAE: Yes, of course you are going to bleat about that. You should have come and faced 250 parents, Mrs Carnell. There were 30 parents involved in Griffith Primary, and I knew that you would begin with that nonsense. Fine. We are going to hear a lot from this Government. As usual, we are going to get history lessons. We are going to get revisionist editions. We are going to get variations. They are going to twist and squirm. They are going to call us every name under the sun. But what are we

talking about? We are talking about 250 parents and their children at this school now, for which this Government is in charge now, for which this Government has written a policy now, saying that this school will close only if the community is agreeable. Well, the community was not agreeable.

You saw no press release from me before this meeting saying, "Shock, horror; this Government is going to close this school". No. I waited to see what the community said, and the community said it loud and clear. The community said loudly and clearly last night that they do not want their community school closed. They were willing to explore those options, and they were difficult options. It is no fun running a school with less resources than any other, but they were willing to explore the options of amalgamating Years 7 and 8, amalgamating Years 9 and 10, and running a quite different school. Were they given the opportunity to explore those options? No. A letter sent on 9 October to all parents, which had to be responded to on 24 October at a public meeting, does not give time for a proper program to be established for Years 7 and 8, and 9 and 10. What sort of an option was that?

You can revert to all your history lessons and say, "Labor did this" and, "Labor did that". You are now responsible. This is your school, this is your community, this is your decision; and this school has been cheated of time. This school has been pushed into a situation where they are going to be blamed. This school has been told, "Oh, yes, well, you can do anything you like". With insufficient numbers of teachers to run a program, or even prepare a program, they are willing to run their school with insufficient teachers to cover everything; but they need time to prepare it. They need time to get it together. What are they being given? They are being given a ridiculous series of options which are non-viable. They are being given nonsense about, "It is all politicised and that dreadful Labor mob are doing things". They are being given no reassurance that anybody cares about the future of their students who are there at the school now. They are being given no reassurance that anybody cares about the Charnwood community.

This is the Government that carries on endlessly about small shops, about the community, about "save this", about "save that", and you are willing to allow the school to close without even meeting with the school community. The parents were there in force. It is one thing to meet 10 reasonable people in a room. It is quite another to see the full range of parents there who will come and tell you about how much the buses are going to cost them, about how fearful they are about the bullying that their kids encounter on the buses and at the interchange, about how fearful they are about the marijuana that is available at the interchange. These are the realities that the parents voiced last night. These are the realities of day-to-day life in Charnwood.

Most of all, and what was most telling, this is a school that is proud of itself. This is a school that wins awards. This is a school that enters competitions. This is a school that has an entity of its own. This is a school that has been refurbished, that has been added to by the P and C, and that has a viable and lively community. At the end of last year we were all there in force because there was election fever. Mr Stefaniak, Mr Berry, Mrs Grassby and I were there for Operation Farmhand. No other school in the ACT ran Operation Farmhand, thank you very much.

25 October 1995

It was Charnwood High School. What did they do? They raised money for farmers who were having trouble keeping their body and soul together on the land. What did they do? They approached every business in Belconnen. They organised a fashion parade. They organised an MC. They organised music. They organised the MLAs. They got us to make fools of ourselves and give lots of money.

This is the school we are talking about. This is a living, vibrant school that has a here and now. This is a school that is facing closure because this Government will not take the issue seriously, will not offer serious options, and will plod ahead with this move, saying, "Well, if the community wants it". I am here to tell you today that I listened to the community last night and they do not want it, thank you very much. They want to be treated as a viable - - -

Mrs Carnell: Exactly the same as everyone else.

MS McRAE: They are perfectly happy to be treated - - -

Mrs Carnell: Exactly the same as everyone else.

MS McRAE: Thank you, Mrs Carnell, for that interjection because they would agree with every word. Of course they want to be treated like everyone else. But how can they possibly operate as a small school with a new program without even six months' lead time to prepare a new program? Tell me that Stirling College and Narrabundah Primary School are treated like everyone else.

Mrs Carnell: They have had 12 months.

Mr Humphries: Two years.

Mrs Carnell: That is right, two years of - - -

MS McRAE: It is just nonsense on your part. You have threatened them. You have put the axe over their head. Nobody two years ago told them that they would close. Nowhere was there a decree from Bill Wood that this school would close. Your decree has come now. There are four options, one of which says that the school will close. There is no opportunity to prepare for a new program and the community is angry, and I think they have every right to be angry. They are losing a valuable community centre. They understand fully what that means for Charnwood and they are doubly disappointed that not only was an offer made but it was transparently useless. All the four options lead up to is, "You close. Just close. Goodbye. Thank you very much. Off you go".

MR STEFANIAK (Minister for Education and Training) (10.56): For starters, the options do not do that. I attended a meeting, as you know, Ms McRae, about two weeks ago with a number of people - - -

Mr Berry: What about last night, Bill? You should have had the guts to turn up at the public meeting.

MR STEFANIAK: Actually, I did not receive an invitation for last night, Mr Berry, and I do not really think you or Ms McRae should have gone because I think you did politicise the meeting very much.

Mr Berry: It was a public meeting.

Mr Humphries: We were not invited.

Mr Berry: You should have come along and you would have seen it for yourself. Do not tell a big fib.

MR STEFANIAK: We could have made a complete circus of it then, because I think you two certainly did by politicising it. This is a very sensitive time for Charnwood High School. I do not think political stunts help. Mr Speaker, I think it is unfortunate that the community consultation process about best possible options for the future education of high school students in Charnwood and the adjoining suburbs is being turned into a political and media circus. It is a very trying time for Charnwood High School. It is a trying time for the community, the students, the parents and the school staff, and I do have a great deal of sympathy for them at this time. I do not think media hype and political stunts help. Mr Speaker, we should consider the real issue here as calmly as we possibly can, and we must do what is best to maintain the best possible education services for students living in the area, and in other parts of Canberra as well.

There are a number of principles I want to put up front, right at the beginning of this debate, and the first is that this Government is not in the business of closing schools. We do not have an agenda to close schools. The second principle, Mr Speaker, is that this Government is committed to consulting with the community on important issues.

Mr Berry: Well, why were you not there last night?

Mr Humphries: Because he was not invited; that is why.

MR STEFANIAK: This is exactly what has happened in relation to the declining enrolments at Charnwood High School. You said that you were invited. I was not.

Mr Berry: It was a public meeting. Everybody was invited.

MR SPEAKER: Order!

MR STEFANIAK: That is interesting, Mr Berry. This is what is happening in relation to the declining enrolments at Charnwood High School - declining enrolments, Mr Speaker, that have been going on for some six years. We are also undertaking a similar process in relation to Stirling College at the moment. That does not have supplementation either. This Government supplemented both of those schools at the start of this year when we took over government, but both of those schools now are not to receive the supplementation in 1996. It is not something that can go on forever. There are people I have spoken to in the Charnwood community who well and truly accept that fact.

25 October 1995

I think it is unfortunate that consultation such as this did not take place two years ago. If you people had not just sat on your hands we might not be in this situation now.

Ms McRae: We were not going to close it, Mr Stefaniak. You are the one putting up the option to close it.

MR STEFANIAK: We are facing up to a problem, Ms McRae.

MR SPEAKER: Order!

Ms McRae: No, they are not. You are the problem.

MR STEFANIAK: We are facing up to a real problem and that problem has been there for about six years. Two years ago, as people in this chamber have mentioned to me - - -

Members interjected.

MR SPEAKER: The house will come to order! Ms McRae was heard in relative silence. I ask that the same courtesy be extended to the Minister.

MR STEFANIAK: If you had started that two years ago there might well have been ample time, but you did not. You sat on your hands and did nothing. You did not want to face up to the problem. The decline has been apparent for a number of years, and it should have been apparent even to you. However, sometimes it is difficult to determine exactly who the community is. Are they the people on the consultative committee who came up with those two options? Are they the 200 or so people at the meeting last night who voted to fight to keep the school open - after a fair bit of politicising, I might add? Some politicians and the media like a fight - heat and smoke and little light. We have seen some of this already this morning.

Or is the community those parents who are making their choices to send their children to other schools? They are making real choices, it seems. I have been advised that there are approximately 130 students in the Charnwood High School catchment area who are eligible to attend Year 7 next year. It is interesting to note, Mr Speaker, that nothing occurred in the media in relation to this until such time as those enrolments for next year were given to the school. There were no extraneous or external features which could interfere with enrolments. There was no media hype; there was nothing to indicate that there was anything that would cause concern at the school. Even so, so far only about 40 young people have indicated that they will enrol. In recent weeks it appears that this number has dwindled to about 30. That really is not viable. In August this year, I am told, there were about 270 attending the high school. At the same time, I have been advised that there were nearly 500 students living in the catchment area who attend other government high schools. On top of that, there are about 440 students in the same area who attend non-government high schools. Maybe that is an important message that the community is also sending to us.

For all of this year, Mr Speaker, Charnwood High School, and I might say Stirling College too, received considerable levels of supplementation to assist them address this type of community response. Unfortunately, it does not seem, in the case of the high school, to have worked. It is all very well for Ms McRae to say that there should be more consultation; there should be more time taken to sort out options to try to reverse the decline in enrolments. What does she think has been going on already this year? What does she think the committee has been doing? The committee worked through a number of options. It worked through them and - - -

Ms Follett: Close or close?

MR STEFANIAK: No, there were about four or five, Ms Follett. It was working through them, including the options such as K to Year 10, and Years 7 and 8, and Years 9 and 10. It was working through those options and there were people putting up points in relation to them at the meeting I attended. No doubt that occurred at previous meetings as well. The committee certainly has looked at all these options and it came up with those two options.

Several options have been considered already. It is clear, with declining enrolments, that the school cannot continue along the same lines as this year, supplementation or not. One option, I suppose, would be to amalgamate with Ginninderra High School. That would enable an orderly transfer of students and resources. Ms McRae mentioned a few things in relation to that which I will comment on. The Labor Government was in a similar situation with Griffith Primary School. Just as it assisted those students, if that option is taken up, obviously this Government will assist. We appreciate that there is a need for transport. We appreciate that there is a need for, perhaps, transport to be given to students for maybe two years or something like that, and other assistance provided to let them settle in. I think that would be fair and that would be something we would do.

That option was certainly bandied about, and I do not know why Ms McRae says that it is not viable, as she seems to be saying. That school has a very large capacity which would take all of Charnwood High School. There is also a good precedent for that, which is probably why the committee came up with it. Holder High School and Weston Creek High School became Stromlo High School, and very successfully. That is a way in which, contrary to what Ms McRae states, a school does not lose its identity. There is any number of analogies, not only in schools but also in other areas, where organisations amalgamate. Battalions in the army amalgamate. They keep their old colours. Holder and Weston Creek had a very successful amalgamation; so, really, I do not quite know what Ms McRae is driving at there. Several other options were considered, such as a small high school with an integrated approach to teaching, a kindergarten to Year 10 school, and twinning with another school. Those were options that the committee looked at and argued about. At the meeting I attended there was a lot of discussion about them and a lot of pros and cons raised.

The third thing I want to place on the record is that this Government is committed to maintaining education funding in real terms. We are continuing to honour our commitment to maintain education funding. That is plain and easy to see in the budget papers. There are no tricks, there are no mirrors, and there is no smoke.

25 October 1995

The allocation this year was increased in line with inflation. I am spelling this out, Mr Speaker, so that everyone can clearly see that spending on education is being maintained in real terms. That is what we promised in the run-up to the election, and that is exactly what we are delivering.

Everyone knows that the overall ACT financial position is such that our finances must be managed carefully. Everyone also knows that the people of the ACT expect a very high level of services from government organisations. This does not mean that this Government has agreed to keep every aspect of every education program exactly as it was last year or the year before. That would be patently foolish. Obviously, our government school system has to change and its programs have to be modified to meet emerging priorities. We do need to spend our education dollar where it is most needed. The education budget is not a magic pudding which will grow and grow to meet every conceivable single demand made on it. I suppose the decline in enrolments in Charnwood High School is very much a case in point.

Mr Berry: What a weak excuse - \$125,000.

MR STEFANIAK: It is probably a bit more than that, Mr Berry. Really, Mr Speaker, as members of that Charnwood consultative committee themselves said, continued supplementation is simply not an option. Just how far are we meant to go? We need to look at other options, and we need to look at what is the best possible education outcome for these kids.

Mr Speaker, I can feel, and the Government can feel, for the stress that some people are feeling at the moment, but we need to look calmly at the issues. It is a trying time for the community. These things are never pleasant. If you look calmly at them and if you look at what has happened in the past, there are a number of options. Indeed, just carrying on is an option for the school. If they can do that, great; but I come back to the point that we cannot keep supplementing forever, and we still have time this year to consider the situation. We have time to come up with the best educational option possible for the high school age students in Charnwood, Flynn and Fraser. At the same time, we cannot look at this issue in isolation. We need to consider the rights of all young people in the ACT to a quality education. It really is not sensible, nor is it equitable to the people who matter most, our children, and in this case our children at Charnwood High School, to apply band-aids where a more general, rational and sensible approach is required.

MS HORODNY (11.06): Mr Speaker, 16 years ago the Government sought to close Narrabundah College. It had declining enrolments and at the time had under 400 students. The Government at the time said that the school would die a slow and natural death; that people were moving out of the area and that it must be closed. Staff, students, parents and the whole community mounted a highly political campaign. They petitioned and they protested, and after months of heavy-handed talk by the bureaucracy and the Government the school was allowed to remain open. It is now one of the most vibrant and diverse colleges in the ACT system, with over 900 students and a range of programs that many consider second to none in Australia.

In the case of Charnwood High School, the Government has developed a “we cannot do anything” approach to school closures. It is sitting by and letting the service run down, then reducing programs and creating a scare campaign. It looks like a deliberate policy to undermine the confidence of staff, parents and students, and it must not be allowed to continue. Mr Speaker, the problems at Charnwood have arisen because of a lack of long-term planning. It is imperative that long-term demographic trends are studied and that a strategy is then implemented to deal with those trends. It is not good enough to wait until the school is about to die before attempting to deal with the problem. It must be done before the problem arises.

The strategy that the Government is seeking to put into place is one designed to destroy school morale. Parents with adequate resources will seek to move their children to other schools where there are better programs, while teachers will start looking around for other suitable placements. Meanwhile, the students who have the least ability to move - that is, those from lower income families - will suffer the most. These students must be supported. They deserve as good an education as anybody else. Mr Speaker, we urge the students, the parents and the teachers to fight on. The Greens will support Ms McRae's motion, which urges the Government to get itself together and to live up to its promise of listening to the community when it comes to closing schools.

MR KAINE (11.09): Mr Speaker, it is unbelievable that members of the Opposition can come to this place and express such shock horror at the situation that exists at Charnwood. First of all, we have to bear in mind that those very people were the Government for the last five years, so whatever situation applies at Charnwood has developed during their period of stewardship.

Mr Berry: And we kept the supplementation up.

MR KAINE: There is this holier-than-thou attitude about not closing any schools. Does anybody remember Griffith Primary School? The now Labor Party spokesperson for education sat up there very quietly where you are sitting, Mr Speaker, while the community debate about Griffith Primary School went on, and she never said a word.

Ms McRae: I was a good Speaker. That was because I was a good Speaker. Speakers are not meant to debate, Mr Kaine. History lessons will not help, Mr Kaine.

MR KAINE: You can get down out of the chair, as the current Speaker can, and speak if you wish; but you did not dare. Now, of course, you are holier than everybody else in this place.

The other interesting aspect of this - I am sure that the Minister is well aware of this - is that the community itself was working its way nicely through this problem and coming to their own conclusions until last night. What happened last night, Mr Speaker? Two members of the Labor Opposition turned up at the school meeting. That is the new ingredient. Along came the stirrers. It is not good enough for them to do what they advocate - to let the community work the thing out for themselves. No, they have to turn up. Along came the cavalry and they said, “We are going to tell you how to fix this.

25 October 1995

The way you fix this is that you put the word on the Government to continue the subsidy". "That is the way you fix it", said Mr Berry and Ms McRae. Up until that point the community knew the options open to them. They were working their way through it, which is what we believe the community should do, and what I understood was what the Labor Party thought the community should do when they were in government. Hence the fact that Mr Wood - - -

Ms McRae: You were not there. You do not know what you are talking about.

MR KAINÉ: Can you keep the chooks quiet, or will I throw them a bunch of wheat, Mr Speaker?

MR SPEAKER: I think you are doing very well, Mr Kaine. Continue.

MR KAINÉ: Only a couple of years ago we saw the then Minister, Mr Wood, graciously acceding to the requirement of the P and C of the Griffith Primary School that their school should reluctantly close. Is it not amazing how things change? Today we have them coming along here and saying what a terrible thing this is. I even heard the fascinating comment from Ms McRae on public radio this morning that the need for these children to get on a public bus and go to another school was a nightmare. All I can say is that there are thousands of children in this Territory who get on a bus every day and go to school, and not too many of them find it to be much of a nightmare.

Ms McRae: You tell those parents that. You were not there.

MR KAINÉ: I have a child - - -

Ms McRae: I do not care about your children. You tell those parents.

MR SPEAKER: Order!

MR KAINÉ: Mr Speaker, will you keep the chooks quiet? I am not into a debate with Ms McRae.

MR SPEAKER: Order! Mr Kaine has the floor.

Mr Berry: Somebody louder than you for a change, Trevor.

MR SPEAKER: Order, Mr Berry!

MR KAINÉ: Thank you, Mr Speaker. I have a child who goes on a bus to a school that her mother and I chose that she should go to and that is out of area. She takes the bus to school every day and she gets it from the Woden interchange. She does not find it a nightmare, I do not find it a nightmare, and her mother does not find it a nightmare. I find incredible the emotion that these people will put into an argument, anything at all - - -

Ms McRae: You go and tell those parents that.

MR KAINE: Mr Speaker, can you keep it quiet? Can you gag it or something, or stick it in with all the other battery hens?

MR SPEAKER: I will consider the matter, Mr Kaine.

MR KAINE: Thank you, Mr Speaker. There has been a problem in ACT schools for years, ever since the government of the day rightly decided that parents can opt to send their children to any school they like. They are not obliged to send their children to the local school. So you have these shifting enrolments. You cannot be precise on how many children are going to enrol from one year to the next, because parents and their children exercise their options. For example, I can remember in recent years the change at Narrabundah, which was on the verge of closing a few years ago; but it developed a reputation because of its excellence. Now nobody in his right mind would recommend closing Narrabundah, and children exercise their right to travel long distances to go there. So it is a question of where parents and children choose to go.

On top of that you have changes in growth patterns. The population growth in recent years has tended to be in Tuggeranong, and now Gungahlin, and the population is reducing in other areas. During all of that time, over the last five to six years, the number of children in our public schools has remained fairly constant at around 40,000 students. While the number has remained constant, we are still building schools. We are building schools all over the place. So, with the same population of students, we are getting more and more schools which we have to maintain. Nobody in his right mind, surely, is going to suggest that once you open a school you can never close it, or it can never be closed by the wish of its parent population and its student population when the student population drops below a reasonable number. If we had not closed any schools in recent years we would have 22 more schools in the system now than we had five years ago, with the same student population spread across them. In amongst those there have to be some schools that have gone below the point of being viable, and if the parents do not opt to do something about it the obligation is on the Government to do so because money is not an inexhaustible resource. We all know that.

So what is the solution? Does the Government simply put up taxes? I think that, if we did that in order to accommodate this strange requirement that no school can ever close, it would not be very long before the majority of the taxpayers out there would be complaining bitterly about the level of taxes that they were paying. They would be saying something like, "The Government has to bite the bullet and close some of these schools". It is a strange attitude that says that you may not allow any school to close.

I have some interesting statistics. I note in connection with this question of choice that 31 per cent of primary students attend schools out of their area; 36 per cent of students - over a third - attend out-of-area high schools; and 37 per cent of college students attend college out of area. This is the nightmare that Ms McRae does not want these few children to be put into. It is patently absurd, patently ridiculous. Specifically referring to Charnwood - Ms McRae might care to listen to this - enrolments at Charnwood High School have declined from about 680 in 1991 to 275 in 1995, and probably will be no more than 200 next year. There is clearly a problem.

We cannot generate more

25 October 1995

children to go to this school. The children and their parents are opting, obviously, to go somewhere else. What does Ms McRae propose that we do? Maintain this school no matter what the cost, even if we get down to the point where there are only 50 or 60 students there? What is the cut-off point?

Mr Berry: You made the promise.

MR KAINE: Mr Berry, you have a lot to say. What do you think the cut-off point is?

Mr Berry: You made the promise, not us.

MR KAINE: At what stage would you consider closing a school?

Ms McRae: Your Government; your promise.

MR SPEAKER: Order!

MR KAINE: I can talk to you about promises not to close schools, too. If this school closes it will be by the decision of its parents and its students, just as Griffith Primary School was. You have heard the Minister say that he is waiting for the advice of the committee that was set up to examine the matter. When he gets that advice he will listen to it, which is more than you will. You are not prepared to wait. Your objective is to get out there and stir people up and raise their expectations unrealistically.

Mr Speaker, I think that the approach of the Opposition is appalling. It is totally irresponsible. What they would see, presumably, is a very large increase in tax imposition on the people of this city to satisfy their strange notion that no school, once opened, can ever be closed, for any reason. It is clearly an absurdity. Mr Berry and Ms McRae would do far better to talk to those people in a rational way as to what their real choices are, rather than trying to stir them up to some unreal expectation that the Government will produce money that it does not have to keep this school open if it really becomes unsustainable. It is a silly argument. I did not imagine that Mr Berry would be so silly as to come here and present it.

MR BERRY (11.19): We have just heard a speech from Mr Kaine which goes back in history to the days when Mr Kaine and the Alliance Government settled on closing schools. In fact, it was a rebellious speech because it flew in the face of Mrs Carnell's promise not to close schools unless the community want it. Mr Kaine's speech goes back to the days when he and Gary Humphries - the education vandals in this place - attacked the school system and began to close them down. Luckily, they did not get away with it. They are trying now to do it by another method.

They draw comparisons with the Griffith Primary School case. That was completely different. In the case of the Griffith Primary School there was an exodus and the parents decided to close it down. It is quite different at Charnwood High School. Last evening there was an angry public meeting which we all could have attended if we had wanted to do so. If you look at the circular that went out to the community, it advertises it

as a public meeting. You all could have gone, but you were too gutless to face the community. The difference between the Griffith school and the Charnwood school is that the Charnwood school decided that they were going to fight. They said, "We want to keep our school open and we want it to be viable".

Mrs Carnell's promise not to close schools if the community wants them kept open is very hollow if she says that it is all right to take viability away from a school in the context of her budget. This school has decided to fight. This boils down to a sneak attack on the parents and students of that school to drive them into a corner. The Government hoped that they would fall on their own sword, the option of school closure. The community have decided otherwise, not by a direction from me and Roberta McRae because - - -

Government members interjected.

MR SPEAKER: Order!

MR BERRY: These experts over there did not have the courage to face the community. Bill Stefaniak, for example, did not even have the same courage as his colleague Mr Humphries, who at least, when he was closing schools, went out there and faced the community. Bill Stefaniak, like any second rower, always stands behind the front rowers - with no guts - and he would not front the community and listen to them. This community made it clear that it wanted to fight. We then said to that community, "If you want to fight, we will help you". That is why this motion is before us today; for no other reason. No other politician in this place attended that meeting; and they all could have, had they wished to. I would have loved the Liberals to come out there and try to argue their case. I have to say to them that, due to the anger of the community, it was a wise decision to stay away.

Somebody argued a little while ago that Labor sat on its hands. Labor supplemented this school and kept it viable. That is the difference. We supplemented this school and kept it viable because we believe in social justice. We believe in equity of access for children no matter where they live. That is the importance of this school at Charnwood. This is a school in a quite large geographical catchment area which has the support of a strong element of the community. The community does not consist of just a high school. It consists of a whole range of private housing and a very large component of public housing - in fact, I think, larger than all other suburbs, but certainly larger than most - and a vibrant shopping centre. It is an active community.

Mr Speaker, to take this high school away from that community would be a major blow. It has a developing element in the suburb of Dunlop. Many people who purchased houses in Dunlop did it against a background of a Labor Government committed to social justice and equality in access for children no matter where they live. Those people will be let down by this Government if this school is withdrawn. Property values will be affected. The Liberals trumpet quite often about how supportive they are of small business.

25 October 1995

This is an argument that has been had over and over again when it comes to school closures. This is again ripping an important part of the community out of that suburb. They can sit back there and say, "We made the promise, but ...". The fact is that if you make a promise to keep a school open you therefore commit yourself to the viability of the school. You do not pull the rug out from under the community's feet as these people opposite have done.

Mr Stefaniak says that he attended a meeting. It was not a meeting of the community, and that is what he needed to attend.

Mr Stefaniak: Mr Berry, that was a meeting of the community. They should have been allowed to make their decision without you there.

MR BERRY: Where were you last night?

Mr Stefaniak: As for your stupid comment about being gutless, pal, I faced 500 of your bloody unionists one day, and about 2,000 out there in 1992 in relation to Fightback.

MR SPEAKER: Order! Mr Berry has the floor.

Mr Stefaniak: I resent your comments, Mr Berry.

MR BERRY: You can resent them as much you like.

Mr Stefaniak: I am quite happy to face a hostile meeting, but I think you should let the community do it themselves.

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

MR BERRY: I can see that this has hit a raw nerve, and that nerve ought to be raw because this Minister, unlike his former Liberal Health Minister, did not have the courage to face the community and listen to what they say. We listened. We went out there as elected - - -

Mr Stefaniak: If they had wanted me out there I would have gone; no problem. I still will.

MR BERRY: It must be a great burden on your shoulders to be a disgrace to your profession - to not represent your constituents in Ginninderra. Here you are, an elected member for the electorate of Ginninderra, and you are not game to face your constituents at one of its schools which is facing closure because of your refusal to give it the supplementation that it requires to remain viable.

We sat and listened to young people who stood up and argued for the retention of that school, kids who want that school to stay open because they believe in it. We heard parent after parent argue for the retention of that school and for the retention of supplementation because they want to keep it, and they want to keep it viable; but they cannot do it without the support of the Government. What the Government has to do is

declare where it is coming to on this issue. If it is a government that wants not to run schools that are non-viable, say it. Say you want to close them by stealth, just say it; but do not mislead the community and push them into a phoney corner in relation to this particular school.

If you want to stick to your promise that you will not close schools unless the community wants it, you have to support the community when they say that they want to keep it open. That means that you must support this motion to supplement that school in order to keep it viable. If, as you say, you are in support of quality education for children at that school, you have no option but to provide that supplementation because the community have said, "We want to keep the school open". Stand by your word. If you say that you want quality education for these kids - you have promised the people of the ACT that you will not close schools unless the community wants it - you have to provide the supplementation.

I want to come to another point. Mrs Carnell yelled across the floor in a rather arrogant way a little while ago. She said, "It will not happen. This supplementation will not happen". Is that an expectation that she has the numbers in relation to this motion, or is it just defiance? Is she saying, "We will not do it no matter what the Assembly says."? Mrs Carnell, this is about a minority government being exposed for its frailties.

Mrs Carnell: That is right. You amend the budget. Then it will happen. It will not happen because I amend the budget. You do it.

MR BERRY: This is because this Government will not provide the proper resources to keep schools viable. In fact, the people of Charnwood have been abandoned by the Liberals on this score. They will not cop the lies any more.

Members interjected.

MR SPEAKER: Order! The house will come to order. Interjections are out of order, and provocation of interjections is also out of order. Mr Berry has the floor.

MR BERRY: Mr Speaker, disagreement with the Government is enough provocation to get an interjection; so bear with me, because I will continue to disagree with them. Mr Speaker, the community will not cop the lies any longer. Last night they were very angry with this Government and we have responded to their anger and brought forward a motion calling on this Government to provide the supplementation to keep this school going.

Mrs Carnell: Amend the budget.

Ms McRae: What nonsense, Mrs Carnell! Learn about parliament for a change.

MR SPEAKER: Order!

Ms McRae: What nonsense! What absolute nonsense!

MR SPEAKER: Order! You have already spoken, Ms McRae. Mr Berry has the floor.

25 October 1995

MR BERRY: They have made the promise to keep the school open. Mr Stefaniak says that he is committed to quality education for kids. They have now committed themselves to the provision of this supplementation. You cannot expect the community's wishes to be put in place in a realistic way without providing that supplementation. It would be an abandonment of those young people who sit behind me. I think it would be a great shame if this Government continued to treat those people the way they have treated them thus far. They have treated them with contempt. It cannot be allowed to continue. They are going to oppose this motion. This motion must survive in the interests of quality education at Charnwood High School.

MR HUMPHRIES (Attorney-General) (11.30): Mr Speaker, you can almost see the vote bandwagon passing along Ginninderra Drive and Mr Berry and Ms McRae sprinting after it and saying, "Yes, yes, wait for us; we want to get on this bandwagon. We are on board. We are your heroes. We will save the day". It really is quite sad to see this naked grab at votes going on in this place by the members for Ginninderra from the Labor Party - Ms McRae and Mr Berry. What they are doing is nothing more nor less - - -

Members interjected.

MR SPEAKER: Order! Mr Humphries has the floor.

MR HUMPHRIES: Mr Speaker, in light of their demonstrated record in respect of a school in exactly the same position last year, Griffith Primary School, you can see that their stand today is nothing less than naked hypocrisy and naked vote getting. They are after the votes of gullible people in the Ginninderra electorate. That is all that they are after. I wonder what they think this debate that they have had today in this place does for the confidence of parents thinking about what to do with their children presently attending, or perhaps about to attend, Charnwood High School. What does it do for them, I wonder? Not very much, I would suspect.

Mr Speaker, there is a fundamental unfairness in the approach that the Labor Party has taken in this motion today. That unfairness is that they are talking about only a single school whose supplementation has been withdrawn. As the Minister for Education indicated in his remarks, this is not the only school whose supplementation is not to be continued. There are a number of schools in that position. Why have our noble members concerned about those schools not come forward to defend those other schools as well, schools which are facing up to the implications of having to manage their resources and their future on the same basis as every other school in the Territory whose allocation of resources is linked to the number of students they have in that school? Why is it that they have not picked up those cases? Because, Mr Speaker, there are no votes in it. I think members of the community will recognise that completely naked opportunism.

Let us look at the case of Holder High School for one moment. Those opposite admonished the Alliance Government at the time that the decision was made to amalgamate. Amalgamating two high schools is an option which Ms McRae says is totally unacceptable. They admonished the proposal to amalgamate Holder High School and Weston Creek High School back in the early 1990s, but when they resumed

government in the middle of 1991 they did not reverse the decision to pursue that amalgamation. Indeed, they insisted that it go ahead despite some parents still being very unhappy with that project. As it turned out, Mr Speaker, that was a very successful marriage of two high schools. To this day Stromlo High School is a very strong, forward-looking and dynamic school because of that process of amalgamation of those two schools. There would not have been two strong schools in the place of what is now Stromlo High School.

Ms McRae dismisses that suggestion as being preposterous and out of the question. She is very ready to dramatise and to exaggerate the concerns about this matter and to point out why it cannot be done. I see the students of Charnwood High School in the gallery. They do not look like people who are shrinking violets who will collapse in a heap if they are asked to go on a bus somewhere in the morning. There are thousands of students in this Territory, many of them primary school students, who climb on buses every day to travel to school. It is quite outrageously self-serving of Ms McRae and Mr Berry to claim that these people somehow cannot manage that ride on a bus from one suburb to another.

“We would not have closed Charnwood High”, they say. What would they have done about supplementation, I wonder, Mr Speaker? I understand that before the last election there was a debate in the Labor Party about what to do about school closures and the view was expressed, even by the former Minister for Education before the last election, that it was impossible for governments endlessly to put off the question of whether small schools could remain in existence in the face of declining enrolments. That debate, I understand, went on inside the Labor Party. The view from one quarter was, “We have to acknowledge that this has to be done at some stage”. On the other hand, others said, “No, no; we cannot give away the votes”.

So the decision was made, Mr Speaker, that they would announce that there would be no school closures in the life of the Third Assembly - yes, they would preserve all those votes - but at the same time they would discontinue the process of supplementation of those smaller schools with declining enrolments. What we find today is that these people, because they are not on the treasury benches, do not need to carry through that decision they made behind closed doors; but they know full well that if they were in our position they would not be endlessly supplementing small schools, schools whose populations have declined by two-thirds in the space of just four years, as has Charnwood High School's.

The difference between those opposite in cutting off supplementation and those on this side of the chamber in cutting off supplementation is that we are prepared to work with the community to explore the options that are available to it in those circumstances. That is why, Mr Speaker, the four options that were so much decried by those opposite have been put on the table. We know the difference in approach between us and them. In those circumstances they would not take part in the debate. They would say, “No, no; we are not puppets. You make the decision by yourself. We will turn a blind eye to what is going on”; and, like Griffith Primary School, they would simply wait for the school to bleed to death. Mr Speaker, that was reprehensible, callous and gutless on the

25 October 1995

part of a government that claimed to be concerned about the plight of people in those schools. It was all of those things. Now they are blaming the present Government because it is prepared to take an active role in managing the issue of declining enrolments that all schools have to face up to at some point in their lives.

Ms Horodny, I have to say, was extremely unfair in her comments. She attacked the position of the Government. She said that what the problem with Charnwood High School was all about was a lack of long-term planning, but she was prepared to blame a government which has been in office for just seven months for that lack of long-term planning. There was no mention of the Opposition in your remarks, Ms Horodny. It was all about the Government's problems; the Government's targeting of the school; the Government was to blame.

The problems of Charnwood High School did not arrive on 9 March 1995. Enrolments declined from 681 in 1991 to 275 this year. They probably will be about 200 next year, if we are lucky. That was not a process happening under this Government. It was a process substantially in train under the former Government. What processes did they put in place not just to supplement but to manage this process? They did absolutely nothing about that process. They were prepared to let Charnwood High School go down the path of Griffith Primary School one day, which was simply to see it bleed to death. That, Mr Speaker, I condemn. That, I think, is simply totally callous and reprehensible.

Mr Speaker, members of this place would know, or they should know, and they should be telling the community, that there has been a significant challenge facing governments because of the long-term change in enrolment patterns in this Territory. Increases in the school-age population in new suburbs obviously make it imperative that we, as governments, attempt to make sure that in new areas of the ACT, where there is a very strong growing population and the population is generally of school age, or a very large part of it is of school age, there are schools to cater for those students. There was an interesting article in the *Canberra Times* on 14 October which talked about some of these issues and looked at the changes that have been taking place in the last decade in the ACT public school system. It highlighted the implications in terms of the provision of new school facilities in the ACT in the context of that growth and that decline. It pointed out the shifting nature of the student population in the Territory.

Mr Speaker, let me give you some statistics to put this debate in some sort of context. In the period between 1983 and the year 2001 it is calculated that 18 primary schools and 18 preschools will have opened in the Australian Capital Territory, as well as four high schools and two secondary colleges, many of them in newly established areas such as Tuggeranong and Gungahlin. (*Extension of time granted*) I thank members. That will be a total of 42 new educational facilities in a period of just under 20 years. Forty-two new educational institutions in the ACT come at a very high cost to ACT taxpayers. But, during the period from 1983 to 1995, eight primary schools and nine preschools have closed, together with three high schools. That is a total of 20 educational facilities. Overall, the picture basically is that by the year 2000 there will be an additional 10 primary schools, nine new preschools, one new high school and two new secondary colleges in the Territory. That is the net position after the closures and the openings are taken into account.

Let us look at the enrolments in ACT schools during that same period. Between 1983 and 2001 enrolment projections indicate that the school student population will increase from 39,980 students to 40,545 students - a grand total increase in a period of almost 20 years of just 565 students. Obviously, Mr Speaker, members can see that the school-age population of the Territory is increasing at a much lower rate than is the general population of the Territory. What we have, basically, therefore, is a more or less static enrolment in ACT schools overall across the whole Territory at this time. There is no indication of a boom in school-age populations. The net effect is that we have approximately 22 additional school facilities to serve just 565 students. That is a population of one high school. Mr Speaker, it is simply out of the question that the Government should consider that change in population and demographic position without considering at the same time some change in the allocation of schools around the Territory.

This Government will make sure that schools are provided in new areas of the ACT - areas like Gungahlin, South Tuggeranong, and other places, like Lanyon, where they are needed - because that is where the school-age population is heaviest; that is where the demand is greatest. But, Mr Speaker, that means ultimately that we have to look at the question of what happens to schools in older areas where those populations are declining. We cannot ask the community of this Territory to build an extra 22 schools for just 565 students. It just does not make sense.

Mr Speaker, this Government will keep its promise. Its promise was to keep schools open unless the school community itself wants to close it. If Charnwood High School's population says, "We do not wish to close", this Government will respect and honour that decision; but, Mr Speaker, that does not mean that we can endlessly continue to supplement failing schools.

Mr Berry: You made the promise.

MR HUMPHRIES: We know that it is not possible, and you know that it is not possible; but you do not have the honesty to say to the people of the ACT, "Look, we are all adults in here. We cannot continually supplement schools, particularly as more and more schools will be in that position in the future, without making a hard decision about what we do about their future". Mr Speaker, that is the issue we have to face up to as a community, as a government and, I would like to think, as an opposition as well; but I cannot be unrealistic enough to think that that is going to be the case. If those opposite were on these benches today they would be facing the same issues. Mr Speaker, I am pretty confident that they would be facing them in exactly the same way. They would not be continuing supplementation that they know would only have continued and prolonged a problem in these sorts of schools. They would have been having to address these issues. The mere fact that they are in opposition should not let them off the hook in addressing those same issues.

25 October 1995

MR HIRD (11.45): Mr Speaker, everything was nice and dandy until Chickenman Berry and his cohort started to pull a political stunt. It is a political stunt. The fact is that the school board were going about their business, as requested by the Minister, trying to resolve a very serious problem. It was causing some problems for not only the students but also the staff and the parents. However, in rides Chickenman Berry and his cohort, Tonto McRae. In they come and they stir the pot to make some political mileage.

Ms McRae: I was a chook before. I have stopped being a chook, have I? I like being a chook. I do not want to be Tonto.

MR HIRD: You are really a free-range hen.

MR SPEAKER: If you keep interjecting you will not even be here.

MR HIRD: Yes, we might put you out in Parkwood. The school board were going about their business at the request of the Minister. Let me tell you why the Minister made that request. It was because, as my colleagues have said, whereas there was a student enrolment of some 600 in 1991, it is something like 275 this year. It is going to fall even more next year, and I will come to that shortly. The scene is changing. You can ask the students themselves, or their parents. There are enough of them sitting up there. They are choosing to go to other schools.

Mr Berry: Those are not.

MR HIRD: They will choose to go to other schools.

Mr Berry: Because the door will be shut.

MR HIRD: If you had got into government, Mr Chickenman, you would have found that you were closing the school. We as a government are saying that it is an option. The school board did a survey of 1,000 people in our community, the Belconnen community, the catchment area, as it is called, and that survey generated 110 replies, of which 60 per cent supported amalgamation with Ginninderra High School or closure. That was their choice. The remainder suggested a range of options which the Minister outlined earlier today. But, no; in ride Mr Berry and his assistant to stir it up; making political mileage; pulling political stunts and taking away from the students their right of choice. Concern about why the school is not catching its share of enrolments and about leakage to other schools was one of the matters discussed at the meeting last night. Only 40 of the 128 Year 6 students in the feeder primary schools are planning to attend Charnwood High School in 1996. That should tell you something.

I will move away from education and talk about what this Opposition did when it was in government and what it did to the financial arrangements of this Territory. The financial arrangements are in tatters and we have to pick them up. Millions and millions of dollars were spent. They just went out and spent money. They were spendthrift. They do not care who is going to pay. At the end of the day the community pays.

I know that the Opposition went through this exercise with the closure of Griffith Primary School. The Griffith Primary School was an example of the problems faced by the education authority in the Territory. The bottom line is that we have to make sure that our students, no matter where they are, have the best education and the best facilities that money can buy. But it is not a matter of putting up extra money. For instance, another option could be that we could take a teacher from five of the high schools - any five; you pick them - and put them out there, but that would be at the expense of the students in those five high schools. We could do many things.

We certainly do not need Ms McRae coming in and saying to us that children are having nightmares through having to go through the interchange when there is no need to go through it. There are ways around that.

Ms McRae: Yes, in the family car which they do not have.

MR HIRD: You just saw the opportunity for a political stunt. You decided to jump on the bus, so to speak, and pull a political stunt. You have not allowed the committee to advise the Minister. The Minister has done everything properly.

Mr Berry: The committee called the public meeting, Harold. You could have gone.

MR HIRD: Why should he not do everything properly? He is as concerned as we all are about the education of our youth. Do not try to flim-flam, Mr Berry. This is a political stunt that you are pulling.

MRS CARNELL (Chief Minister) (11.51): Mr Speaker, I thought I might start by quoting a little bit of *Hansard* because we need to calm this debate down a bit. I am sure that everyone will be very interested in this quote. The speaker, Mr Wood, was referring to you, Mr Cornwell. Mr Wood said this:

The fact of the matter is, as he well knows, that the school effectively closed itself. Regrettably, the community left the school. It came down to a small number of students and you cannot, Mr Cornwell, ascribe three teachers and a deputy to the staffing 34 because the situation was in very considerable downward movement and that staff was about to be taken elsewhere.

He then went on to say:

It was about to be staffed, as the school well knew, in terms of whatever the number of students would generate.

I will quote that last sentence again:

It was about to be staffed, as the school well knew, in terms of whatever the number of students would generate.

25 October 1995

In other words, what was about to happen at Griffith Primary School was that the former Government were going to allow only the number of teachers that was appropriate for the number of students there. To my knowledge, that is exactly what we are doing at Charnwood High School. Mr Bill Wood made those comments as Education Minister because he well knew that there was only one other option, and the other option for him was to take those teachers from other schools; to take teachers from other schools that desperately needed those teachers; to take the approach of larger class sizes and fewer resources at other schools. Mr Wood took the sensible option, believing that equity was very important in education terms.

Mr Berry said before that the previous Labor Government was committed to equity; that the Labor Party was committed to equity. So is the Liberal Party, and that is the whole reason for this approach. It is exactly the same as the approach taken by the previous Government - that is, that there will be equity in our education system. Equity means that we simply cannot, as Mr Wood could not, allocate resources to one particular school when, as Mr Wood said, the community was moving away.

Ms McRae: Then have the guts to close it.

Mr De Domenico: No, you have the guts to amend the budget.

MR SPEAKER: Order!

MRS CARNELL: Mr Wood said here:

The fact of the matter is ... that the school effectively closed itself.

MR SPEAKER: Order! Mrs Carnell has the floor.

MRS CARNELL: Mr Wood said that the school effectively closed itself. Where were the comments that were made earlier about having the guts and all of this sort of thing? The fact is that our positions on this are identical. What we are seeing from the people opposite is absolute hypocrisy. You did exactly the same thing with Griffith Primary School. It was an appropriate approach. In our education system, particularly when primary schools and high schools at this moment are strapped and have class sizes that are bigger than we think are appropriate, we cannot allow that situation to become worse. We cannot let resources go down further than they are now. We do not believe that that is acceptable, because that upsets quality education.

The only other option, Mr Speaker, is for those opposite to have the guts to amend the budget. Every schoolchild in this city will have to wear what they are suggesting here - an extra \$250,000 to Charnwood next year. That \$250,000, from every other school all over Canberra, will mean fewer resources and larger class sizes. If that is what they want, they can have it on their own. I am not willing to do that, and nor is the Minister, because we believe that quality education is the bottom line here.

If that is not an option, and it is certainly not, their other option is to amend the budget. If they want to add \$250,000 to the bottom line and they can get the numbers in this place, go for it, because it will be borrowed. It will go on the Territory debt for a straight political stunt, and what will it achieve? We will borrow \$250,000, we will pay interest on it, we will end up with an ongoing debt, and at the end of 12 months what will the situation be? It will be exactly what it is this year, and exactly what it was the year before. For the last six years we have seen declining enrolments at Charnwood. It is disappointing, but it is part of the whole education cycle of every city in this country that has anything like the education system that we have. Schools have declining enrolments as demographics change. In a planned city like Canberra the problem is so much worse simply because suburbs were built at the same time. So we end up with very definite demographic changes that predominantly affect our high schools and our primary schools. Of course, as we are seeing with Stirling College, it can affect colleges as well.

How small are we willing to allow schools to become? I think Ms McRae made some comment about how Charnwood High School was absolutely essential to the lifeblood of the community; where would people meet; where would they say hello to each other - all of this sort of thing. We agree that schools are absolutely essential to local areas, but how small are we willing to let them become? Fifty? Twenty-five? One hundred? When do we say that we are no longer willing to let quality education suffer in this city; to allow children at Charnwood to be given fewer educational options than children at other high schools around this city? When are we going to say that we are not willing to allow class sizes to become unacceptably high at other schools so that we can supplement? Even with that level of supplementation, we still will not be able to give quite the educational breadth and depth that we would like to make sure is available at all of our high schools. That is the issue here. No. 1, it is quality education. No. 2, it is about working with the school and with the community to come up with a solution that does not lose what is uniquely Charnwood High, that does not lose the school community; a solution that allows them to decide whether an amalgamation is the way to go.

Amalgamation has worked very well at Stromlo. It has managed to allow the essence of the Holder High School community to be maintained. If that is what the school community wants, we should be supporting them on that. We will be supporting the school community on issues such as transport in the transition period. We will be supporting them on all of those sorts of things. To continue to supplement, Mr Speaker, to continue to give \$250,000 a year in order to maintain a situation that is continuing to decline, a situation that ensures that the young people at Charnwood will have ever-decreasing educational options, or alternatively that every other kid or every other student in this city has decreasing educational options, larger class sizes and fewer resources, is simply not an option. If those opposite are serious, let them amend the budget, increase the Territory debt, and accept that what they will be doing is not just for one year but for every year; and for what?

25 October 1995

MR OSBORNE (12.00): I suppose, Mr Speaker, that there comes a time when some tough decisions need to be made. It is sad when a school is faced with closure or an amalgamation, especially coming from a government that spoke long and hard before the election about being open and consultative. I have this feeling that perhaps they have not been altogether open and consultative on this issue. I do remember, Mr Speaker, your good self, in response to my raising these very issues prior to the election, standing up outside this - - -

Mr Moore: When he sat on a bulldozer outside Red Hill.

MR OSBORNE: I sat on a bulldozer outside Red Hill and you sat outside this very building and said, "The Liberal Party will not close schools". There seems to be more than one way to skin a school, Mr Speaker.

I suppose that we need to decide the best option here. We have two schools. One, Charnwood High, with a capacity for 700 students, has an enrolment this year, I believe, of 230, and, as we have heard from the majority of speakers here, the outlook is not good. We also have Ginninderra High, which has a capacity for 1,000 students but has only 400. When you add them up - I can just do that, but I might get some of the students here to help me - I think it is 630. When I went to school - it was a long time ago - that was still less than 1,000.

I have always advocated that resources in schools should be put where they are needed, and, if they are not being utilised as well as they should be, we have to make some tough decisions. I suppose that I am a little bit disappointed and a little bit stunned that nothing was done to help Charnwood High over the last couple of years. My understanding is that it is not a problem that appeared suddenly overnight. Mr Harry Kraft, the chairman of the Charnwood High School Board, was quoted in the *Canberra Times* of 14 October. Mr Kraft said a lot of things. The *Canberra Times* report says:

Kraft is critical of the way the Government and DET have handled the issue at Charnwood High, saying they "left things too late".

Whose fault is that, Mr Speaker? I am not going to point the finger, but it has become very obvious to me that Charnwood High has had a problem.

I have to say, Mr Speaker, that I do find it quite funny that Ms Horodny stood up and was so passionate about Charnwood High. Only this morning Mr Kraft rang my office and claimed that when he spoke with the Greens they did not know anything about the problem at Charnwood High. I believe, Mr Speaker, that it is in Ms Horodny's electorate. It is a good 25 to 30 minutes from my place as a voter. As a matter of fact, I even live in my electorate.

In the end, Mr Speaker, I suppose that we have to make a decision as to what is best, and I, for one, am not prepared to amend the budget. I believe that the budget is the Government's role. There are some things I would like the Government to guarantee to me before I support them on this. I am aware that Charnwood is not a wealthy suburb and that a lot of the families that use this school will suffer. If the Government can

guarantee to me that they will provide for the students for two years free bus services to whichever school they amalgamate with, and also cover any outgoings that the families will need to spend in changing schools, I am prepared to support it on this issue. I will do so if they can stand up and guarantee me that in this house.

MR MOORE (12.05): Mr Speaker, I would like to start my speech by saying how delightful it is to have students from the school in question here in the chamber today, because they can see how democracy works and they can see how democracy is working when it actually affects them. I think that is a great part of the learning process in terms of what they will be able to achieve themselves in future years. They would have observed Mr Osborne adding 400 to 230 with a little bit of difficulty, but I will say that Mr Osborne has been getting much better with his numbers daily since he has been in this house.

The real issue, Mr Speaker, starts with what has happened here. What has happened is that we have had declining enrolments. That has been flagged by quite a number of speakers. Also, we have had a series of actions by Labor in the past. Mr Wood was the Minister and he would know that this is an issue that I raised with him on a number of occasions. I asked what Labor was doing about trying to turn Charnwood High School around. He knows that I raised it not only with him but also with his department. I supported my former colleague, Ms Szuty, whose son was at the school last year and who raised this issue with him and the department a number of times last year. If my memory serves me correctly on this one, Mr Speaker, there were issues that I raised with Mr Wood, and sometimes issues that I raised with his department when I had a briefing there, and it may well be that I have confused the two.

Mr Speaker, there is no doubt that Labor knew that Charnwood High School was on the skids, that it needed some special injection or some special action to turn it around, and it is quite clear that the staff supplementation was simply not enough. It was not working. For Labor members to come into the chamber now and say, "Let us give a bit more supplementation and see what happens", clearly is not enough.

Mr Wood: Who provided that?

MR MOORE: Mr Wood interjects, "Who provided that?". I said yes, that staff supplementation was a step, but clearly it was not enough. It was not working; the school was not turning around. We now face certain choices and those choices have been flagged by the school, by the school board and by its special committee looking into these issues.

Last night we had a quite overwhelming reaction from the school staff. They said, "No, we really do not want this to close after all". Why would they suddenly react that way? Well, the writing is clearly on the wall. Perhaps this is the first time that anybody has been open with the school and said, "The writing is on the wall. You have to face it. You have reached a point at which you are effectively going to close. The only viable options left for you that do not undermine other schools in some way are either closure or amalgamation, which effectively are the same thing for the school".

25 October 1995

One of the reasons why the options have come down to that, I believe, is that the committee that looked at it very carefully took into account the impact that one of the options that had been flagged - the K to Year 10 school - would have, for example, on Charnwood, Flynn and Fraser primary schools - the feeder primary schools for this high school. They had taken into account that kind of issue. They came back and said, really, that there were only two options. The choice that they took back to their community last night was, basically, the option to close that school, or that campus, if you want to see it that way. The community reacted as one would expect. They said, "There must be something we can do". Mr Berry and Ms McRae said, "Perhaps there is something we can do. Perhaps we can reverse this decision in the Assembly". That was an entirely appropriate thing to say. It was entirely appropriate to give it a try - to see whether that could be done and whether more resources could be put into the school to give them a longer time to try to achieve that.

So it comes down to the 17 members who sit on these benches. What are we going to do? Are we going to say, "Yes, they need another year and that may well turn things around."? Suggestions that I have heard include a total change of approach, a change of name, some support, and perhaps advertising other methods aimed at finding ways to turn that school around. Ms McRae ran through a few of those this morning. Small schools can work. Small schools that have very strong teacher morale, a very strong approach from their staff, can work.

There would be a problem in this particular school because, under the present formula, there is likely to be a loss, according to the board chair on radio this morning, of five teachers - 2½ from the supplementation and 2½ through the formula because there is a reduction in numbers. When any school loses something like five teachers, the impact on teacher morale is significant in a relatively small staff. It simply means that there is going to be a great deal more work for teachers to do, such as supervision, preparation of curriculum, class work, and a whole range of things. In fact, the board chair this morning on radio suggested that the principal would be teaching. I do not think that is a bad thing, by the way. I have worked in many schools where the principal taught at least one class. I think it actually helped principals to keep in contact with the students. He also went on to say that they would lose a deputy principal, so part of the administrative load of that school would land back on a principal who is also required to teach, and there would be more administration loaded onto the teachers. Under those circumstances, is it likely that there would be an increase in teacher morale? Having taught for 17 years, I would think that the chance of getting a high teacher morale under those circumstances would be very low.

The real issue that we are dealing with today, Mr Speaker, is: What is going to be best for the students at that school, some of whom are with us today? Let us take a long-term view and consider not just the students who are with us today, but also the 30 or 40 students who would enrol in Year 7 next year. What happens to them? Mr Speaker, I do not think it looks good. If there is a low teacher morale, and if the numbers are declining, I cannot see how there will be a strong positive atmosphere in that school. Let me emphasise, Mr Speaker, that I have taught in a range of schools. I have taught in schools of 3,000 students; I have taught in schools of 1,200, 800 and 250. There were K to Year 12 schools.

Mr Berry: Let a viable community make up their own mind.

MR MOORE: Were they viable? Yes, they were viable. They were in country South Australia. They received supplementation. Those are the sorts of issues that are part of how I will be making my decision. There are also the budget issues that Mr Osborne and Mrs Carnell touched on. Mr Speaker, since I have made it very clear publicly that I am intending to move an amendment to the budget to take some money from the Treasurer's Advance and move it to education, for me the budget issue is not an issue as far as education goes, and that does not influence my decision.

There are a couple of other points I wish to make. The first one is the difference between this and the schools closure debates of 1990-91 when Mr Humphries tried to close 25 schools, or was it 35?

Mr Humphries: Five.

MR MOORE: Eventually it came down to five. We certainly know that it started much higher than that, Mr Humphries. In that case we were talking about primary schools, in the vast majority of cases, and we were talking also about a planning issue, the school being the centre of the neighbourhood. I often made the point in that debate that I was not coming at it in that case from an educational direction; I was coming at it from a planning direction, which was why I so enthusiastically fought those primary school closures.

Mr Speaker, there is another factor that I would like to deal with and that is false hope. There is a responsibility on members not to use a situation politically. (*Extension of time granted*) I think we have a responsibility to ask ourselves, "Is there any chance that this school can be turned around or are we just going to extend the agony?". I think it is inappropriate for us to create a false hope, which is why, Mr Speaker, I think it is very important that this debate is carried through to its conclusion today.

Another issue that was raised was about buses. I recall Ms McRae expressing the concern in the community that children on their way to Ginninderra High would go through the bus interchange, where they would be exposed to all sorts of evil forces and so on. Upon hearing that, my office informed me that there is a bus route, No. 405, that goes from Charnwood to Kippax, next to Ginninderra High, and then up Florey Drive. However, in terms of social justice, there is the issue of extra costs associated with this amalgamation. Mr Osborne has already raised the issue of some of the savings from the closure of this school, or its amalgamation, being used to assist students who are now going to have to travel further distances to Ginninderra High School or other high schools. The Minister for Education has agreed that if this school goes they would be prepared to provide a two-year transition process for that to happen.

Mr Berry: It is the same cost as the supplementation.

MR MOORE: Mr Berry interjects that it is the same cost as supplementation. I will take that interjection, Mr Speaker. Try to remember the notion of creating a false hope for a school that now has an enrolment of 30 or 40 students in Year 7. It really has gone past that turnaround period.

It has not been in any sense an easy decision. The crunch, as far as I am concerned, is that it is too late. In fact, Labor had the chance to turn this school around. They are coming at it much too late. For them to now sit there and try to take the high moral ground, when it was up to them to turn it around when they were in government, is hypocrisy, Mr Speaker. I am pleased that there are showers around here so that I can make sure that I have the hypocrisy washed from me in a little while. It is simply too late. Labor had the opportunity. It was Labor's responsibility. They failed to face up to their responsibility. They are now prepared to use the community for their own political gain, in spite of the anguish it will cause, Mr Speaker; and I am not prepared to support that.

MS TUCKER (12.19): First of all, I would like to clarify something Mr Osborne said. I think he would do better to stick to the argument rather than make imputations against people that he has not thought out or understood. What happened this morning was that Ms Horodny was contacted about the motion. She had not actually seen the motion, which came to us late, which I am sure Ms McRae will confirm. If Mr Osborne had attended the Estimates Committee he would be well aware that we have been concerned about Charnwood High School for some time.

In terms of this motion, I am quite aware that Labor possibly did not take a responsible role in this as well. I have heard that already from several speakers. The point is that we have a community school here and it would be worth while seeing whether there are ways of keeping it open that are not going to be a huge cost on the community. Mrs Carnell seems to see only one solution to this problem. That shows a lack of creative thinking. I do not believe that the Government agency responsible, as we have seen in other cases, has taken on its management role with any flair or dedication. Passage of this motion would allow the Government to do that, but there needs to be a commitment. If the Government is going to manage these facilities it needs to be a responsible manager. That has not been the case so far and the community has suffered. By supporting this motion that could now begin to happen, perhaps for the first time.

MR WOOD (12.21): Mr Speaker, I rise as the person who, when Minister for Education, reopened two schools that were shut by the former Alliance Government. I want to deal, first of all, with a couple of furphies that have been spread during the debate today. The first is the one Mr Moore, Mr Osborne and members of the present Government mentioned - that we did nothing for Charnwood High School.

Mr Moore: I did not say that. I agree that you had supplementation. I said that you did not do enough.

MR WOOD: We had supplementation. The supplementation is now being taken away by the current Government. We recognised that problem and we provided the assistance to help them through, to carry them through. We recognised that this was a program that needed to be done for a number of years.

Guess what else we did. As part of my thinking in another capacity, as Minister for Planning, we expedited the development of West Belconnen, specifically Dunlop. We promoted that over other areas so that this would provide an enrolment base for Charnwood High School. That is what we did. It was something very positive and definite. I think there is no more substantial thing we could have done than that. What else did we do? We designated Charnwood High School as the holding school for Gungahlin high school students and we provided a bus to carry those students. In the end that did not turn out to be successful, let me say; but we had the intention, we had the program, and we did that. So do not give me this nonsense about not responding to the needs of Charnwood High School. That is what it is - just nonsense.

There is one thing that we would not do, and the teachers union requested it. We would not draw boundaries. We would not say to parents that they had to send their child to that school. It has been a long established and valued principle in the ACT that students have freedom of enrolment. That is the only step that we did not take. And what is this Government now doing? It is rejecting all that careful work we have done to look after Charnwood High School and it wants to push it off the cliff at the end of this year.

The other furphy was that we closed Griffith Primary School. Let me tell you about that. Griffith Primary School enrolments moved from 170 or 180 students - I am going on memory here; it was well into the hundreds - down to 30 and below in a matter of weeks. Certainly, it had been in a state of enrolment decline over a considerable period; but there was a catastrophic change - nothing similar to what has been happening at Charnwood. There were particular circumstances involved with that school that have no application to Charnwood High School.

Let us look at the program that the Government has revealed here today in respect of school closures. It is a very clearly identified program. It was Mr Humphries who said that we should not supplement failing schools. Those were his words. I wrote them down. He put the condemnation on Charnwood High School instantly by using the word "failing". "We should not supplement them", he said. Mr Hird got up - - -

Mr Moore: Come on, Bill; Kate read the words from *Hansard*.

MR WOOD: I will embarrass you further in a little while, Mr Moore. I would not say anything if I were you. Mr Hird got up and said, "It was nice and dandy"; that is, they were going well with this closure program until the meeting last night when he thought the Opposition members stepped in. Mrs Carnell and Mr Humphries talked about the budget. They say, "We cannot afford this". Mr Kaine, Mr Humphries and, I think,

25 October 1995

Mrs Carnell talked about opening schools without closing schools. They were very clearly identifying here today the Government's school closure policy. I think that is disgraceful.

Mr Kaine: Not true.

MR WOOD: Mr Kaine, you had better go back and read your speech. Your rhetoric has not changed over six years in this place. Mr Humphries then adopted the entirely discredited tactic of setting up a false argument, saying that there had been some sort of debate within the ALP about resourcing. I have never seen Mr Humphries at a meeting of the Labor Party, thankfully. That was an entirely false debate. I was the Minister; I was the spokesperson; I was the committee person. I wrote the policies, for heaven's sake.

Mr Osborne disappoints me. Mr Osborne would close any school in Canberra so long as it is not in Tuggeranong. He will close Charnwood High School. Mr Osborne, I hope that you stand by your schools in Tuggeranong when the time comes, as, under this Government, it surely will. In the election period Mr Osborne said, "Close Red Hill". He did not read carefully enough into the figures he got to see that there were schools - schools in Kambah and other parts of Tuggeranong - where he can do that same addition and subtraction as he did today and find a shortage of numbers of students. It is very unfortunate that he is showing exactly the same approach as Mr Moore - that is, "If it is near me, if it is important to me, keep it. If it is somewhere else, forget about it". Mr Moore knows about coming to me - this was one time he did come to me - about Reid Preschool and saying, "Regardless of the numbers at that school, regardless of anything there, keep Reid Preschool open". Ahead of any information that came to me - it was not on my agenda - he asked me to keep Reid Preschool open, no matter what. Does he have the same attitude to Charnwood High School? Not at all. It is unfortunate that we see in two members over there an entirely selfish approach - a self-serving, self-interested approach. It is nothing more than that, and that is very unfortunate.

I will give Mr Moore credit for one thing. It was Mr Moore who raised the important thing, the important matter above all else, and that is: What happens in the school? That is the issue that you people do not want to know about - the quality of programs in a school. That is what counts. There is no question that Charnwood High School is a great and thriving school, with wonderful activity, with great work being carried on. It does great promotional work within the suburbs. That is one of the other things that we spoke to the community about. The school is a great school. That is the criterion which the present Opposition has always said is the one that should count - is it a good school? Charnwood High School is. In accord with our record on schools, Charnwood High School should continue.

Motion (by **Mr Humphries**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent discussion on this matter being concluded.

MS McRAE (12.30), in reply: Mr Speaker, despite many hours of rhetoric - - -

Mrs Carnell: Is she closing the debate?

MS McRAE: I am closing the debate.

Mrs Carnell: May I seek leave - - -

MS McRAE: No; you have spoken.

Mrs Carnell: May I seek leave to make just a brief statement in response to some questions that were asked of the Government?

Mr Berry: Afterwards.

MR SPEAKER: Order! Ms McRae will close the debate. However, Mr Osborne raised some questions of the Government - - -

Mr Wood: Mrs Carnell can walk down there and talk to him. She already has.

MR SPEAKER: Just a moment. Order! Mrs Carnell may very well do that. However, it may also be the wish of the Chief Minister to have her comments recorded in *Hansard*. It is entirely up to the Assembly as to how you wish this to be done, but I am going to put the question. If Mrs Carnell is seeking leave, as she obviously is, to publicly respond to questions asked by Mr Osborne, I am asking the Assembly whether leave is granted.

Leave granted.

MRS CARNELL (Chief Minister) (12.31): Thank you. I will be very brief. Mr Osborne, and I think Mr Moore, mentioned a problem. If the Charnwood school community do determine that they will amalgamate or close, they asked what the situation will be with regard to some financial pressure that may be put on people with regard to things like bus travel. We do give an undertaking to provide concessional bus travel for a period of two years, as Mr Osborne asked. I think that is similar to the approach that was taken with Griffith Primary School. As well as that, we undertake to make sure that other requirements are met, which may include such things as counselling for assimilation purposes and so on.

MS McRAE (12.32), in reply: How absolutely disgraceful it is that the Chief Minister has to stand up now and offer this!

Mrs Carnell: It was talked about last night at the meeting.

MS McRAE: Not a word of this was mentioned last night. A choice was put in front of a school, decisions were to be made, and none of this was said. Thank goodness, at the very least, that they have been bribed into this decision, here and now. It is absolutely disgraceful, as has been this whole debate all morning.

25 October 1995

Mrs Carnell: Exactly the same approach was taken with Griffith.

MS McRAE: We are getting nothing but a history lesson, which is what I said we would get. There is no hiding behind history, no hiding behind name-calling, no hiding behind gleeful calls of hypocrisy and all the other nonsense that the Government has put upon us.

The real issue still has not been dealt with, and my question has not been answered. Why was option 1 put up? Why was option 1 put up as a possible viable future for Charnwood High - I remind you that option 1 was the amalgamation of Years 7 and 8, and 9 and 10, together - and no time and no support given and no effort made to make it a viable option? This school was willing to go ahead with a small staff and an unusual structure, and when they said, "We need assistance to make this option work", it was not given. No-one has yet told me why. Those opposite have got a big thrill out of calling it cheap politicisation. I will let the people who were at the meeting decide that for themselves. They know what I said. They know what I offered. I offered to run this motion if they supported me. That they did. No-one at the meeting said - - -

Mr Kaine: Big deal!

MS McRAE: I will let them judge. You can call me any name you like. You can mock whatever you like. Those people were given - - -

Mr Kaine: I have not called you anything.

MS McRAE: I have been called lots of names this morning, but that is fine. Name-calling is fine. It just shows the level to which you will descend rather than answer the basic questions. They have not been answered. You have mocked my comments about buses. Fine. You tell that to the parents who are worried. It was trivialising a point. The people who spoke to me had genuine concerns. They should have been treated with the respect with which I treated them. You can laugh at whatever you like. You can offer alternatives. Some parents will worry. They are allowed to be worried. As Michael Moore says, there is one solution with one bus. It might not be the solution for the kids going to Belconnen High; so the problem is there. It is yet another example of how this Government does not listen and does not respond.

Let me put on record the story of Narrabundah Primary School. On the same day that we heard about the resources being removed from Charnwood High School, which was the day after the budget, we had phone calls. We knew that the same thing was to happen at Narrabundah Primary School. We were asked, "Please do not intervene. There are different people who are working on this, and we believe that we can get a resolution". You did not get a squeak out of this Opposition. We did not go public. The people who wanted to intervene did intervene. Mr Connolly then went along to the meeting, not I, and the resolution was found. Similarly, with this school, we were asked not to yell and scream and lead the charge until this public meeting was held, and we have honoured the community wishes. We talk about false hope. Where is the false hope? Let me point it out fairly and squarely, here and now. This Government said, "We will not close a school if the community does not wish it".

Mr Humphries: And we will not.

MS McRAE: “And we will not”, they say. But will they allow them the time, the support and the capacity to keep the school open? We know that we have been working at it for three years. If they were serious about not offering supplementation forever, which I have now heard Mr Stefaniak say about six times, and which he said to me in question time yesterday, they could have amended this motion today and said, “All right; we will not offer supplementation forever; but we will create a task force, do everything we can to revisit option 1, and see whether it can work”. They could have amended the motion and said, “Okay, supplementation for one year. After that, we will let the school close”. Did we hear anything like that? No. All we heard was mockery. All we heard was about Tonto and his henchmen. All we heard was about the dreadful rabblers we were. All we heard was a rewriting of history from a Liberal perspective. All we heard about was political point-scoring, as though we are madly point-scoring all the way through.

These people are walking away from their own responsibilities, from their own promises, from their own budget, from the things that they know about. There is no walking away from the fact that this Minister for Education is the Minister for Education now. This Minister for Education has the responsibility for schools now. He has been able to exercise his authority. He has been exercising his authority with care with some schools already. He told me in question time that supplementation is offered to schools for a range of reasons, as I well know. Nothing prevents him from looking seriously at the options that were put before these schools and at offering serious support to this school. If he does not want to offer supplementation, there are lots of other ways to be serious about the options that were put forward.

Only now, disgracefully, after Mr Osborne had the sense to raise the question, does the school hear that they are going to get any external support next year. Why was that not told to them first? Maybe then the option of going to Ginninderra might have been made softer, but that option was not on the paper. I find no comfort in their saying, “Yes, we are going to help you settle your poor little kids”. Big, big deal! It makes a mockery of the four options. Worst of all, we have still not heard why this straw man of option 1 was set up; why a school that quite responsibly will deal with the shortcomings of staff and put up an idea that might have been worked on was given no chance to work on that idea. They have six weeks to make this decision. Why could not 10 teachers be put to work here and now, within this year? Was that offered? No. The reality is that this Government wants the community to say, “Yes, we will close our school”, so that this Government can wander around and say, “We never closed a school”.

It is very easy to point fingers and call Mr Berry and me names. You can do that forever. You can carry on about history forever. But this Minister now had the choice. This Minister now was in charge. This Minister now has shown no concern for the very options that his own department put up and now leaves the school to close. That is the reality of this situation. The whole two hours of debate have made the situation no clearer, other than us finding out once and for all that the Chief Minister is willing to run a budget that she will not take responsibility for, that she does not stand up for, and that has no basis in social justice or concern for this community.

25 October 1995

Question put:

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

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

MR SPEAKER: Order! Mr Berry, I have said before that I do not like people interjecting while the Clerk is calling the roll. Please desist.

Mr Berry: Feelings are strong on this one, Mr Speaker. I apologise.

MR SPEAKER: You can be feeling as strong as Samson as far as I am concerned, but I do not like the interjections and it is not fair to the Clerk.

Sitting suspended from 12.42 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Taxi Licence Auction

MS FOLLETT: I have a question for Mr De Domenico in his capacity as Minister for Urban Services. Minister, will you advise the Assembly of the outcome of the auction held today of 15 new taxi licence plates - an auction conducted by Harold Hird and Associates? Did this auction result in the Government receiving \$600,000 less than your budget projections? Will you now admit that the whole management of this auction has been a costly disaster from start to finish?

MR DE DOMENICO: Ms Follett asked three questions: Will I advise the Assembly of the results of the auction? The answer is yes. The top price paid today was \$190,000, the lowest price was \$155,000, the average price being \$162,000, or \$62,000 above the reserve price. The total sales of taxi plates was \$2.430m. As to the question, "Was it a disaster?", the answer is no. As to the question, "Will it mean a reduction of revenue projected by the Government?", the answer is yes, it will, quite obviously.

However, can I also say that it brings the market more into line with the rest of Australia, for a start. It enables more small business people to enter the market, thus creating more competition at a lower price, and ultimately, Mr Speaker, it will mean that people like you and I, who have to line up ad nauseam for taxis at airports, will not have to line up for as long as we now do. Ultimately, it will stabilise taxi prices for the community.

MS FOLLETT: I have a supplementary question, Mr Speaker. I should note that, whereas this Government got \$2.4m for the auction of 15 taxi plates, when we were in government we got \$2m for the auction of eight taxi plates, so you are not doing terribly well there. I ask the Minister how he intends to reach his budget bottom line, in view of the massive underachievement of this particular budget objective.

MR DE DOMENICO: Mr Speaker, the Government will assess and reassess, as we do from time to time, what our departments are spending and not spending, and then Cabinet will make decisions as they need to be made.

Parkwood Eggs

MS HORODNY: My question is to the Minister for cruelty to animals, Mr Humphries.

MR SPEAKER: Order! Ms Horodny, you will address the Minister by his proper title.

MS HORODNY: Okay. My question is to Minister Humphries. A veterinary inspection by an independent vet who is not a member of Animal Liberation - I urge the Minister to get his facts straight before he seeks to smear the name of a highly respected local farm vet - described a living bird rescued from Parkwood last week in this way:

A white ... bird, which has about 70 per cent feathering. The bird has been excessively debeaked, in fact so severely debeaked that the tongue sticks out. Both upper and lower beaks have been removed, the upper one so much so that it is almost at the point of the nares. It is anaemic, has overgrown claws, foot lesions, and it is in a state of extreme emaciation. It has obviously been lying on its left side on some faecal matter, where the skin is quite necrotic. Instead of pink skin, it has become inflamed and rotten. On the lower side of the vent the skin is again inflamed. There are encrusted faeces over the sides of the bird. This bird is too weak to survive, is moribund, and must be euthanased.

That was just one of 20 birds that were inspected. Does the Minister believe that the national code that was reluctantly adopted by the Animal Welfare Advisory Committee as a temporary measure - this is the point I have been trying to make - on the condition that it be revisited as soon as possible is adequate to ensure, in terms of the sentiments expressed in the introduction to that code he so strongly adheres to, that poultry are kept in conditions that neither harm nor cause distress?

25 October 1995

MR HUMPHRIES: Mr Speaker, I could describe Ms Horodny as the member for soft fluffy animals, but I think that would be to denigrate what is actually a quite important debate. Ms Horodny continues to push a line that I think is irresponsible, given the lack of supporting evidence for it. She says that I defame Dr Meischke by describing him as being a member of Animal Liberation. I am not quite sure what that says about Ms Horodny, who I understand quite openly admits that she is a member of Animal Liberation. I do not know whether I am defaming her by making reference to that fact as well.

I have no doubt at all that what Dr Meischke saw in those birds brought to his surgery was an accurate reflection of the state those birds were in, but the question remains as to whether, necessarily, you can say, first of all, that those birds came from Parkwood Eggs; secondly, if they did come from Parkwood Eggs, whether that is typical of the treatment of animals at Parkwood Eggs; or, thirdly, if there are some birds of that kind at Parkwood Eggs, that it necessitates a change in policy with respect to the treatment of birds at that place. There are 262,000 hens at Parkwood Eggs. It is not surprising that some of them will not be in good shape. There are 300,000 Canberrans. Some of them are not in very good shape either. I do not think we should rebuild the city of Canberra because a few of us are not in very good shape.

I appreciate the burning sentiment that drives Ms Horodny to make these points. I am sure that she feels very deeply and passionately for these poor suffering hens, as she puts it; but I do not believe that anything I have seen so far warrants a change in the policy this Government inherited from the previous Government, which has been applied consistently since that time. We have a policy in place that requires standards with respect to the feeding, the watering, the housing, the treatment of those birds at Parkwood Eggs. Parkwood Eggs supplies 80 per cent of Canberra's eggs. We cannot lightly talk about throwing out battery farming in the ACT without talking about a massive change to egg production methods in the ACT. Ms Horodny needs to show what she proposes to do, how she proposes to change the present laws to meet her higher standards for the care and protection of hens - she has not yet done that - and at the same time not cause Canberrans a massive rise in the cost of their eggs; or, alternatively, force Parkwood Eggs across the border, with the concomitant changes in the ACT economy that would flow from that decision.

I stand by the view that the fact that some hens have been found to be in a poor physical state does not prove that we should change the code, which Ms Horodny says was reluctantly adopted by the Animal Welfare Advisory Committee. I do not know about that; the advice was given to Mr Wood 2½ years ago. This is the same code, presumably, that you said the other day did not exist in the ACT. I do not know whether it was adopted reluctantly or not when it was first put up, but I will say that today the position is that that code applies. It constitutes the strongest provision we have around the country for the protection of those birds, and if Ms Horodny wants to change that she should put up legislation to do it and we will consider it in this Assembly. I assume that she will do that. I stand by the process that was put in train after a very controversial debate three years ago on the animal welfare legislation. I accept that process. I will abide by that process until such time as a legislator comes forward and successfully changes it here on the floor of the Assembly.

MS HORODNY: I have a supplementary question, but I would like, first, to table these reports - the post-mortem report on the euthanased hens and also reports on the living hens.

Leave granted.

MS HORODNY: Mr Humphries, there are solutions to all the problems you present; it is not as if we cannot find alternatives. I ask a supplementary question. Can the Minister tell the Assembly how much space each hen at the Parkwood Eggs establishment is given and can he confirm that this space is adequate for a bird to move, stand, turn around, stretch, sit and lie down, as required by the code he purports to stand by?

MR SPEAKER: Mr Humphries, I have a bit of a problem with that question. Whilst you are the Minister, I am not sure that you are responsible for Parkwood Eggs. You might just like to bear that in mind.

MR HUMPHRIES: Mr Speaker, I can answer at least part of that question. I am trained as a lawyer and, regrettably, my law degree did not include any courses or components on animal husbandry or chicken sexing or anything of that kind; so I am not able to answer any detailed questions about whether I consider that the 450 square centimetres provided for each hen at Parkwood Eggs is sufficient for them to stand up, walk around, converse in hen language with their neighbours or whatever. I can say that that is the national standard for the maintenance of conditions for hens in this country. That is the agreed level of care for hens across this country. What does Ms Horodny expect me to do? I ask Ms Horodny to indulge in a flight of fantasy and briefly put herself in my shoes. I do not know anything about what conditions are best for hens.

Ms McRae: Why do you not find out?

MR HUMPHRIES: I have found out, and my advisers - the advisers include officers of the Animal Welfare Unit of the ACT Government, government veterinary surgeons and the RSPCA - have told me that we comply with all the conditions set down in the code and the agreed legislation. The code is made under the legislation and is passed by this Assembly by default, because it is laid on the table as a disallowable instrument. Am I expected to believe all those people or believe Dr Meischke? Ask yourself that question. I think, Mr Speaker, I have no choice, and nobody else sitting in my position would have any choice, but to accept the advice of that range of government and non-government sources, and I in fact now do so.

Mr Connolly: Go and have a look. It is just up the road from Charnwood High, the one you are closing.

MR HUMPHRIES: I think the Opposition has not quite caught up. They are about three hours delayed in their mental processes. I have taken the decision which I think anybody in my position would take.

Taxi Licence Auction

MR WOOD: I am pleased that Mr Humphries acknowledged the effect the Chief Minister's budget is having on 300,000 Canberrans; that some people are not so well off. My question is directed to Mr De Domenico and is about the taxi plates. Minister, in question time yesterday you stated that the Auditor-General had not felt sufficiently concerned about the process followed in awarding the contract to auction the taxi licences to Harold Hird and Associates Pty Ltd to initiate an investigation. You said:

No, he was invited to look at it. He did not feel strongly inclined to look at it; he was invited to look at it.

Minister, I refer you to the Auditor-General's letter to the Chief Minister dated 23 October, and in particular to the third paragraph, which reads:

In view of the publicity arising from the illustrative situation contained in your letter -

that referred to the tender won by Harold Hird and Associates -

I have arranged for one of my officers to review the procedures involved in the awarding of that contract.

The Auditor-General was not invited to investigate this contract. He was requested to advise only on appropriate guidelines for future conduct. He decided quite independently to instigate the investigation into the conduct surrounding the award of the contract to Harold Hird and Associates. Minister, why have you again misled the Assembly by stating that the investigation was requested by the Government when you knew this to be false because you already had in your possession the Auditor-General's letter?

MR DE DOMENICO: Mr Speaker, I have never attempted knowingly and wittingly to mislead the Assembly. If Mr Wood believes that I have misled the Assembly, if the Assembly believes that I have misled it, I would naturally apologise to the Assembly. I looked very carefully at what I said during question time yesterday to ensure that, with words and tautologies, people do not misrepresent and misapprehend what others say. I am aware, for example, that in answer to a question Mr Berry asked me I said that this Government did not know who was bidding. Strictly speaking, perhaps, that might be misconstrued by some people as an attempt to mislead the Assembly. This Government knew at least one person who was going to bid, we thought, and did bid eventually, and that was the gentleman representing Hymans. So, strictly speaking, I knew at least one of the persons who were going to bid, but that is the only one I knew. Once again, just in case somebody was in a position of wanting to ask me that question, it may be misconstrued as a deliberate attempt to mislead. Obviously, I am not going to mislead this Assembly.

The other question that was asked yesterday was about members of my staff. I think it was from Mr Connolly. Strictly speaking, departmental liaison officers, I am advised, discuss all sorts of issues from time to time.

Mr Berry: Ah! Did your DLO discuss it?

MR DE DOMENICO: “Ah!”, says Mr Berry. My DLO, in fact, discussed whether it was appropriate and whether the processes had been adhered to, when she saw that Harold Hird and Associates had won the bid for the auction, but after the bid was allocated. She was advised by the department: Yes, the due and proper processes were adhered to. That being the case, there was nothing any Minister of any government could do. Can I also note, in answering Mr Wood's question and any other questions, that this process that everybody has been talking about was initiated in September 1994. By whom? By the people who were in government then. Once again, I welcome the Auditor-General's review. If the Auditor-General says, for example, “The process is not good”, we will change it. But let me say that this is a process that was initiated in September 1994 by the former Follett Labor Government. I am advised that the process is a quite good process. However, if the Auditor-General believes that the process is not good - - -

Mr Wood: Yesterday you stood by it. Yesterday you said that it was a great process.

MR DE DOMENICO: I believe that it is a good process, Mr Wood, because that is what I am advised, and you believed that it was, too, because you initiated it.

Mr Wood: We did not do it your way, mate.

MR DE DOMENICO: I think you did. I will take on that interjection. Mr Wood, I will tell you who won the contract last year to auction the taxi plates. Surprise, surprise! Harold Hird and Associates. You, the Labor Government, gave it to Harold Hird and Associates. Mr Wood, thank you. Are there any more interjections?

The other interesting point is that I am also advised that some other organisation very friendly to Mr Wood and this mob were going to use Harold Hird and Associates until about a week ago. I am advised that even the Labor Club had contracted Harold Hird and Associates as well. We believe that your process is a quite good process. We are advised that it is a good process. If the Auditor-General advises otherwise, we will take heed of what the Auditor-General says.

MR WOOD: I ask a supplementary question, Mr Speaker. What a lot of misleading, evasive claptrap that was. Mr Hird was not a member of this Assembly a year ago, Mr De Domenico. Were you not aware of that? I thank Mr De Domenico at least for some of the backtracking he did today, correcting some of the misrepresentations he made in the last couple of days. Will he further backtrack and come in tomorrow and correct himself? The first line of the Auditor-General's letter to Mrs Carnell says, “I received your letter requesting advice on appropriate guidelines”. Will he go and look at all the words he said and see whether he has not misrepresented the situation?

MR DE DOMENICO: The answer is yes.

Freedom of Information

MR KAINE: I ask a question of Mr Humphries, the Attorney-General. Minister, you may or may not have heard the statement made by Mr Connolly prior to the budget that had to do with FOI. On the assumption that you cannot keep up with all the statements Mr Connolly makes on a range of subjects, I will refresh your memory. He said:

Returning to a devolved FOI responsibility will mean a return to long delays in obtaining access to information - no doubt something this secretive government will be quite happy with. The losers will be citizens who want access to government information.

Minister, in light of recent changes you have made to the law relating to freedom of information, will you inform the Assembly whether the Minister was right when he said that the citizens would be losers, or are they in fact the real winners?

MR HUMPHRIES: I thank Mr Kaine for the question. I did see the statement Mr Connolly made at the time of the lead-up to the budget. I must admit that he rather curiously described in his press release how under his administration from 1991-92 to 1993-94 the number of requests that took longer than 60 days to process through FOI had increased from 28.3 per cent to 54.3 per cent. Clearly, even he was not particularly happy with his own performance on that.

It is true to say that the alarmist comments made by the former Attorney-General on the changes to FOI have not been borne out by the budget. In fact, there has been a quite dramatic improvement in the position with respect to freedom of information under this open Liberal Government. Particularly, we have taken a step to free dramatically the free information that is available under the FOI scheme. Reforms we have put in place enable a person to gain access to information about themselves absolutely free, for nothing. People wanting information about their personal affairs under FOI will not be deterred from making an application by the potential costs imposed. For all other requests for information, the charge has been reduced from \$30 to \$15.

The significant deterrent in the previous FOI arrangements was the processing costs. A person who sought information would have to undertake to pay the costs of a person's time and the photocopying costs in obtaining the information that was being sought by the particular applicant. That could sometimes amount to literally hundreds of dollars. This Liberal Government, an open government, has abolished those processing fees altogether. Only where compliance with the request requires more than 200 pages of photocopying or 10 hours of work will any additional processing charges be imposed. After that point, cost recovery will apply. For the vast majority of FOI applications, it will now be possible to get that information for the simple flat \$15 fee.

This is intended to put an end to the position that operated under the previous Government whereby members of the Assembly were denied access to information under FOI on the basis that it was not in the public interest for them to have that information. The classic, perhaps, was the refusal by the former Minister for Sport to provide information on VITAB to the Assembly, on the basis that it was not in the public interest that they should know about the information. I think history has spoken for itself on that subject. We have now made freedom of information truly free in this Territory, or as close as possible to that. Might I also say, though, that devolving the FOI functions to delivery areas, I think, would be an effective means of ensuring that line areas properly deal with the issues that gives rise to. I would have thought I would have had praise from Mr Connolly for that particular issue, particularly because, on 7 October 1993, before the Estimates Committee he made the following statement about FOI:

Some of the procedures that we inherited from when it was run in Chief Minister's was the situation of clearly duplicating work where agencies make decisions and transfer them to the coordinating unit.

What we are trying to do is devolve the processing and be there as an advice and support agency.

He was actually proposing to let line areas look after FOI matters and reserve the FOI component within the Attorney-General's Department as an advice and support agency. Thank you; that is exactly what the Liberal Government has done. It is funny how a few months on the Opposition benches can change your whole perspective on life, is it not?

Parkwood Eggs

MS TUCKER: My question is to Mr Humphries as Minister responsible for animal welfare. Mr Humphries, I do not know whether you noticed Ms Horodny hold up a sheet of A4 paper. That is the area that one hen has at present. You do not need training in law school to make a comment on that; you just need a sense of compassion. I refer to an autopsy report conducted on 12 hens from Parkwood Eggs by an increasingly well known and unfairly maligned farm vet. In that report, bird D2 was found to have been dead for around five days. This bird was far too decomposed to give an accurate post-mortem. Bird D7 was found to have no food in the abdomen and trauma to head and neck. Does the Minister believe that it is acceptable that animals be left to starve? Should they be left to die of stress and disease? You ask: What should we do? The Animal Welfare Advisory Committee itself was so unhappy with this national code we have adopted locally in the interim that they wanted it revisited. That is what we are asking. Will you do it?

MR HUMPHRIES: Ms Tucker raises the question of the operation of the code. I want to outline the history of what has happened with that code, to illustrate to her how this and preceding governments have tried to ensure that we conform with national standards in this area. The current ACT code was taken from edition two of the national code and was approved in May 1993. That code originally prescribed 600 square centimetres per bird to be the minimum standard from 1 January 1995.

25 October 1995

The previous national code prescribed a standard of a little under 450 square centimetres per bird, although it was expressed in a slightly different way from that. In the intervening period, the Standing Committee on Agriculture and Resource Management recommended a 450-square-centimetre minimum for birds under 2.4 kilos, to take effect from 1 January 1996; that is, they put back by a year the beginning of that larger amount of space for each bird.

Mr Berry: Does this mean that you have just had some quick training on the issue? You did not know a minute ago.

MR HUMPHRIES: I know a lot more than you know about hens, Mr Berry - except how to imitate their sounds on the floor of the Assembly. Mr Speaker, on 2 December last year, the then Minister for the Environment deferred until 1 January 1996 the introduction of a 600-square-centimetre minimum for all poultry. This was again because that date was consistent with the recommendations of the Agriculture and Resource Management Council of Australia and New Zealand on that subject. I make no apologies for wanting to move consistently with a national code.

No, Ms Tucker, I do not approve of birds being made to suffer, but I contest your assertion that the birds are suffering because of the application of this code or because of any standard of neglect on the part of the operators of Parkwood Eggs. Those birds, for example, are checked each day - I understand, twice a day - for such things as feed and water. Ms Horodny shakes her head. How does she know that that is not the case? Ms Horodny told ABC radio on Friday morning that she had not been to Parkwood Eggs.

Ms Horodny: And neither have you.

MR HUMPHRIES: That is true, but my officers have. They have been to Parkwood Eggs and they have inspected it and they have a better capacity to determine the level of standard of care for those hens than do I or you.

Ms Horodny: Why are they sitting around dead for five days, if someone checks them every day?

MR HUMPHRIES: That is your assertion.

Ms Horodny: This is the vet.

MR HUMPHRIES: Are you sure that they were sitting around dead for five days, Ms Horodny?

Ms Horodny: This is the vet's report. If you have a problem with that vet, then you need to do something about that.

MR HUMPHRIES: Did you see them there at Parkwood Eggs? Did Ms Horodny see them there at Parkwood Eggs, dead for five days? Mr Speaker, after the first allegations were made on 15 September, officers of the Australian Federal Police and the Animal Welfare Unit sat down with officers of Parkwood Eggs and went through the videotapes and photographs taken by Animal Liberation out there, supposedly,

on the night of 14-15 September this year. They went through those to identify what cages were being referred to, what hens were being referred to, what areas of Parkwood were causing this problem. Those officers between them were not able to substantiate the view that any of that footage or any of those photographs were taken at Parkwood Eggs. I ask you, Ms Horodny and Ms Tucker, to ask yourselves: Are you absolutely certain that this evidence has not been concocted?

Ms Horodny: Do you check every coroner's report about dead people in Canberra? No, you do not.

MR SPEAKER: Order! This is question time, not a cross-examination. I am reminding everybody.

MR HUMPHRIES: I have to say, Mr Speaker, that I have already made my answer very clear. I am going to rely on the advice of experts, not on the advice of well-meaning amateurs.

Taxi Licence Auction

MS McRAE: My question is to Mr Humphries in his capacity as Attorney-General. Minister, you may be aware that, in a recent hearing of a public service disciplinary committee, the committee found that the evidence of Mr Hird could not be relied on. This statement would indicate that Mr Hird tried to mislead the committee. Minister, when you amended the Auctioneers Act recently and removed the requirement that auctioneers must be of good character, did you do so in order to protect Harold Hird, especially since auctioneers' licences must be renewed annually?

MR HUMPHRIES: I think Ms Horodny asked before about some creatures being covered in faeces. I think Ms McRae is doing herself a very good imitation of just that position. Mr Speaker, that is a quite disgraceful suggestion. May I, first of all, point out to Ms McRae that I did not amend the Auctioneers Act; the ACT Legislative Assembly amended the ACT Auctioneers Act. Ms McRae and her five colleagues supported the change to the legislation. I did not have a sealed section of the Bill that people could not look at before they passed it.

Mrs Carnell: A centrefold.

MR HUMPHRIES: A centrefold that was marked "For your eyes only". You all on that side of the chamber saw the terms of the legislation. I assume that Mr Connolly recommended to your caucus that you pass the legislation.

Mr Berry: Because we did not know about the scandal that was going on over there.

MR HUMPHRIES: You did not know what was going on. Mr Speaker, it was there in black and white. We were changing the arrangement for the registration of auctioneers. If you people missed it when it passed through the Assembly, that is not my fault.

Government Revenue

MR HIRD: Mr Speaker, I will not stoop to those low depths. My question is directed to the Chief Minister in her capacity as Treasurer. Could the Minister advise the parliament what major areas of taxation revenues and income did not perform as well as expected in 1994-95?

MRS CARNELL: Thank you very much, Mr Hird. Ms Follett's first question seemed to indicate that a \$600,000 shortfall in an auction was somehow unusual in government and somehow the fault of the Government involved. If \$600,000 is the fault of this Government, what was the \$10m-plus revenue shortfall that we found in the last budget? The interesting thing to look at here is where that revenue shortfall was. Stamp duty on marketable securities was only half the \$12.5m Ms Follett put in her budget. That is a \$6m shortfall, Ms Follett. Does that mean that it was your fault? No, it was not; it was the market's fault. The market changed. Markets change, and so do taxi plate markets change. But that was \$6m, not \$600,000. There was also a fall in the receipts from financial institutions duty. That was lower than expected too. Why? Was it the fault of the government of the day? No, it was not the fault of the government of the day; the market changed. Businesses tended to centralise in Sydney, they tended to do their business there, and therefore Ms Follett as Treasurer did not get the revenue she expected. That is quite understandable. What else changed? Land sales were not up to the level that was expected. Was that the Government's fault? No, it was not the Government's fault. It was the market's fault. The fact is that fewer people wanted to buy land, so revenue fell.

In other areas, of course, revenue was higher than expected. Poker machine tax was higher than expected. Payroll tax was slightly higher than expected. Tobacco franchise tax was higher than expected. This is exactly what happens in any normal budget. What did Ms Follett do?

Mr Berry: Mr Speaker, Mrs Carnell - - -

MR SPEAKER: Are you taking a point of order?

Mr Berry: Yes, I am.

Mr De Domenico: Under which standing order?

Mr Berry: Relevance. Mr Speaker, if the issue is about a comparison between revenue for the Government and an auction, there is no relationship. One is the fault of the shoddy deal with the auctioneer; the other one is about the market.

MR SPEAKER: There is no point of order, Mr Berry. We were not comparing auctions and loss of revenue. Mrs Carnell was discussing losses of revenue, as I understood it.

MRS CARNELL: We are discussing losses of revenue under Ms Follett; we are discussing a \$10m shortfall, which is somewhat different from a \$600,000 smaller than expected return on a particular auction. I think land sales are very similar to taxi plate sales. There was a huge shortfall in those sorts of areas. Was that the Government's fault? No, it was not; it was the market's fault. And that is exactly what we have here today. I think the whole approach Ms Follett took in that first question, suggesting for a moment that \$600,000 was the Government's fault, really reflects on her. What did Ms Follett do about the \$10m-plus shortfall we saw last year? Nothing.

Disposal of Government Property

MR WHITECROSS: Mr Speaker, my question without notice is to the Minister for Urban Services, Mr De Domenico. Minister, last week in the Assembly you confirmed that the disposal of government property was part of your portfolio responsibilities. Can you now confirm that 18 months ago Harold Hird and Associates Pty Ltd was awarded a 12-month contract to dispose of obsolete computers, furniture and other equipment previously owned by the Department of Health? Can you confirm that the contract has not been relet, even though the initial contract has expired, and that Harold Hird and Associates Pty Ltd is still disposing of goods on behalf of the Department of Health? Minister, why was the tender not relet after the expiry date?

MR DE DOMENICO: I thank Mr Whitecross for his question. It is true that the Department of Urban Services is responsible for setting out the basic guidelines that all government departments should follow. However, I am not able to answer the technical questions asked by Mr Whitecross about that contract, because I am not the Minister for Health. I will check Mr Whitecross's allegations - I am sure that the Chief Minister and Health Minister will check with her department as well - and come back with the answers Mr Whitecross wants. I will take it on notice and come back tomorrow, if I can. If you would like to put it on notice, if you want a detailed answer, we will give you a detailed answer.

MR WHITECROSS: I ask a supplementary question. I take it that what Mr De Domenico did was take the question on notice?

MR SPEAKER: As I understood it, yes.

Mr De Domenico: That is what I said.

MR WHITECROSS: You seemed to be engaging again in that game of saying, "You put it on notice". I am asking you to take it on notice. Minister, can you also advise us when the tender for the disposal of obsolete computers, furniture and other equipment will be relet, or can you ask your colleague the Chief Minister to advise when that tender will be relet? Will you confirm that the process will be a fair and public one?

MR DE DOMENICO: Between us - the Chief Minister, who is the Health Minister, and me - we will make sure that the questions Mr Whitecross has asked will be answered.

Taxi Licence Auction

Mr Kaine: Mr Speaker, before question time is over I wish to take a point of order under standing order 57. Two or three questions back Ms McRae directed a question to a Minister in which she clearly imputed improper motives to that Minister and to another member of this Assembly. Standing order 55 makes that a matter which is considered highly disorderly. Standing orders 56 and 57 prescribe action that must flow when somebody is considered to be highly disorderly. Mr Speaker, will you take that matter up and take appropriate action against the member who made those improper imputations and was therefore highly disorderly?

MR SPEAKER: I shall take the matter up, Mr Kaine, under standing order 57.

Mr Berry: Mr Speaker, I would argue that you should not take this matter up. That is an outrageous position.

MR SPEAKER: Order, Mr Berry!

Mr Berry: Am I permitted to argue in relation to the point of order, sir?

MR SPEAKER: What I have said is that I shall take it up under standing order 57, which states:

When the attention of the Speaker is drawn to words used the Speaker shall determine whether or not they are offensive or disorderly.

That is what Mr Kaine is asking me to do. I cannot do that until I see *Hansard*.

Mr Berry: Mr Speaker, may I ask that before you make a determination in relation to this you hear my argument?

MR SPEAKER: Proceed.

Mr Berry: Thank you, sir. The question went like this: “Minister, you may be aware that, in a recent hearing of a public service disciplinary committee, the committee found that the evidence of Mr Hird could not be relied upon”. That is public information, Mr Speaker. You would accept that, Mr Hird, would you not?

Mr Hird: No.

Mr Berry: Mind you, if I were you I would have burnt all copies of the *Canberra Times*, too.

MR SPEAKER: I do not know where you are going on this, Mr Berry.

Mr Berry: Mr Speaker, that is an issue of public information and did not impute improper motives. It was a statement of fact. The second part of the question asked the Minister, "When you amended the Auctioneers Act recently and removed the requirement that auctioneers must be of good character, did you do so in order to protect Harold Hird, especially since auctioneers' licences must be renewed annually?". That was a question about what the Minister did. He answered it. This is not an issue of an imputation; this is a question of the Minister's performance. I would like you to take that into account in coming to a decision in relation to this matter.

Mr Kaine: Mr Speaker, this is quite scandalous. I submit that if you refer to the *Hansard* you will read quite clearly that the question - not the preamble, but the question - imputed an improper motive to the Minister and it reflected adversely on another member of this Assembly. I am not interested in the preamble and I am not interested in Mr Berry's counterattack. I asked you, and I am sure that you will do as I asked, to take proper action under standing order 57. Mr Berry is quite out of order.

MR SPEAKER: I have already advised that I shall examine the matter under standing order 57, and that is my decision. I cannot do that, however, until I have a *Hansard* transcript.

Postnatal Nursing Care

MR OSBORNE: My question is to Mrs Carnell in her capacity as Minister for Health. Regrettably, the Assembly cannot comment on the Boyle review of postnatal nursing care until our next session, since the review is not coming out until next week. Can the Minister assure all Canberra's families that the Government will continue to fund the services the Canberra Mothercraft Society - - -

Mr Berry: Of course she will. No trouble at all.

MR SPEAKER: Order! Continue, Mr Osborne.

MR OSBORNE: I will start again, Mr Speaker. Can the Minister assure all Canberra's families that the Government will continue to fund the services the Canberra Mothercraft Society currently delivers at the same scale of service delivery and that the Canberra Mothercraft Society will remain the provider of these services, which have served Canberra as a region for nearly 70 years?

MR SPEAKER: Be careful not to announce Executive policy, Chief Minister.

MRS CARNELL: I will be extremely careful, Mr Speaker. The current review that is going on is looking at the whole area of postnatal care, as Mr Osborne is very well aware. It is looking at the service that is currently being provided by Queen Elizabeth II hospital. It is also looking at other areas such as families in crisis and what happens to mums - and, for that matter, dads - with young families when their families end up in crisis or experience postnatal depression, areas that are of real interest and where there is real need in the community.

25 October 1995

I certainly will not be pre-empting the working party's report, mainly because I have not seen it yet, as you have not. We will be taking on board those recommendations. I would suggest, though, that we would not be looking back 70 years; we would be looking into the future to find out the sort of service that is most appropriate for now and for the future. That probably will not be exactly the same service that has been available in the past. I think the community has changed. I do not believe that issues such as families in crisis and postnatal depression have been handled as well as they could have been in the past, and I would like to make sure that they are in the future.

We will be looking at services that have a more outreach focus, so that we can get out into the community and not have a service that is insular in its approach. We will be looking for more day care services for families in crisis, for women with feeding problems, for women with problems with their babies. All of those things have been stated in the past. The basic issue here is that we have a working party that has representatives from all of the interested parties in this area. I will be as interested as you are to see what they recommend, and I am sure that the whole Assembly will debate this issue in full.

Road Closures

MR CONNOLLY: My question is to Mr De Domenico, and he will be relieved to know that it has nothing to do with Mr Hird or any matters involving Mr Hird. As Minister for Urban Services, you wrote to a Reid resident on 30 May and said:

Before any closures or other changes to traffic arrangements could be considered, the impact to the residents and businesses of both Reid and Campbell would have to be taken into account. Any decision to further progress the option of closing Currong Street would only be made in consultation with these two groups.

However, I understand that in the October newsletter of the Reid Residents Association there is a statement saying that there will be a trial closure. Will you guarantee that your promise in May that there would be no closures until there had been full consultation will be adhered to?

MR DE DOMENICO: The answer is yes.

MR CONNOLLY: I am pleased to get a clear assurance, because it has always been the practice that road closures do not occur until there is consultation. By way of a supplementary question, can I take it that that statement in the Reid newsletter that there will be a trial closure is wrong?

MR DE DOMENICO: I have not read the newsletter of the Reid Residents Association because I live in Conder, for a start.

Mr Berry: But you are the Minister for urban services in Reid.

MR DE DOMENICO: But I am not the Minister for reading Reid Residents Association newsletters, Mr Berry. Had the Reid Residents Association sent me a copy, I would have read it. If you can give me a copy I will read it now, if you like. As with all road closures, it is the custom of the Department of Urban Services to go out to the community, write to them, knock on their doors and ask them about it. I can recall that we did that for Learmonth Drive, which some people agreed to and some people did not, and we will do the same for the Reid residents and the Campbell shopkeepers as well.

Small Business Program

MR MOORE: My question is also to Mr De Domenico and it is not about Reid. However, I can assure him that his office did receive a copy of the Reid Residents Association newsletter. Members will know that for years every member has always got a copy of the Reid Residents Association newsletter. My question refers to an issue to do with small business, Minister. I understand that you have responsibility for the new futures in small business program, which is run for small business hopefuls. Is it the case that the new futures in small business program is funded and intended for 20 places but that in fact only 17 positions have been offered because of difficulty in determining which of the other 12 applicants should have the three remaining spaces?

MR DE DOMENICO: I thank Mr Moore for his question. Mr Moore would realise that the Government is committed to encouraging the growth of small business, and the new futures in small business program is specifically designed to assist people who have been retrenched or made redundant to establish themselves in new businesses.

Ms Follett: It started under Labor.

MR DE DOMENICO: Yes, Ms Follett is quite right; and it is a great program. At the same time, the program contributes to the development of successful businesses in the ACT. The program began in 1994 and has achieved very successful outcomes for 90 per cent of the participants. Of the 48 participants, I am advised, 21 have started new businesses, seven are carrying out further research and planning and 15 have found employment. As to the specific question you asked, Mr Moore, I do not know the details, but I will get back to you once the department gets back to me.

Workers Compensation - Sportspeople

MR BERRY: My question is directed to Mr De Domenico, the Minister for Industrial Relations and small business, and smaller business in the taxi industry. Will the Minister rule out changes to the ACT Workers Compensation Act or any other provisions for workers compensation benefits that would limit access to workers compensation benefits by a person engaged in sport or in training or in preparation for a sporting contest?

25 October 1995

MR DE DOMENICO: Mr Speaker, I thank Mr Berry for his question. The question of workers compensation as it relates to sports men and women is not an easy one to answer. From time to time there have been letters and differing legal advice as to who the employer would be in terms of people playing sport, especially when we have the situation of amateur sportspeople versus professional sportspeople.

As to Mr Berry's question about ruling out changes, this Government is inclined to say - and we will always say this - that we will protect, as much as we can and to the best of our ability, the capacity of any working men and women, whether they be sporting people or not, to be protected from disease and injury in the workplace. That is the Government's policy on workers compensation. We will also make sure that we look into the technicalities of who the employer is in terms of sports men and women. I am having discussions with the Minister for Sport, and I dare say that at some stage the Attorney-General will have to be brought into the discussions to determine that.

This is important with the new Super League arrangements, where it is difficult to ascertain who the employer is - for example, whether it is an organisation that is listed overseas. Under those terms and conditions and those contracts, it is very difficult to ascertain, if a sports man or woman is injured or ill, whether they can claim in the ACT jurisdiction or whether they can claim in any jurisdiction at all. It is a complex matter, and this Government will make sure that it comes up with the right answer.

MR BERRY: Mr Speaker, I ask a supplementary question. Will the Minister give an undertaking that, where there is an ambiguity, any changes will be inclusive rather than exclusive?

MR DE DOMENICO: Mr Speaker, I do not understand what Mr Berry is talking about; but, then, that is not unusual, especially when Mr Berry is on his feet. I repeat to Mr Berry, for even his edification, that the matter of workers compensation for sporting men and women is a very complex one. I do not expect Mr Berry to understand that, because he cannot understand even simple matters. This is a very complex matter. It involves negotiations with the Attorney-General, the Minister for Sport and other parties to make sure that we, first of all, determine who the employer is, if there is an employer, for a start, and, if so, what jurisdiction would be responsible. For example, if the Canberra Raiders were registered, as they once were, in Queanbeyan and if the deemed employer was in Queanbeyan, they may have to fit into New South Wales workers compensation rules. If they happen to be injured in the ACT, they may be able to claim under both jurisdictions or one jurisdiction.

Mr Berry: So there is work going on behind closed doors and no consultation with the community.

MR DE DOMENICO: I will not take on that interjection, because it is a silly interjection, as they all are from Mr Berry. This Government will make sure that, whatever the outcome, it will be in line with the outcomes of other governments - State, Territory and Federal - to make sure that we have the same practice.

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

Taxi Licence Auction

Ms Follett: Mr Speaker, I seek leave to table two documents that are relevant to your consideration under standing order 57 of the matter Mr Kaine raised with you. The two documents are the transcript of the disciplinary appeal committee hearing under the Merit Protection (Australian Government Employees) Act 1984, dated March 1994, and a copy of the *Canberra Times* of 18 March 1994.

MR SPEAKER: Is leave granted?

Mr Kaine: No. Mr Speaker, I would like to speak to that matter. As I pointed out when I took the point of order, I believe that the documents are irrelevant to the point I made. I made the point that the preamble was not what I took objection to. What I took objection and exception to was the fact that Ms McRae in her question imputed to the Minister motives that were improper. Documents the Leader of the Opposition wants to table about what the *Canberra Times* said or somebody else said in some other place at some other time are no part of the matter I objected to. Therefore, I object to the tabling of documents that have no relevance to the point I made.

Mr Berry: Mr Speaker, if I may speak to that point of order: Mr Kaine made it very clear that he was dealing with a question raised by my colleague Ms McRae in relation to some public reporting of matters concerning Mr Hird. It is most appropriate that you take this into account in your consideration of the matter and it is most appropriate that these matters be tabled and circulated to members.

MR SPEAKER: It matters not whether I wish to take them into account or not. The fact is that leave has not been granted to table the documents.

MR BERRY (3.26): Mr Speaker, I therefore move:

That so much of the standing orders be suspended as would prevent Ms Follett from tabling the documents referred to.

Mr Kaine: You can suspend them, but I still will not agree to the documents being tabled. You can suspend what you like. I have refused leave and I have stated why.

MR BERRY: Mr Speaker, there does not need to be much debate about this issue. It is very clear what is being attempted here. We seek to table some documents in this Assembly. They are not offensive documents. They are public documents and documents that are available to other people, and there is no reason why they should not be tabled in this Assembly. It is quite offensive for Mr Kaine to try to prevent us from doing so. This is a place where democracy and free speech are exercised, and there is no reason why these pieces of information should not be available to members in order that they may consider this issue or, indeed, your response, should you come to one in relation to the matter.

25 October 1995

MR HUMPHRIES (Attorney-General) (3.27): Mr Speaker, on that issue, Ms McRae asked a question which, in a sense, contained inferences about two people. It inferred that Mr Hird had given unreliable evidence before a Federal government committee of some kind and it inferred that I had been corrupt in some way in bringing forward to this house legislation to change the arrangements for registration of auctioneers. There were two components of it. The issue that Mr Kaine raised with you under standing order 57 related only to the second matter, not to the question of Mr Hird. Mr Kaine did not ask for that matter to be referred to you. It is the question of the inference on me that was asked to be taken up. The documents Ms Follett has relate only to the allegations about Mr Hird. The matter raised with you has not been to do with Mr Hird at all; it has been to do with me.

Mr Berry: You just do not want it tabled.

MR HUMPHRIES: It is irrelevant. Those documents are not all about me, are they?

Question put:

That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 10

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Mr Moore
Mr Osborne
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 7

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Stefaniak

Question so resolved in the affirmative, with the concurrence of an absolute majority.

Ms Follett: Mr Speaker, I table the two documents.

Mr Kaine: Mr Speaker, the Leader of the Opposition sought leave to table documents, which I did not agree to. We then moved for the suspension of standing orders.

MR SPEAKER: To table the papers, Mr Kaine. Mr Berry moved that so much of standing orders be suspended as would prevent Ms Follett from tabling the documents. We have suspended standing orders. This allows Ms Follett to table the documents.

Ms McRae: Mr Speaker, on the point of order - - -

MR SPEAKER: There is no point of order.

Ms McRae: I am raising one, Mr Speaker. My point of order is that, since the point of order was taken against me, I would like to point out to Mr Humphries that in his answer he made quite clear what his intentions were. I do not know what his problem is, and I withdraw any sense that he might have of an imputation. I had no intention to impute him wrongly, but I have withdrawn any sense that he might have put on it.

HEALTH CARE CENTRES Proposed Suspension of Standing Orders

MS TUCKER (3.31): I move:

That so much of the standing orders be suspended as would prevent precedence being given to private members business, notice No. 1, relating to Health Care Centres, following the making of any ministerial statements this day and the resolution of any question put on any motion moved in relation to the statements.

I ask members to support this request for suspension of standing orders because it is an extremely important debate that was not able to happen this morning because of other business. It is an issue of grave community concern that should be dealt with as a matter of urgency. While this motion sits on the notice paper, the Government may go ahead and sell health centres. We believe very strongly, and so do many other people in the community, that health centres are extremely important. They are essential to any real primary and preventative community health care service and it is totally inappropriate to sell them. Mrs Carnell's Government has no mandate to close these health centres. We need to have more time to discuss this - - -

MR SPEAKER: Order! You are now debating the issue.

MS TUCKER: Okay. I thought it was related.

MR SPEAKER: You cannot debate the issue.

MS TUCKER: I am asking members to support this suspension of standing orders.

25 October 1995

Question put:

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

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

STUDY TRIP

MR SPEAKER: For the information of members, I present a report of a study trip undertaken by Mr Wood, MLA, to regional Victoria from 4 to 8 October 1995.

PAPER

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, for the information of members and pursuant to section 77 of the Health Complaints Act 1993, I present the report of the Commissioner for Health Complaints for 1994-95.

HOUSING STRATEGY **Ministerial Statement**

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services): I ask for leave of the Assembly to make a ministerial statement on ACT housing strategy.

Leave granted.

MR STEFANIAK: Mr Speaker, I recently launched the ACT housing strategy, and I believe that it is appropriate that I report to the Assembly on the major issues to be addressed by the strategy and the consultation process that will underpin its development.

I will deal, firstly, with housing strategy issues. Housing represents one of the most important consumer decisions of every household, whether through purchasing or renting. The expression of satisfaction with housing is a significant measure of overall wellbeing. The housing industry is one of the most important in the ACT and is vital to the overall economic health of Canberra. It has been estimated that, for every \$1m spent on residential construction in the ACT, 12 people are employed directly and a further six are employed indirectly. At the end of last year, some 11,600 people, or about 7.4 per cent of the total work force of Canberra, were employed by the housing and construction industry.

Housing is a key link between social, economic, physical and environmental planning and provision. As the Canberra community continues to grow and diversify, it will be increasingly important to consider these linkages in a consistent and holistic way through strategic planning processes. The measure of the success of our planning processes will be the extent to which we have provided good housing choices for the Canberra community, promoted liveability and environmental sustainability, and ensured that the housing needs of Canberra's diverse population are met equitably and appropriately. To meet these objectives, it will be crucial to promote efficient and effective housing provision through integrated urban development and management. The existence of an innovative and healthy housing industry, working in partnership with the Government and the community, will be central to achieving this.

The outcome of the housing strategy will be a housing plan that will outline strategies and actions to achieve these objectives. This plan will be completed in the first half of 1996, in consultation with the industry and the community. As part of the development of this plan, the strategy will assess the current and future housing needs of the population, as well as the challenges facing the ACT housing system in meeting these needs.

The challenges for housing in the ACT include how to improve the housing delivery system to ensure the supply of good quality, affordable housing and the capacity of industry to meet the population's housing requirements; how to meet the needs of an ageing population and to ensure opportunities for continued and enhanced independent living; how to meet the complex needs of many groups who require effective integration of housing with other services to achieve acceptable standards of physical and social wellbeing; how to provide new financing, tenure and design options to accommodate changing household structures; how to integrate housing with other land uses and infrastructure provision; and how to minimise the impact of future development on the environment.

Demographic, social and economic trends will be important influences on future urban growth and demand for housing. Population forecasts for the ACT estimate that, over the next 25 years, the 20- to 29-year age group - traditionally the main household-forming group - will remain fairly stable at about 60,000. However, the older population, particularly those over 65, is expected to increase significantly and become the largest segment of the population by the year 2020. This ageing of the ACT population will have major implications for the type of future housing demand.

In addition to providing appropriate choices for an ageing population, future housing in urban forms must also offer a range of options to meet diverse community needs and changing lifestyles. We know that the profile of our households is changing. They are smaller, with a growing proportion of one- and two-person households. Social, economic and technological changes will affect work, transport and lifestyle patterns. These in turn will influence the type of demand for housing and residential environments. The housing strategy will be considering current practices and initiatives in relation to housing design and principles of environmentally sustainable development, to identify key issues for the ACT over the next 10 years. In assessing current and future housing needs, it is important that we examine groups within the ACT housing market with special needs. Single-parent families, people with disabilities, youth, Aboriginals and Torres Strait Islanders, and people from non-English-speaking backgrounds, particularly if they have low incomes, are likely to need special consideration to ensure that their housing needs are met.

The housing market in the ACT is characterised by high housing prices and rents, despite the fact that they have been static or indeed declining slightly in recent times. Compared with the rest of Australia, they are still relatively high. This presents special challenges to the Government in promoting more housing choices for people with low to moderate incomes and in providing appropriate housing assistance options to those unable to access housing privately. Already ACT Housing has commenced a number of projects that will give a better understanding of the dynamics of supply and demand in the housing market and housing needs. An important component of the housing strategy will be a study that analyses the determinants of housing costs in the ACT, with particular attention to the lower end of the owner-occupied and rental markets.

The strategy will also address the needs of households with limited financial resources. A major report on housing needs assessment is currently being prepared for ACT Housing by the Australian Institute of Health and Welfare. It will help the Government to better target its assistance to households most in need. The study has found that in 1991 almost 16 per cent of households in the ACT had problems in paying for adequate housing. The study also noted that without housing assistance the incidence of housing need in the community would have been considerably higher. Unlike other affordability benchmarks, which do not differentiate between households' requirements, the institute's measure analyses the capacity of households of different compositions and different incomes to meet housing costs. This work will be crucial to planning programs of housing assistance that ensure good targeting and effectiveness.

As part of the development of a housing plan for the ACT, the Government will also be examining options for financing affordable housing, particularly brokerage and partnership arrangements that foster the growth of non-traditional supply arrangements. The Government recognises that improving the supply of affordable housing and range of housing choices relies on efficiency in the housing and land development industries. For this reason, a key objective of the housing plan will be strategies to provide a stable environment for these industries and to support their capacity to deliver affordable housing choices. This is consistent with the Government's commitment to facilitating opportunities for first home buyers to access home ownership. The Government also will be looking at options to support the expansion of the community housing sector.

Currently, this sector represents only a small proportion of the ACT housing market, but community housing potentially can provide increased options for not only affordable housing but also different tenures and lifestyles.

I come now to the process for consultation. Ultimately, the success of the strategy will depend on the extent to which it incorporates the different views of the community, industry and government agencies. To achieve this, debate on key issues for the future direction of housing is essential. The ACT Government is committed to ensuring that everyone has the opportunity to contribute. I am, therefore, pleased to announce that the Government has established a reference group to advise on major issues in the development of the strategy. This group will be chaired by Professor Judith Brine - an eminent academic in the field of urban design - and will include representatives of the housing industry and related professions and non-government organisations. The reference group will draw upon a wealth of experience and knowledge of housing in the ACT, and I look forward to the members' input to the ACT housing strategy process. Additionally, ACT Housing is releasing a series of information papers on housing issues to support informed discussion. Consultation on a draft housing plan will take place in the early part of 1996. The main public consultation phase will commence in the first half of next year.

In conclusion, I believe that the development of a housing strategy is an important part of adopting an integrated and strategic approach to urban development in the ACT. If future residential development is to add to the quality of life for all residents and respond to the diverse needs of a changing community, it is essential that we think creatively and pursue these goals in a coordinated and strategic way. I look forward to the development of the ACT housing strategy, and I would encourage all members of this Assembly to support this important initiative. I present the following paper:

ACT Housing Strategy - ministerial statement, 25 October 1995.

I move:

That the Assembly takes note of the paper.

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

LEGAL PRACTITIONERS (AMENDMENT) BILL 1995

Debate resumed from 21 September 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (3.45): This is a Bill that the Opposition supports, with some surprise that it is the arch monarchist amongst us who is formally abolishing the office of queen's counsel.

Mr Humphries: No; the Speaker is the arch monarchist. I am the second arch monarchist.

MR CONNOLLY: The second arch monarchist amongst us is abolishing the office of queen's counsel. Mr Humphries did say something the other day to the effect of, "We have to do this because we want to give effect to our requirement that the executive government not be involved in the process of appointing queen's counsel". As far as I understand it, the appointment of queen's counsel is a Crown prerogative. The first queen's counsel appointed, my researchers tell me, was Sir Francis Bacon; so it goes back quite some time. It is a prerogative of the Crown that has, through custom and usage but not statute, been devolved to the Cabinet, to the Executive Council in those States that have a direct relationship with the Crown. In the ACT's case, it is a prerogative that has been taken, without any direct grant, to rest with the Cabinet of the ACT, the Executive created under the self-government Act, and properly so. By convention, the Executive acts on the recommendation of the Law Society to the Chief Justice and on the recommendation of the Chief Justice.

One of the reasons why some governments around Australia have moved to abolish queen's counsel, and particularly to abolish the involvement of the Executive in appointing queen's counsel, is an unfortunate tendency that has developed from conservative governments - not Labor governments - to tear up that convention, which is not surprising. As we approach 11 November and the twentieth anniversary, we are reminded that it is the conservative side of politics that, unfortunately, tends, for politically opportunistic motives, to tear up conventions.

The first occasion when a conservative government refused to follow the convention that they would appoint to the ranks of queen's counsel the nominee of the Law Society or the bar who had been approved by the Chief Justice was in South Australia. Elliott Johnston was a long-term member of the Communist Party and I remember as a child seeing him trooping around Port Adelaide, where I grew up, every Federal election. He always stood for the Communist Party and he always got about 2 per cent of the vote, or something less. He was a very eminent jurist in South Australia. He was recommended through the Law Society, the Chief Justice recommended his appointment, but the Liberal Government of South Australia of the day refused to appoint him, on the basis of his political beliefs. That was a most appalling breach of convention. That happened some 20 years ago or more, probably 25 or 30 years ago now. He was eventually appointed queen's counsel and he went on to serve with distinction on the Supreme Court of South Australia and in due course to play a very important role in the Royal Commission into Aboriginal Deaths in Custody. Further occasions occurred in the Northern Territory, where persons who had been very active in the Labor side of politics were recommended but were not appointed. It is unfortunate that it has been the conservative side of politics that has breached those conventions.

There is, however, a sound argument for not appointing queen's counsel. The office of queen's counsel is an anachronism as we move towards the end of the twentieth century. What has happened here since we imposed a moratorium when we were in office, as a result of the recommendations of Mr Humphries's then committee, the Legal Affairs Committee, where there was bipartisan support for the proposition that we not proceed with further appointments of QCs, is that the bar is following the practice of the bar in New South Wales and, on the recommendation of the Chief Justice, recognising the office of senior counsel, and that is a perfectly appropriate thing to do.

Mr Humphries said that he would be happy to keep the old monarchist conventions if there was a way of doing it, and he challenged me to prepare an amendment. We, of course, would not support that, but I can say to him that it would be a very simple amendment. It would be a simple amendment that that part of the prerogative power that allows the Executive to appoint to the office of queen's counsel is vested in the Chief Justice of the Supreme Court of the Australian Capital Territory. That simple form of amendment would allow the office of queen's counsel to continue should the monarchists amongst us wish to do that.

I am sure that Mr Humphries will not take up that suggestion, though, because it is an anachronism, and it is a sensible development that we are moving forward and abolishing any role for the executive government. That would have the same effect because the executive government would have no part in it. It is simply that what is now a prerogative that went from the Crown to the executive government would be seen as a prerogative vested in the judiciary, and there is no difficulty with that as a point of principle. However, it is a sensible thing that we are abolishing the office of queen's counsel. It is perfectly open to the bar to adopt, as they have, the designation of senior counsel, and that will continue. I said, when I was responsible for these matters and this was first suggested, that I thought it was something of a tenth order in terms of legal reform, and I still do think that.

Apart from the symbolism of abolishing the vestiges of the monarchy in the office, some enthusiasts for abolishing queen's counsel claimed that this would lead to cheaper legal fees because the fees the queen's counsel charge would no longer be charged. I just do not think that is the case. Clearly, in New South Wales and here the office of senior counsel is regarded by all on the bench and at the bar and in the ranks of solicitors as the equivalent of queen's counsel. There is no disparity in fees. The best of the younger members of the bar who are now becoming senior counsel, I am sure, can expect that they will be charging precisely the same as those members of the senior bar who hold the office of queen's counsel, depending on their ability.

It is a notorious fact that in the good old republic of the United States of America, where there have been no queen's counsel since the revolution some 200 or so years ago, the best of the trial lawyers, or at least those with the best flair for publicity who get themselves hired by the O.J. Simpsons of this world, charge phenomenal fees that would make even the most eminent Sydney QC blush. Wherever you are, you will have supply and demand and you will have those people in the very front ranks of the bar charging high fees. I really do not think this will do anything about fees. Nonetheless, it is a sensible measure. The Opposition supports it, but we do point out that, if Mr Humphries does really want to stick to his monarchist guns and does want to preserve the title of queen's counsel but abolish the role of the executive government, there is a way for him to do it, but it probably would not find the support of the house.

25 October 1995

MR HUMPHRIES (Attorney-General) (3.52), in reply: I thank the Opposition for its support. I think some of Mr Connolly's comments betray, with respect, a lack of understanding of the reason that this Government came to abolish queen's counsel. I would not describe myself as the arch monarchist of this place, Mr Speaker; I would reserve that appellation for you. But I would certainly say that I am a firm monarchist, and it gives me no pleasure to have to remove that link with Australia's historical connection and the historical development of our legal system from the nomenclature of our court and justice system.

The reason this move on the part of the Liberal Government has taken place is that we firmly believe that it is inappropriate for the state or an agent of the state, be that a Minister of the Government or the Cabinet or the Chief Justice appointed by the Government, to be appointing a particular practitioner, a particular worker within the workplace, as being more eminent than other workers. We can acknowledge such people. We can give them awards of various sorts. I suppose that there are all sorts of awards and recognitions that people get in various ways for the jobs they do, but there is simply no equivalent of the systematic approval that goes on with the appointment of queen's counsel in any other area of society's administration of professions and occupations in this community.

Mr Connolly suggested that if I really wanted to preserve the title I could have the Chief Justice make these appointments. If he looks back at my remarks, he will see that I have quite expressly - put it on this basis - warned the Chief Justice that it is not appropriate for the court to be involved at all in substituting itself for the Government in these appointments.

Mr Connolly: But they are doing it.

MR HUMPHRIES: No; that is not true. They are involving themselves in the appointment of senior counsel but not of queen's counsel. The difference is that the name "queen's counsel" quite rightly connotes the concept of the Crown sanctioning or making an appointment, and this Government does not believe that any official of government, whether it is I as a Minister or other members of the Government or the Chief Justice appointed by the Government, should be appointing certain workers to carry that title, which carries with it some connection with government, with approval by government.

I would certainly accept Mr Connolly's point with respect to the retention of that title if it could be carried over to the profession itself and have the profession endow people with that title. I would be quite happy to accept that, except that I think it is wrong in principle to allow ordinary citizens to be endowing themselves with names or titles that carry with them the imprimatur of the Crown. I do not think that is something we should encourage. People should be able to use references to the Crown or the sovereign or the Queen through application to the proper authority, to the Government in Britain or to the ACT Government as the Crown in right of the ACT or whatever, to use those sorts of titles, but not do it by themselves. If they do it through some agency of the ACT Government, they confer on individual practitioners of a particular profession some title that gives them a right and a status in the community that I do not believe that contemporary society ought to allow them to carry.

It gives me no pleasure to abolish the title of queen's counsel, in effect. If the title had historically been a different title, such as senior counsel or special counsel or something of that kind, there would be no problem at all in transferring the name as well as the entitlement to members of the community to continue to confer, but clearly that cannot occur because of the nature of that title. I believe that this is an appropriate step to enhance the fairness of the operation of the ACT workplace. This follows recommendations by the Trade Practices Commission. I note that even the Bar Association, in an article in the *Canberra Times* on 22 September, welcomed this Bill because it tidies up the de facto situation that has been in place since the imposition of the moratorium on government involvement some two years ago. I hope that that indicates that this transition will be a smooth one and that there will not be any residual attempt to revive government involvement in the appointment of the title or involvement by the court in appointment of the title.

I am, Mr Speaker, a Liberal first and a monarchist second, and that is why I have promoted this step to the Government, and the Government has accepted that position. I hope that members will see that that is an appropriate step to take and that it is better for the operation of efficient workplaces and the best provision of service to the community that such titles not be capable of being employed by individual practitioners in this way.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

HEALTH PROMOTION BILL 1995

Debate resumed from 21 September 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR CONNOLLY (3.58): Mr Speaker, the Opposition will be supporting this Bill. This Bill gives effect to a promise that, strangely, both parties made in the last election campaign, and that was to provide a form of statutory independence to the Health Promotion Fund. We are pleased that this is one election promise at least that has been fulfilled in relation to health. There were many others, like the 50 beds or, "We will not close any health centres". The 50 beds seem to have gone. As for, "We will not close any health centres" - fingers crossed behind the back - "but we will sell them", that is still in the offing. We await with some trepidation a whole lot of other promises made in relation to health.

25 October 1995

To return to some common ground - the idea of the Health Promotion Fund being set up with statutory independence - both parties acknowledged that its time had come. The Health Promotion Fund in the ACT has worked rather well. It has become accepted now as a part of the funding mechanism. In particular, it has developed some quite innovative program funding. When it first started it was seen really just as a substitute for tobacco advertising. In those first few years, essentially, it was seen as stepping in when tobacco sponsors had been forced out, or encouraged to go out. In the years since it has developed a much broader, and properly broader, view of its own responsibilities. It clearly was the intention of the former Government, and it remains the intention of this Government, that the fund not be just a substitute funder of events for tobacco companies. The fund can take a very proactive role in some of the campaigns. In particular, the workplace drug and alcohol campaigns that were developed in the last couple of years have been seen as Australian leaders. The Health Promotion Fund has done a very good job and the Opposition is more than happy to support the concept of it being given statutory independence. We will be proposing some amendments at the detail stage in relation to membership of the board; but, as a concept, statutory independence for the Health Promotion Fund is something that both major parties supported in the recent election.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.01), in reply: The Health Promotion Bill is, I think, a relatively straightforward piece of legislation to establish the Health Promotion Board to administer the Health Promotion Fund. It is a piece of legislation that I am pleased that the Opposition is supporting because I think it is going to be very important to the ACT in the future. However, I would not like members of this Assembly to underestimate the importance of this Bill on the basis that I believe that it is a quite simple piece of legislation. The recent drink-driving statistics and the increasing smoking rates amongst young people are just two examples of issues demanding attention. While regulation and policing are a part of the answer, I believe that the time has come to look at new and innovative ways of addressing these problems. Health Promotion has a wide-ranging charter to seek the most efficient ways of influencing people's behaviour and to provide the healthy choices that will benefit both individuals and the community in the long term.

The Liberal Party made two election commitments in relation to health promotion: First, to increase the Health Promotion Fund resources to 5 per cent of the revenue from the tobacco franchise fee, and, secondly, to give the fund a greater degree of autonomy in the future. These two commitments come together in this legislation and provide a direction that, I am sure, will set health promotion on track for years to come.

At the time of the election the proposed increase to the fund would have resulted in a further \$500,000 being available for health promotion purposes - an approximate increase of 50 per cent in the total size of the fund. However, in the period since the election, due to changes in other States, the tobacco franchise fees have risen from a level of 75 per cent to 100 per cent. This has substantially increased the dollars available to the Health Promotion Fund. Despite a great deal of financial pressure, I am very pleased to say that the Government has been able to maintain its financial commitment to the fund and to maintain the 5 per cent level. The result is an increase of 100 per cent in the size of the fund, which will now mean a total of some \$2.1m being appropriated for this year's budget.

Mr Speaker, I believe, as I am sure every other member of this Assembly does, that this Bill is absolutely central to the future of healthy lifestyles in this city. It is fascinating to have a look at what has happened in two other jurisdictions that have had similar styles of statutory authorities in the past, and they are Victoria and Western Australia. Those statutory authorities have become two of the most efficient and most effective statutory authorities in those States. What they have achieved, both in funding and in improving the health of the community, is quite stunning. I am confident that our Health Promotion Fund will go on to achieve exactly that.

The new agency will be known as “HealthPACT”, which is a contraction of Health Promotion ACT. The legislation forms the pact between the Government and the community in the pursuit of a healthier community, so I believe that HealthPACT is an appropriate name. The Bill also includes the requirement for the board to draft a three-year strategic plan for submission to the Government. The agreed plan will be laid before the Assembly so that members will be aware of the goals and directions being pursued. The basis of having the Health Promotion Fund set up as a statutory authority is so that we can plan for the future; so that we, as a community, can ensure that there is a long-term strategy in place to ensure that our community is healthier in the future than it was in the past. I am pleased that this Assembly supports this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5

MS TUCKER (4.06): I move amendment No. 1 circulated in my name, which reads:

Page 2, line 30, proposed paragraph 5(ca), insert after paragraph 5(c) the following paragraphs:

- “(ca) the promotion of the community capacity to support its own good health, through self-supporting activities;
- (cb) the promotion of good health through intersectoral collaboration;”.

Mr Speaker, the Greens support this legislation as health promotion and sickness prevention are a key element of our health policy. Health is far more than the absence of disease. It is about a state of complete physical, mental and social wellbeing, and it is essential that government actions reflect the need to promote good health, not just the curative aspects of health.

25 October 1995

The first of the amendments I am moving relates to the functions of the Health Promotion Board, but I would like to add that it is consistent with the third amendment I have circulated, which seeks to add three additional members to the board. The additional two functions I have proposed seek to add the function of promoting the community's capacity to support its own good health, and the promotion of good health through intersectoral collaboration. Obviously, having an environmental health representative on the board will assist in achieving a more intersectoral approach to health promotion, and representation from health consumers and a community health expert will expand the community voice on the board and strengthen the capacity of the board to promote self-supporting projects which assist in strengthening good health in the community.

I might add that these additional functions are entirely consistent with ACT Health goals and targets, and, as a key performance indicator in many of the budget programs is meeting these goals and targets, one would imagine that it is therefore consistent with the Government's policy. Two of the key goals in the chapter on community access and participation are to "strengthen intersectoral action to promote healthy public policy and environments" and to "facilitate the self-determination of self-help and community organisations".

What does intersectoral mean? It is about an integrated approach to management; the integration of quality development, of practice, of problem solving and place. Practically, this means forming policy committees which will involve all stakeholders - different levels of government, community interests, employee representation and industry, for example, to develop a common policy direction. It is also about developing teams of people with different skills, recognising the interconnections between social, environmental and economic issues, and then applying research, policy and practice to problems faced at a local level. If anything should be intersectoral in approach it should be health.

ACT Health goals and targets go some small way to recognising the links between the health of the physical environment and the health of humanity, particularly in transport issues; but not far enough, according to the Commissioner for the Environment. It is disappointing to see the Government disagree with the recommendation to restore and expand the ACT Health goals and targets section on the impact of environmental factors on health. Even the AMA, in its recent national conference, discussed the importance of environmental factors in health. Most Australians are becoming increasingly concerned about the impact of environmental factors - from ozone depletion, to toxic substances in our air and water, to radiation - on our health.

The Liberal Government keeps telling us that it is all for community involvement and collaboration across departments to come up with the best outcomes. Promoting community projects which integrate environmental and health issues is just as important as promoting collaboration between different sectors at the level of policy-making. The real test of the Government's rhetoric is whether or not they put action to their words.

Mr Speaker, public health policy is based on five principles - intersectoral action, environmental security, community activity, individual capacity to act and the reorientation of services to prevention. These criteria have been accepted by the World Health Organisation. Let us put these words and the words of our own ACT policy documents into action. Let us adopt a multidisciplinary approach to solving the problems that face us in the ACT not only at the level of policy development but also at a practical level. Let us strengthen the community's capacity to promote good health throughout the ACT.

MR MOORE (4.10): Mr Speaker, perhaps like Ms Tucker, I chose to speak at this stage rather than in the in-principle stage of the debate because I thought the issues raised by Ms Tucker in her amendment are ones that take the Bill to the very heart of what we are trying to achieve with health promotion. In one way or another Ms Tucker was referring to the World Health Organisation's approach to health promotion - a matter on which I have spoken a number of times in this Assembly with reference to the 1986 Ottawa Charter, the document that sought health for all by the year 2000. The issues raised by Ms Tucker in her speech cover the approaches that were outlined in that World Health Organisation document, as well as in the health goals and targets document that was released by the Department of Health last year.

I think that the establishment of this board will be a sensible step forward in terms of health promotion. I am delighted that the Government has retained its electoral obligation to ensure that health promotion is expanded. I would hope to see it expanded even further. Mr Speaker, I will be supporting the Bill, and it will be enhanced by this first amendment proposed by Ms Tucker. I look forward to the very positive contribution that such a Health Promotion Board will be able to make, so that people can understand and improve their own physical health.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 6 and 7, by leave, taken together, and agreed to.

Clause 8

MS TUCKER (4.13): I move:

Page 3, line 28, subclause (1), omit "9", substitute "11".

Mr Speaker, the second and third of the amendments I have circulated relate to the membership of the Health Promotion Board. The Greens wish to ensure that the key stakeholders in our society in the area of health promotion have a voice on bodies such as this board. It is just not good enough to say that we support the community health sector and health consumer voices but to leave them out of decision-making bodies and funding boards. Our amendment calls for an increase in the number of health representatives, from two to three, and specifies that one of these health representatives shall have expertise in community health and another a background in health consumer matters. The third addition to the membership is a person with expertise in environmental health.

I spoke earlier about the impact that ecological factors have on health, and it is about time governments took a broader approach to health policy and promotion. Environmental health is a growing field. In fact, the Nature and Society Forum is holding a conference on it at the end of this month, with some very interesting speakers. Yet, while there is a growing recognition of how the environment impacts on human health - agenda item 21 at the Rio Earth Summit also recognised the inextricable links between ecological sustainability and health - governments have been very slow to implement action. Mrs Carnell is all for the ACT being first in leading the way, so here is a great opportunity to show that in the ACT we do recognise the links between the wellbeing of humans and the natural surroundings in which they live.

MR MOORE (4.15): Mr Speaker, I must say that I have much more difficulty with this amendment than I do with the others. What concerns me is that the focus on health that would be enhanced in one sense by the amendments proposed by Ms Tucker would adopt the notion of the World Health Organisation of saying that health is a general issue that goes right across the community instead of having a balance. Sport, recreation, the arts and culture, employee relationships, and occupational health and safety, media communication, business and accountancy all have an impact on health. By changing the number of people on the board and by adding to it people with expertise in community health, environmental health, and health in general, specifically, I think that we lose that very broad concept of population health in a health promotion sense. Therefore I have more difficulty with this amendment.

I must say, Mr Speaker, that I have not made my final decision on this. Ms Tucker, who has an opportunity to speak a second time on this clause, may be able to convince me, or other members may well be able to convince me; but my reaction to this amendment is that it will achieve just the opposite of what she set out to achieve in her first amendment and also, in one sense, in this amendment, by narrowing it to a health focus rather than a general community focus. I think that what we really ought to be looking for is a general community focus where ordinary members of the community can understand how health can be promoted throughout all community activities. That is the difficulty with this amendment.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.17): The Government will be opposing these amendments. The major reason for opposing them is that I think they lose the whole essence of the new Health Promotion Fund. The board of the new Health Promotion Fund will be managing a multimillion dollar portfolio. The potential income this year from 5 per cent of the tobacco franchise fee is \$2.1m. The board is to have one member with expertise in business or accountancy, one member with expertise in media or communications, a member with expertise in employee relations or occupational health and safety, two members with expertise in health, one member from sport, one member from the arts and a public servant member. That is how the board is to be made up. It is balanced. We have people with expertise from a wide range of areas that this board will be responsible for.

This is to be a statutory authority. Mr Berry knows all about statutory authorities. It is absolutely essential that we have on these statutory authorities people who understand how to run large portfolio areas handling millions of dollars of taxpayers' money. We certainly need people who have expertise in the areas that we want to improve, such as health, sport, the arts and so on; but it is absolutely essential that we have somebody who can manage that fairly large portfolio we are talking about. I do not believe that having four people with backgrounds in health, only one with a business background, one with a communications background, one from sport and one from the arts would give the board a proper balance. It is absolutely essential, if we are going to make this work, that this board have members of the calibre that we need to achieve the same sorts of ends that have been achieved in Victoria and Western Australia.

It is interesting to note that Professor Neville Norman, in his economic evaluation of the Victorian Health Promotion Foundation, concluded that after five years of operation the VHPF had had considerable success. He went on to say that, on an extremely conservative estimate, the \$120m investment has returned more than \$200m for the Quit campaign alone. Those figures show you what we are dealing with here. It is simply not an advisory board; it is not a board that gives advice to Ministers; it is none of those things. This is a board that will look after a multimillion dollar portfolio, and that must be the way the board is balanced.

MR SPEAKER: Mr Connolly, we are, in fact, discussing Ms Tucker's amendments Nos 2 and 3. I accept that we should be discussing only amendment No. 2. Mr Connolly has another amendment which will come between those two. However, to assist the debate, I think it is preferable to discuss Ms Tucker's amendments Nos 2 and 3.

MR CONNOLLY (4.21): That makes sense because amendment No. 2 would be nonsense if we were just saying that we should have either nine or 11 members of the board. If the Greens were simply wanting to put more members on the board, that would be a fairly silly thing to do; but they do have a reason for this. For that reason, the Opposition is minded to support this amendment. As I understand what Ms Tucker is proposing, she is concerned that health could simply mean two senior specialists or GPs. I accept the Chief Minister's assurance that that is not her intention; nor was it ours. I think that what Ms Tucker is trying to do is set out in the legislation a little more prescriptively that you want health expertise from a range of backgrounds. For that reason, we are prepared to support that.

In relation to the other areas of expertise, I will put a question to Mrs Carnell which may save me putting another amendment. It was put to me that for quite some time solicitors have gone on and off the board and have been able to play a quite constructive role. It was put to me that it might be useful to amend "a member with expertise in business or accountancy" by adding "or law". I would have thought that anybody who is practising in a firm of solicitors could be regarded as having expertise in law. Mrs Carnell nods. I would hope that she could read into the record at some point that members of solicitors' firms could well be eligible for appointment under that heading.

25 October 1995

Mrs Carnell: Somebody with health expertise might have a law degree.

MR CONNOLLY: They may indeed. We will not need to go ahead with that, but we are inclined to support the Greens' amendment. I will come to our amendment in due course.

MR HUMPHRIES (Attorney-General) (4.23): Mr Speaker, I do not support the amendment moved by Ms Tucker. I accept that she wishes to broaden the range of expertise available on the committee for the purpose of ensuring that a range of viewpoints is put before the committee; but, with respect, if you look at what she is attempting to do, she is attempting to achieve far too fine a result for an instrument which is designed to give the government of the day, admittedly, some flexibility in constructing a board that will be as dynamic as possible. It is not stated in the Bill; but, in effect, these sorts of appointments not only reflect simply an area of expertise, some background in consumer health or environmental health, or whatever it might be, but also reflect a range of general background experience in life which often can be determined only by looking at, talking to and considering the merits of particular individuals when it comes to making an appointment. The more prescriptive we are within this clause about what area of expertise or talent a person has to have, the narrower the field in each case and the more difficult it is to get people whose other general skills are appropriate for this kind of body.

Mr Speaker, I think it is unfortunate that this particular proposal should come forward. Although no-one can argue against having environmental health expertise or community health expertise or whatever on such a committee, you could equally argue that it would be valuable to further define or expand upon the category of sport or recreation to include one person with a background in sport and one with a background in recreation.

Mrs Carnell: Maybe a footballer.

MR HUMPHRIES: You could have a footballer or someone from a women's sport. You could require that there be someone from the performing arts and the visual arts, and, indeed, to follow on from what Mr Connolly said before, someone with a background in law and a background in business, or a background in accountancy, or divide that into more prescriptive separate categories. That seems to me to be not wise, Mr Speaker.

The second point I make about this is that, as members will be well aware, this legislation accompanies a very significant increase, a very large increase, in the amount of money available in the Health Promotion Fund to fund a series of initiatives through this mechanism. Mr Speaker, we are all well aware of the enormous power of this kind of advertising mechanism, as it were, to get messages across. We all believe in that mechanism. We all see advertising at work in our daily lives. We want to harness this energy, this potential, in a positive way for the benefit of the promotion of health. That can come in a number of ways. It can come through direct health messages, if I might put it on that footing - information directly to people about how you should look after your health, how you should actively promote a healthy lifestyle and so on - or it can come through the medium of different forms of occupation or recreation that members of the community engage in, such as involvement in the arts or in sport.

There is a delicate balance in this board so that there are two members with expertise in health, one with expertise in sport or recreation, one with expertise in the arts or culture, and various other people, in order to give that broad balance. To appoint four members with backgrounds in health, Mr Speaker, I think, overbalances the committee in favour of that pure health component of its work as opposed to its component of doing work with respect to health through other media, and I would argue that that is a good reason not to support the amendment.

In respect of additional support for the arts - I mentioned that before - there is approximately a 100 per cent increase in sponsorship and activity of arts-related activities. That is an amount of some \$850,000 over the next three years which the board will need to exercise some care in spending. It is very important that this board not operate in isolation from other organs of community activity in these sorts of activities. It would certainly be hard for it to do its job, focusing on the spending, for example, of \$850,000 over three years in the arts, if there was only one member of an 11-member board with a background or expertise in the arts. It is only slightly easier having one member on a nine-member board. I would certainly not argue that any dilution of that process should take place, any more than we should by diluting the number of members with a sport background on the board. Mr Speaker, I would urge members not to consider this amendment worthy of passage.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.28): I think one of the issues that we need to look at here is not just who these people on this board might be, but also the number of people on the board. This is amendment No. 2, the one we are really supposed to be looking at. One of the things that the Assembly must remember is that this board is a management board. It will manage, as I said, significant amounts of money, and it will be a paid board. Therefore, two extra members means extra money, and that means that less money goes to the things that we want to spend it on - the promotion of health via the arts, sport or recreation. Two extra members does mean less money for the community, for the non-government sector, and I think that is unwise. What we have to do is cut back on the amount of money we spend on the administration of the whole thing and make sure that more money gets out into the community. From that point of view alone, I think we should be looking at nine members.

MR MOORE (4.29): Mr Speaker, I indicated when I spoke to this amendment that I had some problems with the way it was constructed in terms of the balance as to who would be on the board. Let us look at paragraph 8(1)(e). Mr Speaker, you suggested that we can speak to both amendments. I think it would be appropriate to look at an amendment there, Mr Speaker.

I have spoken against changing the numbers from nine to 11. If we retain nine, I think there arises another issue that I would like to flag now so that we can talk about it when we come to debate amendment No. 3 circulated by Ms Tucker. I think there is some logic in looking at the two members with expertise in health and perhaps identifying, in the way that Ms Tucker has, what fields they should come from so that we have a health promotion sense. I think Ms Tucker has made a quite good argument about a member with expertise in health and environmental issues. I would say that one could

25 October 1995

also make a very good case for having a member with expertise in community health in those two areas. That does not change the balance, which has been the argument until now, but it does manage to ensure that, when these people are appointed, the whole purpose of the health promotion notion is brought before that board in reaching its decisions. Mr Speaker, I think that is the fundamental issue that we need to go to. If amendment No. 2 is lost, I will flag that I will be prepared to put an amendment to Ms Tucker's amendment to achieve that goal.

MS TUCKER (4.32): We would continue to argue that there is not really an imbalance when you have a number of people dealing with different aspects of health; that it is actually very relevant. I have heard what Mr Moore said, and I understand the amendment that he is prepared to make to this amendment. There is some wisdom in that as well.

I have to say that, if we are to achieve cultural changes in the nature of decision-making, certain things do need to be legislated. It is not good enough to say, "Do not worry; we will make sure that there is a wide cross-section of interests represented; we do not need to legislate it". That was the line we heard about the membership of the ACTEW board in opposition to some of our amendments. It will always be at the whim of those in power just how much representation certain interests in our community have in decision-making bodies and processes.

The other line held against our proposals to have a greater range of voices on the ACTEW board was that the level of management and legal expertise required was so great. But the Government cannot get away with saying that a board that is supposed to be focused on promoting good health in the community cannot have a strong base of community representation. We have heard arguments that this sort of expertise is necessary again. There is a lack of understanding evident in that argument. Actually, the community often has the wisdom and solutions to these problems that you will not find in so-called experts. We continue to push for community representation.

Amendment negated.

MR CONNOLLY (4.34): I move:

Page 3, line 33, after "expertise in employee relations or occupational health and safety", insert "appointed by the Trades and Labour Council".

There is, generally speaking, a good argument for not being overly prescriptive in terms of appointments to boards as nominees of particular organisations, and I can have some sympathy with the Chief Minister's general reluctance to have nominees. For example, we are not having a person from the Arts Council representing the arts or a person from the AMA representing medicine, and that makes sense.

However, there is a good reason why a person representing employee interests should be a nominee of the representative body of employees in the ACT, the Trades and Labour Council. The reason for that is that some of the most innovative work and best work of the Health Promotion Fund has been the very innovative programs that have focused on

groups in, particularly, the blue-collar workplace who otherwise miss out on health promotion messages. A factor that the current board of the Health Promotion Fund, the advisory body, started to work on some years ago was the realisation that there has been an awful lot of attention on middle-class, white-collar anti-smoking messages. There would not be a public service office in Canberra or a professional office in Canberra that has not been bombarded with those messages, but it is much harder in a blue-collar workplace. Some of the programs that the ACT has developed through the existing Health Promotion Fund have won acclaim around Australia, and have been regarded, in some cases, as the first of their type and in many cases the best of their type.

It has been put to me that one of the reasons why they have been so successful has been that the person on the Health Promotion Advisory Board has been from the TLC. The TLC has thus got right behind the process. The authority for TLC affiliates under the Industrial Relations Act, the ability to access workplaces, the ability to get into workplaces, is a very important asset in promoting that campaign. It would be most unfortunate if the requirement that we have a person with expertise in employee relations or occupational health and safety did not mean a person active and practising in the Canberra trade union community. The best way to ensure that we are getting a person who actually is out there in the workplace community, as a union official or rep or nominee, is to prescribe that they be a nominee of the Trades and Labour Council.

Again I accept an argument in principle that we should be cautious about these advisory boards being seen as nominees of particular community interests, but there are good reasons why that should be so in this case. If the Government is not minded to support this amendment, which I suspect they will not be, it would be encouraging at least to hear that it is the Government's intention to look for somebody who is out there practising as a trade unionist, as a trade union official. I would be most concerned, and I think many in this community would be most concerned, if the person appointed was somebody who is an academic with expertise in employee relations or somebody working for a consultancy in occupational health and safety.

One of the reasons why the current Health Promotion Fund has been able to do some very innovative work is that we have had a person from the TLC on that board. They have captured the energy and imagination of the broader union movement. It has been quite an achievement to get the Trades and Labour Council and the broader union movement to focus on anti-smoking campaigns and on alcohol and drugs at work campaigns, just to name two.

I am sure that Mrs Carnell would be aware of the at work smoking campaign, and I am sure that she would share my enthusiasm for how successful that has been. The alcohol and drugs at work campaign was pushed very strongly by the Health Promotion Fund. Some of the major building unions got up and got running some very innovative programs. They worked because they captured the imagination of the trade union leadership and, through the trade union leadership being enthused, the rank and file members of the trade unions were getting messages that they should think seriously about alcohol and drug use. It was not some sort of wussy bunch of do-gooders telling them that they need to be careful about drugs and alcohol at work; it was their workmates, their union officials, their union reps. It was a very positive message.

25 October 1995

If the Government is not able to support us on amending the legislation, I would like to hear that you are going to be looking for a person who is a trade unionist, a trade union official, not somebody who is a consultant or a so-called expert in this area. You need a person from the workplace, from the union movement. The best way to achieve that is by having a nominee of the Trades and Labour Council.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.39): Mr Speaker, in opposing Mr Connolly's amendment, I would like to remind members of the Assembly of what we have done with the membership of the board. We want on the board the expertise that we will need for the management of the fund. What we are talking about is a board that can manage a major fund. We are not trying to cover all the areas that the fund will be involved in. We are not trying to have on the board members that are involved in football, the Cancer Society, the National Heart Foundation, or all the other areas that the fund is involved in.

It is true that the fund will continue to negotiate projects with the unions and with the TLC. Mr Connolly is right; a lot of the very important projects that the Health Promotion Fund has funded in the past have been organised by the union movement at the workplace level. I hope that those sorts of approaches continue in the future. This is only a small board. It has only part-time membership. I do not believe that it is appropriate to have on such a board a right to membership for any particular organisation, regardless of who that is. That does not mean that we have anything against the Trades and Labour Council. I would feel similarly if the National Heart Foundation wanted a right to membership of this particular body, or if the Arts Council wanted the right to membership. We will not be supporting that sort of right.

What we are saying, though, is that the Health Promotion Fund, from my perspective, will continue to work closely with the union movement. We will be very happy to look at proposals put forward by the union movement for workplace-based projects to improve health in the workplace. That does not mean that you need somebody from the union movement on the board. Currently Kate Lundy is a member of the advisory committee and she has done an extremely good job; but she has done a good job because of the expertise she personally brings to the board and her commitment to health promotion generally, not because of whom she represents. I believe strongly that to allow that sort of right of membership to any organisation would inevitably blow out, would inevitably cause a problem for the board, and would inevitably mean that the Health Promotion Fund, or HealthPACT as we are going to have to start calling it, will not be as successful as it otherwise could be.

MR SPEAKER: Members, before we continue with the debate, I would like to acknowledge the presence in the gallery of students and staff of St George's College in Adelaide, South Australia. Welcome.

MR BERRY (4.42): I think the Chief Minister has missed the point completely. It is true that Ms Lundy has done a great job in relation to her duties on that committee, but the Chief Minister seems to be saying that it is not because of her position in the Trades and Labour Council. She is dead wrong.

Mrs Carnell: It is because she is capable.

MR BERRY: No; you have missed the point completely, again.

Mrs Carnell: No, she is not capable.

MR BERRY: You have missed the point completely, again. Of course, she is very capable and she has - - -

Mrs Carnell: Are you saying that Kate Lundy is not capable?

MR BERRY: She is very capable. Do not try to put stupid words in my mouth, Mrs Carnell. You are so childish and spiteful. She has earned a position of high standing within the trade union movement and therefore a great deal of respect, not only because of her interest in health promotion matters but also because of her commitment to the trade union movement. If you do not have those sorts of people in those sorts of positions you cannot get the respect that you deserve in relation to - - -

Mrs Carnell: So it is not because she is a capable woman? You mean that she is not respected because she is a capable woman; she is respected because she is a member of the TLC?

MR BERRY: I am saying to you that if they are not a member of the TLC they will not have as much respect as they will have if they are.

Mr Osborne: You cannot tell her what to do.

MR BERRY: That shows the level of understanding you have of the trade union movement. That is your problem. You have a mind-block on the issue of trade unionism. You do not understand it.

Mr Humphries: She has a mind.

MR BERRY: Who has a mind?

Mr Humphries: She has.

MR BERRY: If I had one like hers, I would change it regularly. It does not matter who the person is; it would be somebody who has worked their way through the trade union movement to a point where they have the confidence of the Trades and Labour Council. You do not just wander into the Trades and Labour Council and say, "I would like to be your nominee to a particular board". You earn the respect of members of the council before you get their endorsement for those sorts of positions. Ms Lundy earned her position because of respect within the trade union movement and her ability to provide the best sort of service to trade unionists on the issue of occupational health and safety. You do not seem to understand that it is that respect that you earn that is - - -

Mrs Carnell: Will not the union movement cooperate with someone who is not - - -

MR BERRY: Mrs Carnell makes this silly interjection: "Will not the union movement cooperate with somebody who is not from the trade union movement?". What I am saying to you is that they will cooperate much better with somebody they respect who comes from within the movement. That is why this amendment has been moved - to ensure that we get the level of cooperation that we have had so far.

Nobody would deny that the projects that have been developed here are innovative. They are some of the first in the country to get into the blue-collar area. It is something that was always intended and it was always known that it was going to be difficult. To maintain the push into that blue-collar area, which is very important, I just ask you to listen to our type of reason in relation to this issue. It is a very important one, and I would plead with you not to oppose it. I think it is a worthwhile issue that ought not be too politically based. It is about making sure that people in the blue-collar area in particular get the right sort of representation on these sorts of boards in order that we get better health promotion results out there in the work force.

MR MOORE (4.46): Mr Speaker, I think that what is disappointing about this amendment is that it is so narrow. Labor always likes to work with the trade unions and prides itself on doing so. They put up this amendment saying that the member with expertise in employee relations or occupational health and safety should be appointed by the Trades and Labour Council. If there is a sustainable argument for that, Mr Speaker, then surely there is a sustainable argument for saying that the person with expertise in business or accountancy should be appointed by, say, the chartered accountants; the member with expertise in media or communications should be appointed by the media - but, of course, Labor would not do that; the person with expertise in community health should be appointed by the public health association; the member with expertise in sport should be appointed by the sports association; and the member with expertise in the arts or culture should be appointed by the Arts Council. That would be the logical way to have gone; but I think most people would say, "No, what we really want to do is ensure that the most appropriate person is appointed".

I remind members that these appointments will be subject to our normal processes under our statutory appointments legislation. Members will have the opportunity to assess who is appointed. If the person does not have the confidence of the trade union movement, as Mr Berry points out, then the logical thing to do is to use that legislation to question the appointment.

Mr Berry: Vote against it, Michael. We will just add it to the list.

MR MOORE: Mr Berry always likes to throw out these little challenges - "Vote against it, Michael; we will corner you", and so on. He will attempt to do so. I have heard these threats again and again. Mr Berry sometimes manages two lines on page 10 of the paper when it is a big paper; but not when that is the editorial page, I might point out. So I am quivering in absolute fear!

Mr Speaker, it may be interesting to our guests here to know that Mr Connolly, who moved this amendment, is from Adelaide, as are our guests, and that I was a teacher in South Australia and in Adelaide for quite a number of years. They can hear the interjections, Mr Speaker. We have an affinity with our guests. I would like to take this opportunity to welcome them to the newest legislature in Australia and I hope that they enjoy their few minutes of debate with us. Those are the reasons why I will be opposing Mr Connolly's motion. As for the sentiment that is expressed, which I support, there is another way of catching it through the Statutory Appointments Act.

MR HUMPHRIES (Attorney-General) (4.50): Mr Speaker, I have listened very carefully to what those opposite have had to say about the reason for this amendment and I am still not convinced about it. I was accused earlier today of trying to change legislation to smooth the way for my mates. I have to say that this rather smacks of the same thing. There is something unusual about this amendment. I could not quite work it out when I first saw it, but now I have worked out what it is. Normally, when we have provisions like this in legislation and want to have particular client groups putting someone forward for a position, we say such and such a member nominated by the Trades and Labour Council or nominated by the Chamber of Commerce or whatever it might be; but in this case it says "appointed by the Trades and Labour Council". Mr Speaker, clause 10 of the Bill says the Minister shall appoint the members of the board.

I would argue, Mr Speaker, that this amendment is inconsistent with the rest of the Bill, but it is not unintentionally inconsistent because it is clearly the intention of those opposite to allow the TLC the power to make an appointment directly to the board, which bypasses the executive government and which bypasses the statutory appointments process, because you cannot have a statutory appointments consideration of this matter if it is an appointment directly by the TLC. In any case, Mr Speaker, even if it said "nominated by the TLC", I have not seen the argument put forward by those opposite that says that someone other than the person appointed by the TLC cannot cooperate with the Trades and Labour Council or with the union movement generally. I remind members that a decreasing number of workers each year in this Territory are members of unions and, indirectly, the Trades and Labour Council.

Mr Berry: They are lining up to join up now.

MR HUMPHRIES: The last time I saw figures they were declining in membership, not increasing; so the relevance of this body is decreasing each year. Nonetheless, I think that the Government should look seriously at an appointee of the Trades and Labour Council. Indeed, it has made a number of appointments from the Trades and Labour Council since it came to office, and not necessarily in cases where it was obliged to by provisions in statutes. There is no argument that says that we cannot have cooperation on these issues. There is certainly no argument that says that we have to have someone from the Trades and Labour Council on the Health Promotion Board to manage the board rather than deliver particular health promotion services into the community. That does not make any sense at all.

25 October 1995

Question put:

That the amendment (**Mr Connolly's**) be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

MR SPEAKER: I would again ask members not to interject when the call is being made. It is very difficult for the Clerks to hear.

MS TUCKER (4.56): Mr Speaker, I move amendment No. 3 circulated in my name, which reads as follows:

Page 4, line 1, paragraph (1)(e), omit the paragraph, substitute the following paragraphs:

- “(e) a member with a background in consumer health;
- (ea) a member with expertise in community health;
- (eb) a member with expertise in environmental health;
- (ec) a member with expertise in health generally;”.

I have already spoken to the amendment.

MR MOORE (4.57): Mr Speaker, I seek leave to move two amendments concurrently to Ms Tucker's amendment.

Leave granted.

MR MOORE: Thank you, members. The amendment circulated in my name does allow the amendment that Ms Tucker put to be carried. She lost amendment No. 2, which provided for 11 members rather than nine. That is not available to her.

I indicated earlier, Mr Speaker, that this would allow the members that she has identified in paragraphs (ea) and (eb) to be the two health members under paragraph 8(1)(e) of the Bill. I think that makes good sense and I believe that Ms Tucker finds that acceptable. I therefore move the following amendment to Ms Tucker's amendment:

Omit paragraphs (e) and (ec).

MR SPEAKER: Ms Tucker, do you find that amendment acceptable?

Ms Tucker: Yes, Mr Speaker.

Amendment (**Mr Moore's** to Ms Tucker's) agreed to.

Amendment (**Ms Tucker's**), as amended, agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.59): I move:

Page 11, line 24 to page 12, line 2, clause 30, omit the clause, substitute the following clause:

“Annual report

30. The report prepared by the Board for the purposes of section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include, in relation to the reporting period -

- (a) a copy of any direction given by the Minister under section 7 of this Act during the period;
- (b) a statement by the Board about action taken during the period to give effect to any direction given by the Minister under section 7 of this Act;
- (c) a copy of any determination made by the Minister under section 24 of this Act during the period; and
- (d) a copy of any strategic plan, and any revised strategic plan, approved by the Minister under section 26 or 27 of this Act during the period.”.

The report of the Standing Committee on the Scrutiny of Bills noted that the draft Health Promotion Bill, in subclause 30(4), provided for an annual report as a periodic report for the purposes of section 30A of the Interpretation Act 1967. The recently passed Annual Reports (Government Agencies) Act 1995 is now applicable to the

25 October 1995

proposed board, and the amendment makes the Health Promotion Bill consistent with the new Act. The amendment also includes a reference at subclause 30(b) to ensure that the annual report details action taken by the board in response to directions from the Minister, as noted by the standing committee. This amendment removes the potential anomalies pointed out by the standing committee and helps to provide consistency between legislation.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

HEALTH PROMOTION BILL 1995 Detail Stage

Remainder of Bill, as amended, as a whole

Debate resumed.

Amendment agreed to.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Kippax Health Centre

MR HIRD (5.01): Mr Speaker, I believe that Mr Berry may have misled the house during the adjournment debate last evening, 24 October. If Mr Berry has misled this place, he also has misled 1,200 petitioners in respect of the Kippax Health Centre, because, as indicated clearly in this uncorrected proof copy of *Hansard*, he said that it is going to close. Once again he is wrong. The Government has no policy of closing those health centres.

Mr Berry: I raise a point of order, Mr Speaker. Those sorts of imputations are not allowed in the course of these sorts of debates. If Mr Hird wants to move a motion in relation to my behaviour in the house he is perfectly able to, but he is not allowed to impute those sorts of motives in the course of debate. He has open to him the option of moving a substantive motion if he so wishes.

MR HIRD: I am drawing the members' attention to what Mr Berry did last evening in the adjournment debate.

Mr Berry: Mr Speaker, I take a point of order. Are you going to rule on the point of order?

MR SPEAKER: I am about to rule on the point of order. As you say, if there are to be imputations it has to be done by substantive motion. As far as I am aware, Mr Hird was quoting from yesterday's *Hansard*.

Ms Follett: Mr Speaker, if I may take a point of order: Mr Hird said quite specifically that Mr Berry had misled - - -

Mr De Domenico: He said "may have".

MR HIRD: May have.

Ms Follett: Mr Speaker, I think that that is an imputation against Mr Berry and it should be withdrawn.

MR SPEAKER: Once again we are in a situation where I am required to consider matters once I have seen the *Hansard* proof.

Mr Kaine: And once you have heard what Mr Hird has to say. We do not know what he is going to say yet.

MR SPEAKER: As I say, I cannot rule on it until I have seen the *Hansard* proof. I thought Mr Hird had finished.

MR HIRD: I believe that if Mr Berry has misled this parliament he has a duty to this parliament to apologise. There is no intention, Mr Speaker, to close that health centre.

25 October 1995

Mr Berry: Mr Speaker, this has gone far enough in relation to whether I have misled the house or not. If Mr Hird has the courage of his convictions he ought to move a motion, not make those sorts of improper imputations across the chamber in this debate.

MR SPEAKER: I will examine the *Hansard* to see whether action is required.

MR HIRD: Mr Speaker, I thank the honourable gentleman and I will take him up on that offer.

Carnell Government

MR BERRY (5.04): Now that the issue of the Kippax Health Centre has been raised, it is important that the record be set straight. My recollection is that about 1,200 people have petitioned this Assembly to stop the sale of the Kippax Health Centre, and there will be a further 1,000 or so petitioners later on. The message is clear to the Government that there is an uprising out there in the community about their actions in relation to public facilities. Last evening the people of Charnwood were extremely angry about the Government's position in relation to Charnwood High School. In West Belconnen generally, people are coming to know what is going to happen as a result of the appointment of Mrs Carnell as Chief Minister in this place. They will now be aware of the alliance of colleagues in this Assembly who are holding this Government together and, in turn, are aiding and abetting the Government in the closure of these public facilities.

Mr Kaine: I raise a point of order, Mr Speaker. Mr Hird raised the question of whether or not Mr Berry perhaps misinterpreted the Government's position in a public statement and in a petition. Having had that brought to his attention, he is now restating that. I think there is now no question of his merely misinterpreting it. He is deliberately making an assertion that he knows to be untrue. He is getting very close, I suggest, Mr Speaker, to misleading this house. He may not have done so before, but he is getting close to it now.

MR BERRY: Time will tell whether these things close or not. Clearly, the community is of the view that the future use of these facilities is in danger. The Government have said that they will not close Charnwood High School; they will merely strangle it. Those are the facts of the matter and the alliance that holds the Government together is going to have to take the responsibility for that. Those are the facts of life. The same applies in relation to the Kippax Health Centre and the Melba Health Centre and the services that are provided from those facilities. The alliance that holds the Government together will have to take responsibility for any - - -

Mr Kaine: I take a point of order, Mr Speaker. Mr Berry seems to persist in fabricating and fantasising and then presenting something in this place as fact. I have drawn attention already to the fact that he is getting close to misrepresenting material presented to this house. He is now doing it again. He has twice talked about some alliance. There is no alliance.

Mr Berry: There is no alliance like the last alliance.

Ms Follett: It is a recurring nightmare, Trevor.

Mr Kaine: I am speaking to my point of order, Mr Speaker. May I continue without being interrupted?

MR SPEAKER: Order!

Mr Kaine: There is clearly no alliance. There is a strong Liberal government. There are two people at least in this place who have the good sense to support most, not all, of the initiatives that the Government is taking in the interests of good government. If I keep this up I will use up all Mr Berry's time. I suggest, Mr Speaker, that Mr Berry needs to think very carefully before he makes these kinds of assertions, because he is sailing pretty close to the wind.

MR BERRY: In closing, we stand as representatives of the Ginninderra electorate in defence of those important public facilities which are at risk because of the action of the alliance that holds this Government together.

Crossbench Members

MR MOORE (5.08): I cannot help myself, Mr Speaker. It is very interesting, Mr Speaker, that whenever somebody is in opposition and things do not go quite their way they always point to the crossbenches and say, "You are just the running mates". It used to be said that we were the running mates of Labor. Then we were the running mates of the Liberals, or in alliance with the Liberals or whatever. So it will go on, Mr Speaker. It is very pleasing to me. I have discussed this with Paul Osborne and the Greens. We are hated at some stage by the Government and we are hated at other stages by the Opposition. Today it is the Opposition's turn.

Carnell Government

MRS CARNELL (Chief Minister) (5.09): Mr Speaker, I think there is some chance that Mr Berry gave the Assembly the wrong impression when he spoke before about a government that was cobbled together or was some form of alliance. I would like to remind Mr Berry of the election results. The Liberal Party got 43 per cent of the vote and the Labor Party got only 30 per cent, which tended to indicate to me that the community supported us.

Carnell Government

MR DE DOMENICO (Minister for Urban Services) (5.10): Mr Speaker, may I talk about something very important and on which Mr Berry and I would probably agree, although I shudder to think why?

Mr Berry: I am not going to have a chance to tell you because I have had my say.

MR DE DOMENICO: That is right. Last night the prevention awards were made here in Canberra. I congratulate all those participants in those awards. They showed how innovative both the public sector and the private sector can be in making sure that we have safe and good workplaces. I cannot resist commenting, like my colleague Mrs Carnell. From time to time people in this place tend to say things out there in the community that are not as true as they should be. When people start talking about governments closing certain things I think they ought to get their facts right. Whenever people note that they have inadvertently said something that they perhaps should not have said, or have said the wrong thing, they ought to have the guts to stand up in this place and say, "I was wrong. It means that I am human. I apologise". All of us ought to read what we say in this place from time to time. Some of the things that you notice when you revisit the words that are put in *Hansard* are surprising. Mr Berry should know all about this. I recall that time and time again he was given opportunities in another Assembly to back-pedal. Mr Berry did not take those opportunities and he faced the consequences, as he well knows. I suggest that all members of this place ought to revisit from time to time what they say in here so as to make sure that what they say here reflects the truth. Then no-one can be accused of misleading anybody else.

Removal of Trees

MR HUMPHRIES (Attorney-General) (5.12), in reply: Mr Speaker, Mr Berry wanted to put the record straight. I want to do the same thing. Yesterday in another debate he accused me of removing 100 trees for the erection of the Tuggeranong weather station.

Mr Berry: Was it only 90?

MR HUMPHRIES: We are removing some trees. I will confess that. It is not 100 trees. It is not 80 trees. It is not even 60 trees. It is not even 40 trees. Mr Speaker, we are removing 21 trees, of which four are golden willows. They are not native trees. They are invasive trees which are very bad for our waterways, and the Government is systematically removing them. The next time I go to cut down a golden willow, Mr Berry can chain himself to it and protect it. He will find himself lined up against me and a great many other environmentalists. Three trees are also to be removed from a casuarina stand which was affected by fire not so long ago. They are in pretty bad shape. There are only 14 trees being removed that perhaps Mr Berry might want to protect, and they are radiata pines, none of which are native trees anyway. Mr Speaker, even if we wear sackcloth and ashes for taking away those 14 radiata pines from Tuggeranong - - -

Mr Berry: Some of which are important to people.

MR HUMPHRIES: “Some of which are important”, he says. It is worth knowing, Mr Speaker, that the Government is planting a few in their place. To be precise, we are planting 240 trees and shrubs to replace the 14 that we are taking out. I think a net increase of 220 trees is a pretty good record.

Question resolved in the affirmative.

Assembly adjourned at 5.14 pm