



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 FEBRUARY 1996

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

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO. 2) 1995

Debate resumed from 7 December 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (10.31): Mr Speaker, the Labor Party will be supporting this legislation. It is a sensible refinement of regulatory legislation in regard to legal practitioners. What the Bill does is eliminate inconsistencies and inefficiencies in the law regarding controlled moneys held by solicitors, especially in respect of valuable securities. The Bill also gives clients of those solicitors an enhanced protection when they engage solicitors to undertake control of their funds. In fact, it does refine the procedure that is provided for the regulation of solicitors' trust moneys. As I say, we will support the passage of this legislation. It seems to be a sensible measure, and we will always support sensible refinements of legislation.

MR MOORE (10.32): Mr Speaker, this is indeed, as the Leader of the Opposition said, sensible legislation. The legislation was originally put in place to protect clients' money. This particular amendment deals not so much with clients' money but with securities and other issues that solicitors deal with. The argument put by the Minister in his presentation speech was that there has never been a problem with solicitors interfering with this; as, indeed, we know that there have been problems with solicitors interfering with cash. Perhaps that is because of the complicated nature of this range of issues. But, on the other hand, they do put on solicitors quite a burden. It is that attempt to remove that burden that is the significant part of this legislation.

For that reason, I think it is appropriate for us to support this legislation. At the same time I think it is also incumbent on us to monitor what is going on in terms of solicitors' offices. Should situations arise where it becomes obvious that this is being abused, then I think it would be appropriate for this legislation to be reintroduced. But where we can remove from any section of business any onerous task that does not appear to have any real driving force, then it is appropriate that we do remove that kind of burden. I think that is what this legislation is about.

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MR HUMPHRIES (Attorney-General) (10.34), in reply: I thank the Leader of the Opposition and Mr Moore for their support for the legislation. I think it is a sensible way of being able to regulate the activities of solicitors who deal with valuable securities on behalf of their clients. I think it was only yesterday that the media reported a particular case of a solicitor and an accountant who had defrauded some money from some jewellers in Canberra. I think that particular case illustrated, although it was a fairly unfortunate incident, that that kind of incident happens quite infrequently in the ACT. When a solicitor abuses his or her position, the circumstances are fairly rare and noteworthy and generally get quite heavy publicity. It is a tribute, in a sense, to our legal profession in the ACT that the standards are sufficiently high to make those incidents rare and, for that reason, newsworthy.

The provisions that the Assembly is passing today ensure that the controls on solicitors are reasonable and practicable. The controls as placed in the Legal Practitioners Act, as it now stands, were somewhat unreasonable, requiring solicitors to account for material in their possession, the content of which they may not have known. For example, a solicitor who held in a sealed envelope perhaps share scrips, some sort of power of attorney or other documents that might have affected access to money, under the terms of the legislation, would have been responsible for disclosing and accounting for that material in his possession. That is clearly ridiculous. In a sense, we have relaxed the provisions to deal with controlled moneys separately from valuable securities.

As Mr Moore indicated, there is the danger, of course, that that weakening could be exploited by unscrupulous people. I think the chances of that happening are quite remote; nonetheless, I do affirm that the Government will move swiftly to come back to the issue of what controls ought to be in place for valuable securities, in the event that we find that there are a significant number of people trying to exploit that particular change in the law. I thank members for their support. I hope that this move will be welcomed by the community and by the legal profession.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

GOVERNMENT SCHOOLING
Ministerial Statement

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

That the Assembly takes note of the paper.

MS McRAE (10.38): Mr Speaker, I am now going to respond to a ministerial statement that was made on 10 May last year. I did write my response at the time. It is quite interesting to read now what I wrote then, because the response then was one of major disappointment. I am afraid that, almost a year on, all that can really be said about Mr Stefaniak's statement on education to the house on 10 May is that it was a major disappointment.

The most notable feature of the Minister's speech was the complete absence of any reference to buses. Where are the free school buses? Of course, now they have been put on, courtesy of Mrs Carnell's approach to industrial relations; but that was not quite what the Liberals promised before they came to power. Now the excuse is that the Assembly will not let her. That is absolute nonsense. Why make a promise that cannot be kept? In any election campaign there is a clear obligation to make promises that must be kept. It is an absolute wimp-out to say that the Assembly will not now allow the running of these free buses. It was a major electoral promise and one, I know, that many parents supported. All I said then - and I think it is correct now - is that it was the first of very many disappointments that the community will have to face. Not only is the promise not mentioned anymore but also there is no indication of why it was not mentioned. That was in May. It was just hidden, hoping that people would forget.

The Minister also talked about school-based management, monitoring literacy and numeracy skill, information technology and sport; they were his major themes. School-based management was made much of during the election campaign. What have we found? What did it all mean when the Minister said that it would be progressively introduced into schools? "Progressively" is slower than a snail in Tasmanian election campaigns, I must say, and is fairly descriptive of the Liberals' approach to any implementation of their promises. The task force that was to investigate did come through with a report. Lo and behold, what did everyone say when they saw it? They said, "No, we cannot implement this". The Minister has now delayed. Again, why on earth was the promise ever made if they had no idea of how to implement it? Of course they want more time, and of course it is going to be given under the banner of consultation. But the real answer is that they want more time, and they want one hell of a lot more time because it is absolutely clear that the Minister is selling them a pup.

Schools have been allowed to run down, and the Minister has done nothing about the maintenance programs over the last year. You have been in office for a year and you have not only not maintained the maintenance program that we had but also slowed it down to the point where schools are having to put up with very unsatisfactory conditions.

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When they complain to me, the story is that it has all been put off because there is not enough money. That was over the last year. Schools know very well that they are being landed with maintenance problems that should not be paid for by them. They have had the support that they used to get for the purchase of major items like photocopiers removed. Their facilities have not been guaranteed. None of their ovals have been maintained to the quality to which we maintained them. You have now been in office for a year, and they are realising that this handover of school-based management is a false chimera of management which has nothing to do with the good management of the school but has to do with the offloading of a series of problems that the Minister is unable to confront and unable to deal with in a way that was promised during the election campaign.

What was made clear during the Public Accounts Committee inquiry, which took a whole year, was something that we had been saying for a long time. There is an uneven capacity for schools to gather money, and to hand over to school-based management guarantees that the rich will get richer and the poor will get poorer. This Minister has failed in any attempt to come to terms with that and to deal with the uneven economic needs of our schools. We have not yet seen a response to the PAC report. When I asked about it, I was told that it would be available in three months' time. That is absolutely outrageous! That report made recommendations that should have been put into place at the beginning of the school year. The Minister could not even differentiate between the recommendations that he could have dealt with immediately and the recommendations that could be dealt with later. He shows, by his whole approach to education, that he has absolutely no idea of what the needs of the system are.

As well, the Minister seems to show no indication - as I wrote in May and it still holds true - that he will not repeat the mistakes made in other systems. We know what your Liberal colleagues - - -

Mr Stefaniak: Or by previous governments.

MS McRAE: I really like this line. Here we go! The Liberals keep telling us everything that we did wrong - the way that we did things in the house; the way that we did not answer questions; the way that we did not do this, that or the other. What do you do when you get into government? Do you do anything differently? No. You carry on doing exactly the same things, saying, "Because you did it". I have never heard anything as stupid in all my life. That is what children do. You say, "I hit him because he hit me", instead of saying, "Let us find a better way". No; you say, "That is what Labor did, so we will do the same". It wears a bit thin and becomes a bit childish, particularly a year down the track. It is not as if it were the second day, when you were all saying, "The coffers are empty; Labor has ruined the Territory". You have now had a year. Things are worse, not better, particularly in the education sphere. We know what the Victorians did. They cut the funds and walked away from the problem. We are very concerned that this is exactly what this Minister is planning. No wonder the schools put off their report and said, "We want more time". They will want a hell of a lot more time. I guarantee that it will probably be two years; until they can get rid of you, Mr Stefaniak.

During the election campaign, the Liberals made a commitment to set a minimum standard for literacy and numeracy. What has happened since? There was no clear indication at the time as to how this was to be done. The Minister's statement to the house displayed no particular understanding of the complexity of this issue. I am concerned about those explanations because he said:

A more ... consistent approach to monitoring student progress will also bring the ACT into line with developments occurring throughout Australia.

What are they and why do we not know more about them? Why are we not given some examples of the many benefits that may or may not have already flowed elsewhere? Is he really talking about standardised testing? This is what we are finding more and more. Yes, it is; it is going to be standardised testing. What does standardised testing do? Does it solve any literacy problems? No. It sets up a differentiation. They say, "There are 3,000 illiterate children in Belconnen and 4,000 in Tuggeranong". That is all that standardised testing does. It does nothing to solve the basic problems that confront children who do not come through our system as literate and numerate as they could be.

Educators and anyone involved with the development of children know that there is a lot more to the problem of literacy and numeracy than a child not passing a test or not doing well in direct classroom work. It is a bigger community problem and a far more complex problem than learning your ABC when you are six. It needs a battery of specialists to deal with it in a far broader way than simply putting a child through a test and saying, "This child cannot read. He is 13 and he cannot read. He failed the test when he was 12; he failed the test when he was six. Now this child is 13 and is still failing the literacy test". That is where tests fail the system.

You need to support literacy programs with a wide range of skills. We saw no indication whatsoever that this Minister knew anything about it or was in any way prepared to commit the depth of resources that are fundamental to solving literacy problems. It is very easy for the conservatives to bleat, "Back in the good old days, we did not have these problems; back in the good old days people could read and write". But it seems to be extremely difficult for them to confront the reality of a complex, modern society; to deal with the problems that confront children in literacy and numeracy in the range of ways that are now open to us; and to deal with the real problems which are very often nothing to do with the school but are to do with the broader societal problems that those children are trying to deal with and then present themselves with symptoms of inadequate progress in school. We have a lot to worry about in this area because we are going to find ourselves with a labelling of our schools, a labelling of our children, as failures and non-failures and no real attempt to deal with the problems that actually confront children.

Then I came to sport. Mr Stefaniak was promising to give increased priority to physical education and sport in schools - an area which he claimed was sadly neglected by the previous Government. Firstly, I would like to strongly dispute that claim. He has never produced any evidence to substantiate the claim that sport and physical education were neglected. It is an affront to every school. Again, Mr Stefaniak displays his ignorance of how schools in the ACT work. Schools in the ACT determine their curriculum priorities, determine their programs, through a school-based board of management.

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What Mr Stefaniak is saying is that every school board in the ACT is wrong and that the staff of every school do not know what they are doing. They determine those priorities within schools; they determine how the eight key learning areas are done. This is the very basis of our system. Mr Stefaniak's criticism of this system flies directly in the face of the ethos of our system of school-based curriculum management.

What Mr Stefaniak wants to do is bring back a centralised, centrally controlled curriculum. I am sure that he would love to see that at 8 o'clock in the morning they do spelling; at 9 o'clock in the morning they do arithmetic; at 10 o'clock in the morning they all run around the oval. This is the good old days. What absolute nonsense! It has nothing to do with the way that schools in the ACT are run and managed and is an absolute insult to the parents and teachers who have worked together to determine the priorities for their schools, to plan the curriculum for their schools and then to implement it.

Later in the year, Mr Stefaniak made much of the fact that this was not compulsory sport and was not competitive sport; but that did not last for very long. That was only in the face of concerted criticism of his original plan, which did involve compulsory, competitive inter- and intra-school sport. The Minister displayed total ignorance of the system, persisted until he met resistance and then had to back off in the face of the fact that our schools have school-based curriculum, that they move according to the needs of their community and that his blundering into the area simply insulted the intelligence, the time and the commitment of parents and staff to develop school-based curriculum. It flies in the face of our whole system and is done on the basis of no analysis or proof.

Mr Stefaniak seems entirely ignorant of the fact that, after the national report on sport in schools, the system did respond; the school boards and school staffs did review their programs and, in many cases, changed them. One of the things that the Minister paid no attention to was that the national report was very concerned, extremely concerned, about Years 11 and 12. What did Mr Stefaniak do during the year to Years 11 and 12? He cut \$1.5m from our colleges. What happened to our sport programs, the very sport programs that were criticised soundly in the national report? These are the very years that the national inquiry had the greatest concerns about, because this is the transition out of compulsory years into the workplace; the very years where people were most concerned about the lack of commitment to physical fitness. What did this Minister do? He took out \$1.5m and, as a consequence, has ruined the sporting programs.

Mr Stefaniak: We have a union ban on now; we have a union ban on interschool and intercollege sport.

MS McRAE: That raises another question: Why are there union bans? Because the Minister has proved his competence? Never. This Minister knew not what he was getting into. As the year progressed, life got more and more complicated. Union bans are on because this Minister made promises that he could not keep. There are only seven people in the world who believe that maintaining education funding meant the level of cuts that this Government has imposed. Everyone else in the community knew exactly what the Liberal promise was, namely, that education funding would be maintained. "Would be maintained" does not mean taking millions out of the system. (*Extension of time granted*)

Similar questions abound in relation to the Minister's decrees about the curriculum in general. By going hell for leather on sport, he has implied that everything else is okay; whereas a good examination of our school system shows that many boards are very concerned about a wide range of curriculum areas. He has cut their funds, in the face of a clear promise to do the opposite. Then he launches his vision for computers and the Internet in schools. Every school board or any parent that one meets is deeply concerned about this issue. What we are seeing develop is a realm of haves and have-nots in terms of information technology in the ACT and across Australia.

The Minister's silence on the detail of how the IT program is going to be implemented is very telling. There are some grand statements that every school will have these things, but absolutely no dollars put against it and absolutely no analysis of the varying capacities of our schools to raise this sort of money or of the varying capacities of our schools to have at hand the right sort of information as to what form of IT is good for our system. There is absolutely no plan to interlink and to network; there is no plan about maintenance of software; there is no plan about maintenance of hardware. All we get is grand statements about moving into the information technology era, but nothing to make parents feel comfortable that they will not be needing to pay out thousands of dollars to ensure that their children have access to the right sort of training in regard to information technology.

Finally, I would like to remind the Assembly of some of the other promises that this party made before it came to government. This was in May. Still we hear absolutely nothing about the promises. Not only have funds been cut; not only has a major confrontation been begun with teachers; not only has the entire system been turned around and traumatised by ridiculous plans and forays by the Minister into sport; not only is everyone concerned about where IT is actually going and about the future of school-based curriculum in our schools; but also we have a range of other promises that the Liberals would like us to conveniently forget about.

What about all the promises that were made prior to the election on which people voted for these people, hoping that they would come through? "Encourage teachers to undertake professional development". We have seen how that is. The first offer that was put on the table when they were trying to peel off the AEU from the rest of the union movement was that teachers can do professional development in their stand-down time. "Encourage teachers to undertake professional development". What sort of encouragement is that? The professional development that was going to be offered for teachers was all focused in the area of sport. The small amount of extra money that we saw being given by the Minister last year was to entice teachers, at the age of 45 or 50, to take up elementary gymnastics or some other realm of sport which they had managed to forgo in their training until then. But in terms of proper and full professional development, what was the first offer on the table? Do professional development in your stand-down time. What a mockery of a promise that had been made!

"Investigate the option of an all girls high school". That sank without a trace. Not a word have we heard about that. "Support teaching practices such as girls only classes". Have we seen any movement on that front? Have we heard any discussion from this Minister about gender bias in schools, about outcomes for girls, about fair outcomes

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for boys or about anything of educational substance in terms of proper, fully developed outcomes for children? No. All he is concerned about is how many times they run around an oval every morning. “Support programs that counter sexual harassment, bullying and stereotyping of women”. Have we seen anything like that? Not one word. It is all too embarrassing, of course. But our schools were promised these things. These were part of an election package that included free school buses, let me remind you, and adequate and proper education funding, which everyone believed would be maintained in real terms.

The Minister has said nothing about improving working conditions for our teachers or about dealing with variable enrolment patterns. He has set up a new advisory committee to look at “invariable”, because he has suddenly realised that this is an area of extreme concern to the ACT. What does he do? He sets up an advisory council and almost eliminates the parental involvement in it. It has one parent instead of three on it. The parental involvement is going to be somewhere down the track, when they have to do what they are told. On the one council where parents’ voices could really be heard on this absolutely crucial issue, he has made sure that they are not there.

What about making schools places that develop tolerance and genuine concern about citizenship? What about the integration programs for school students with disabilities? We saw what his concerns for students with disabilities were. Whack in a new summer program without any warning; do a comprehensive review that comes to no substantive outcome; and make no promises about adequate funding. Children with disabilities do not need to be patronised and do not need to be told, “We want you in our schools”; they need proper resources and proper support. Have we heard anything about this? No; especially not since we increased education funding so blatantly!

I am afraid, Minister, that you have impressed no-one over the last year. Your commitment to physical education and fitness may be a good one, but it is a misguided intervention in education programs that were already functioning extremely well. You have given people false hope in terms of IT and its development; you have given parents false hope in terms of free transport to and from school; and, most of all, you have broken a clear commitment to maintain education funding in real terms. Do not tell me all about this fine print. You are the only one who ever saw that fine print. Everyone in the community believed that education funding was going to be maintained in real terms. If that is the case, you cannot tell me that \$1.5m had to be taken out of our colleges and a perfectly good system ruined. If you had funded the education budget properly, there is no reason at all why that money had to be taken out. No-one in the community is convinced of it.

Worst of all, you have put the teachers into a totally antagonistic situation; you have made parents very unhappy about your intervention into the school curriculum; you have raised false hopes about the sorts of changes that people wanted. I hope that it will be sooner than two years before people have a chance to tell you exactly how they feel about what you have done to the education system.

An incident having occurred in the gallery -

MR SPEAKER: Order!

MR MOORE (11.01): Mr Speaker, in the Minister's words, let us all work together to provide the best possible education for all students in our schools. Indeed, we would be happy to all work together if other members of this Assembly were also prepared to work together. In fact, it was the Labor vote along with the Liberal vote that prevented amendment not only to the education budget but also to the health budget. If it were not for the hypocrisy of the Labor Party, that education funding - - -

Opposition members interjected.

Mr Hird: On a point of order, Mr Speaker: I draw your attention to standing order 39. I am trying to hear, as I am interested, as many other people are, in what Mr Moore is saying.

Mr Berry: That is the first bit of interest you have shown so far.

MR SPEAKER: Order, Mr Berry! I uphold the point of order. Standing order 39 clearly states that no other member may interrupt while a member is speaking.

MR MOORE: I think the most critical factor in terms of a statement of working together would be to seek an improvement in morale. This applies not only to teachers but also to areas like nursing and other areas across the ACT administration. This Government has done anything but try to improve morale. It is only by an improvement of morale that we will see genuine efficiency and genuine productivity gains. Those productivity gains are not measured in financial terms only. Look at patient care and, in the case of education, student care.

Mr Berry: Michael, you voted them in and supported their budget.

MR MOORE: Once again we have an interjection from the hypocrite sitting over there who did not support an amendment to the education and health budgets.

Mr Berry: You voted them in as a government and supported their budget.

MR MOORE: He now interjects, "You voted for the budget". What he had hoped was that we would knock off the budget, and he would be back in government and leave exactly the same mess as he left us in the first place. We had a choice between Tweedledum and Tweedledee. At this stage we are going to leave Tweedledum in.

Mr Stefaniak's paper deals a great deal with self-management of schools. Whilst they set up self-management of schools, one point that was raised, to a certain extent, by Ms McRae, I think, does need to be explored somewhat further. There is this process that is going on where schools are facing a self-management program that as yet has to be discussed fully by the community. It is not one that the Government is intending to fully fund. A successful self-management program is actually going to cost more. To use this as a tool that will cost less is a formula for disaster, and I certainly will not be supporting a system of self-management that is going to be used to save money.

Indeed, the self-management process in schools is already under way. First of all, we cut the amount of maintenance being done. We cut the amount of pay that is going to janitors. We cut all these support services and then we say, "Now we are going to let you self-manage. As you self-manage, you will be able to resolve these problems". It has not just started. It started under the previous Education Minister and has been going for some time, as indeed has this discussion about self-management been going for some time. My point is: Tweedledum and Tweedledee.

There has been a very recent Public Accounts Committee report. It is a very good and thorough report that I think Ms Follett should be proud of, as other members of the Public Accounts Committee should be proud of it, recommending how to deal with voluntary contributions. The paper that we have in front of us is from, I think, May last year. We would hardly expect the Minister to have responded about voluntary contributions. But I think in his reply he should recognise that the report of the Public Accounts Committee is on the table and should give an indication to this Assembly that the Government is going to respond positively to the very sensible recommendations that have come out of that Public Accounts Committee inquiry. There are real issues about voluntary contributions which were an issue during the election campaign and which were not mentioned in his speech on government schooling.

Then we get to the issue of monitoring numeracy and literacy and what is the best system for numeracy and literacy. Monitoring is one thing; but, if you really want to resolve numeracy and literacy problems, if you think there are problems there, then you ought to look at what is the best way to deal with them. I have had the pleasure of being associated with one of my children's friends whose parents are in Canberra for a short while on sabbatical from Calgary. This seven-year-old has moved from a class of 17 in Calgary to a class of 31 in Canberra - nearly double the size class. One has to ask: If you really want to deal with issues of literacy and numeracy, are you going to pick up the pieces or are you going to have class sizes that recognise the most important single factor in ensuring education for the children who are going to have most difficulty? The size of the class is the single most important factor. We all know that, and we know that in some economies that are very similar to ours - and Canada is a very good example to draw a comparison with - they can manage classes where the maximum in primary school is 20 and where the maximum in high school is 25.

This is the major issue. It is not an issue of how we monitor; it is an issue of how we deliver. But, if we are going to monitor, let us also deal with this issue of productivity. Let us say that we do monitor numeracy and literacy. If teachers continue to improve the numeracy and literacy of our children, will they then be paid a productivity gain because they have increased the productivity of our children? Does that not seem the rational way to go? Are you prepared to wear that? I would greatly appreciate an answer on that because I am aware that the Australian Council for Educational Research, ACER, has monitored numeracy and literacy in the Australian Capital Territory for quite a number of years; going back, I think, to the mid-1950s. Their reports are constantly of improved numeracy and literacy across the spectrum. In spite of the fact that there are

a few employers who see isolated examples of kids with difficulties in numeracy and literacy, overall we are improving. To give another isolated example, we have to think back only to our schooling. As a student in Year 7, I was in classes of about 50. I remember a student who was 15 and was in Year 7 because she had failed again and again. That was how it was dealt with in those days.

There are some real issues of productivity bargaining as far as students go, and there are exactly the same issues in health in terms of productivity and outcome. Indeed, I have just spent three-quarters of an hour or more discussing with nurses the same issue in terms of nurses. The issue that was raised is exactly the same. How are you going to increase productivity in terms of improving patient care? Sometimes when you withdraw the money, just the opposite happens.

The truth is, as I mentioned in terms of education, that Mr Osborne indicated that he wished to amend the budget in terms of health, for the specific reason of improving the outcome for nurses. I had indicated that I would be supporting that amendment to the budget, which was resisted by Labor. I say again, as I said in this house the other day, that when Labor agrees that it will amend the budget in that area Mr Osborne and I are prepared to bring that budget back here. Instead of just furthering your objective to get back into government - - -

MR SPEAKER: Relevance, Mr Moore!

MR MOORE: That is relevant, Mr Speaker. Education and health are real issues that we are prepared to deal with. We are prepared to bring the budget back on and amend it in terms of education and health the day that you agree to do it.

There is another issue that I would like to raise. In Mr Stefaniak's speech in May last year he said:

I am pleased to announce that this Government is currently negotiating to introduce a scheme that will allow schools to obtain ex-government computers at greatly reduced cost. These machines will be no more than two to three years old. I hope that we can have these arrangements in place within a month or so.

I know that in my children's schools those computers are not there, 10 months later. I would ask Mr Stefaniak to tell us whether those arrangements ever came off. (*Extension of time granted*) It seems to me that there should be an explanation about where those computers have gone, how many have gone into schools and whether that really has been successful at all.

In conclusion, I think the main issue that this Minister has to deal with, and it is the main issue that I suggested to the previous Minister that he had to deal with, is morale. You are not going to improve morale by constantly whittling away at conditions, and you are not going to improve morale by constantly whittling away at teachers' salaries.

Mr Berry: You do not improve it by putting Liberal governments in either, Michael.

MR MOORE: The interjection again from Mr Berry is, "You do not improve it by putting in a Liberal government". It is a great shame that there was such a huge swing in the electorate against Labor for their incompetence. We do not appear to be doing that much better.

MR HIRD (11.12): Mr Speaker, my colleague Mr Stefaniak delivered this statement in May of last year. In spite of the widespread industrial furore by union leaders in recent weeks, this Government's work on improving the education system in this Territory goes on. The Australian Education Union bans have interfered with the quality of education our students have received in the past few weeks, but not with the progress that the Government is making towards achieving its goals in education. The AEU bans are having widespread effects on extracurricular activities in all sectors of public schooling.

Students get only one go at education. These bans are taking education from our students. What is lost can never be regained or replaced. If these bans continue, students in 1996 will miss out on development activities that will not come again. For instance, we cannot measure the effect of not having Year 7 and Year 10 camps. They are an important part of the whole package of education. They play a vital role in maximising the benefits of peer support programs in schools and are instrumental in motivating students. Furthermore, these bans will seriously affect many high school and college students in classes where learning and assessment are dependent on excursions or classes which take place outside school hours. Students enrolled in Australian vocational training scheme courses which depend on out of hours work placement will not be awarded a certificate where work placement has not occurred.

Of course, teachers' work bans are having a negative effect on students' education in this Territory. I will say it again: In spite of this disruption, the Government's progress on the important big issues in improving our students' education goes on. We are committed to enhancing the literacy and numeracy skills of our students - a move long called for by parents, employers and tertiary education institutions. In short, the community is demanding that this fundamental aspect of education be addressed. We also remain committed to establishing a system for monitoring and evaluating literacy and numeracy outcomes. In fact, implementing measures towards this forms part of the latest negotiation package which the Government has put to the AEU in our effort to resolve the current costly industrial dispute. It is a costly dispute because it is costing the residents of this Territory.

Consultation and work on our initiative in increasing the level of school-based management is, as the Minister, Mr Stefaniak, has said, well under way. Initiatives in the areas of health, sport and physical education are in the implementation phase. It is clear that, despite the interference run by militant unions, the achievements of the Government in education in the Territory have been significant. At the same time, the Government is determined to address the hard issues of responsible financial management of the education budget, and we saw how that blew out under a Labor government to over \$6m.

We will not - in fact, we cannot - continue to pay salary increases without trade-offs in productivity; nor will we continue to operate programs such as evening college courses in an inefficient manner. We will not ask the ACT community, our community, to bear the unreasonable cost of such programs, when viable alternatives can be offered to our students.

The Government is absolutely committed to enhancing the quality and the accountability of the Territory's education system. We will continue to do this in a fiscally responsible way. Our already substantial achievements in this endeavour will continue, and the result will benefit the users of the system, the young people of this great Territory, into the twenty-first century.

It is interesting that we were elected by the people of this Territory only 12 months ago. In those 12 months, we have put money back into the coffers. When we took over on 13 March, there was nothing there. The Labor Party was bankrupting this Territory, as you had done in Victoria. It took a Liberal government to get you out of that. You did that in South Australia, and it has taken a Liberal government to get you out of that. After 2 March, we will have to take up the challenge federally to try to restore our balance of payments position and clear up the other mess that you got us into in the last 13 years. The people should not be fooled.

It was only 12 months ago that the election was held. Well may you smile over on that side of the chamber. You had five years, and you did nothing; five years, and the educational system was in turmoil. You tried to buy your way back by giving increases. Well may you hang your heads in shame. You should. You gave a little package, a nice little present, to the teachers union. You thought you would get back in, by giving huge increases without productivity. You did that when you were in government. You had five years, and what happened? We, the people, the residents of this Territory, have had to pick up the tab, the same as the residents of South Australia had to cope with the bankruptcy that was brought on them.

MR SPEAKER: Relevance, Mr Hird!

MR HIRD: The same thing happened in Victoria.

MS TUCKER (11.20): After listening to this debate this morning, for the sake of time I will not repeat some of the concerns that Ms McRae and Mr Moore expressed, but I share their concerns. There is something fundamental about education. It may seem an obvious statement, but we have to see education as an investment. It is a classic example of long-term costs and benefits. Since I have been in this place, I have to say, I have been pretty surprised at some of the initiatives that have come from the Liberal Government. First of all, we had the sport initiative, which was interesting, to say the least, because although it was clear in its vision it was not particularly sympathetic or in line with the views of most of the people who work in the area of educating children, particularly those who work in the area of sport.

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That is why the Greens were very concerned and talked to Mr Stefaniak to get some kind of meeting, a forum, with all the interest groups. That happened. We were glad to see at least some response. When I listened to the round table discussions that resulted from that initiative, it was quite clear that the homework had not been done initially and that a pulling back occurred after the people who are involved in the work had discussions with Mr Stefaniak and his bureaucrats. I am still concerned about how sport has been focused on and what it is actually going to mean for all students. I have a sense that the focus is still very strongly elitist.

After that, the school-based management discussion paper came out. Once again, it was not well researched. The study that was quoted seemed to have been taken from a magazine article in the United States. If you do any reading on the subject of school-based management - there is plenty to read about in the UK and in New Zealand, and I have made this point to Mr Stefaniak several times - you will know that the real thing that suffers with school-based management being devolved too much is equity. Surely, if in education we do not have as a major focus equity, equal access for all students, then our society is going to suffer. The people who are less likely to be able to reach good education will suffer the most.

The outcomes statement that you have produced for budget consultation is interesting, to say the least. In the supporting outcomes for education and training, you refer to the ability of parents to choose the schooling most suitable to the needs of their children. That is a loaded statement when you look at it with your focus on applying the market model to education. It is of extreme concern to the Greens that that is a supporting outcome when there is not a supporting outcome that mentions just as strongly equity of access by all to high-quality education.

I will briefly touch on the question of productivity. Jobs in the education system have had to go because education has to show productivity. The unions are arguing very strongly that there is going to be an overall decline in the quality of education if this proceeds. We support that claim. We need to implement recommendations that have come out of committees of this place over the years, recommendations which I am reading more and more as my work on the Social Policy Committee increases. For years recommendations have been made about the need for early intervention. You have talked about numeracy and literacy. We are looking at behavioural problems in schools and at numeracy and literacy. Education outcomes are very strongly linked with behavioural problems. Early intervention comes out over and over again as an obvious tack to take. We are not seeing any increase in resources in that area.

We keep hearing about accountability. Accountability is a useful thing to have; but, as Mr Moore pointed out, how do you hold teachers accountable? Maybe you need to look at the quality of teaching, the feeling in the classroom and the ability of students to relate to each other and not just look at numeracy and literacy. Look not at the ability of students to win lots of prizes for their school in sport but at how many students in the school actually can enjoy using their bodies in whatever way. Have accountability, sure, but let us get right how we specify that. I do not think you are using very much more than an economic model.

In conclusion, I repeat that education is an investment. We can no longer allow Liberal governments - and they are doing it right around this country - to force the market model onto education. We have to start taking into account the consequences of doing that. The whole of society is going to pay in the long term. Even if you are interested in focusing only on the economics of education, it is going to cost you heaps if you do not put the work in now.

MR BERRY (11.25): Labor is the only political grouping in this Assembly who can stand up and criticise the Liberals with a clear conscience. We have never supported the Liberals. We did not put them into government. We did not vote them into government; neither did we try any illegal stunts to try to keep them there. We have been straight as a gun barrel on this all the way. If you put the Liberals in, you get Liberal budgets, you get Liberal industrial relations policies, you get Liberal social justice policies and, to use Mrs Carnell's words, the list goes on. Mr Moore, Mr Osborne and the Greens voted for the Liberal Government. Listening to Mr Moore's speech, I had a feeling of *deja vu*. I thought it was the Residents Rally again. The Residents Rally also put a Liberal government into power and then complained about what that government were doing. Eventually that government fell apart.

Many promises have been made by the Liberals and many have been broken. I recall the promise that they would never close a school if the community did not want it closed. The community of Charnwood said, "We do not want to close our school". What did the Liberals do? They closed it. They did not even turn up to the meeting. Neither Mr Hird, who was then spruiking about the Liberals' education policies, nor Mr Stefaniak bothered to turn up at the community meeting in their electorate that was considering the future of the school.

Mr Moore: I draw your attention to the state of the house, Mr Speaker.

MR SPEAKER: A quorum is not present. Ring the bells.

Mr Hird: It just shows how interested they are in education. There is only one of them in the chamber. I hope that goes in *Hansard*, Mr Moore.

Mr Berry: I would rather have all the ministry here so that I can give them a bit of a lecture.

Mr Moore: Your own colleagues are not interested in what you have to say.

Mr Berry: It is the job of you and the Government to look after a quorum.

MR SPEAKER: It is not the Government's responsibility; it is the Assembly's responsibility. I refer you once again to *House of Representatives Practice*.

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Mr Berry: I beg to differ, Mr Speaker. I think it is the Government's responsibility.

MR SPEAKER: You may disagree, but *House of Representatives Practice* clearly states that no particular party - government or opposition - has the responsibility.

Mr Berry: It is the Government's agenda, Mr Speaker, so they have to look after it.

(Quorum formed)

MR BERRY: We have to regard that illegal stunt that was attempted by Mr Moore as what it was. It was the action of somebody who was not prepared - - -

Mr Moore: I raise a point of order, Mr Speaker. Mr Berry is suggesting that we have attempted something illegal. Certainly, he may have had a legal opinion, but to suggest that what happened is illegal is entirely inappropriate. The imputation should be withdrawn.

MR SPEAKER: I would suggest that the imputation be withdrawn.

MR BERRY: I withdraw that, Mr Speaker. It was clearly a stunt and it was never going to have any effect. It was, quite obviously, contrary to the law. Mr Speaker, an attempt was made to justify Mr Moore's position as a strong supporter of the Liberal Government. To come into this place and criticise their education policy, I think, shows the extent of the hypocrisy Mr Michael Moore intends to continue with in this place. I would not doubt Mr Moore's concern about education. I know that he has been involved in education for most of his working life. He has made a strong contribution to the education system, but you do not demonstrate that commitment by putting a Liberal government in. If you do, you cannot then complain about morale in the education system when a right wing Liberal government such as we have over here uses all of the right wing tactics in the worst industrial dispute that we have seen in this country.

You cannot have a situation where workers are threatened with a lockout. You cannot have a situation where workers, including teachers, are described as greedy. You cannot have a situation where workers, including teachers, who disagree with the Government are described as being involved in thuggery. Mr Moore, it is your Government. They are the ones causing the difficulties out there in the workplace. You have to wear some of the responsibility.

Mr Hird also mentioned evening colleges. I am surprised that he would raise them. Fancy raising that issue. If I were the Liberals, I would never speak about it again after their performance on the issue. The people in the community who are less well off are the ones who depend most on those evening colleges. The courses have provided a means for women to find their way back into the work force and for people who are less well off to improve their skills. This form of education has been available to them at a reasonable cost.

Mr Hird: It still is.

MR BERRY: Mr Hird says that it still is available. I assume that he is saying that it still is available but it is not available at a reasonable cost. Those are the facts of the matter. It is no longer affordable, and the number attending evening colleges has fallen through the floor, as the Government knew it would. As I say, Mr Speaker, they have no concerns for the people who need access to that sort of education system. Do not get up in this place, Mr Hird, and express any concern about evening colleges in the community after the way that you have acted. It was absolutely outrageous. People in your electorate who were using those evening colleges now do not have the same access, because of your support for this Government's attacks on the education system.

Mr Speaker, it is timely to have this debate, because I suggest that on the industrial relations front we are in a crisis that is having an impact on all our services, including education. No matter which way you look at it, it keeps coming back to the point that if you put a conservative government in you get conservative policies. We make no excuses for our position. We think that we would do a better job on the government benches. There is no question about that. But we are not going to let people pretend that they have a different political position from that of this Government and then continue to support this Government. They have to be exposed at every turn. At every opportunity that I have to do so, I will do it and make sure that the message gets through to the community that there is only one group in here that opposed the formation of this Liberal Government, and that is Labor. It was Labor that opposed the budget. We were not involved in any publicity stunts in relation to the illegal amendment of the budget. What we were very clear about was that we opposed the budget.

Mr Moore: I raise a point of order, Mr Speaker. You drew this to the attention of Mr Berry earlier and he withdrew. Now he has repeated the statement. It was not illegal. He has a legal opinion that suggests that, but it was not illegal. It was not found to be illegal.

MR SPEAKER: I uphold the point of order. Do not use the word "illegal".

Mr Moore: And we are still prepared to do it. Put it up and test it in court. It is the only way.

MR BERRY: Well, off you go, Michael. We have been straight from the word go. We do not support the Liberal Government, we do not support their budget, we do not support the way they are managing our services out in the community, we do not support the way they are dealing with our education system and we do not support the way they are treating the community. Others in this place do.

An incident having occurred in the gallery -

MR SPEAKER: Order! You are welcome to listen to the debates in this chamber. However, if there is a repetition of that behaviour, I shall be obliged to use standing order 207 again, which allows me to suspend the sitting. Please listen to the debate in silence. You are most welcome to do so.

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MRS CARNELL (Chief Minister) (11.36): Mr Speaker - - -

An incident having occurred in the gallery -

MR SPEAKER: The sitting is suspended until the ringing of the bells.

Sitting suspended from 11.36 to 11.45 am

MRS CARNELL: Mr Speaker, I think this debate has been very interesting because of the level of hypocrisy that has been shown, particularly by those opposite. As everybody who has been in this Assembly for any length of time will know, reductions in the amount of money we spend on education in real terms have been part of ACT budgets virtually since self-government. Why has that been the case, Mr Speaker? The reason is that the Commonwealth Grants Commission, for better or for worse, has assessed that the ACT Government is overspending on education every year. In fact, the Commonwealth Grants Commission expenditure assessments, based on 1993-94 figures, indicated that on a standardised basis the ACT was supposedly overspending by some \$46.28m in the area of education. The reality is that when we put the last budget together we said that we did not agree with that. We said that education had to be above those sorts of cuts. In a purely economic rational approach we would have just taken the Commonwealth Grants Commission at face value and cut the guts out of education; but we did not do that, because we promised not to and also because we do not believe that it is the right thing to do.

What did we do? We did exactly what we promised that we would do. We increased education funding from the budget of the previous year by, in real terms, \$7.7m, or 4 per cent, which was the CPI figure we used in last year's budget. On top of that there was an increase of \$2m for enrolment adjustments and another \$4.7m for additional functions. That got us to an appropriation level of \$206.6m. But it does not stop there, Mr Speaker. As we have a three-year budget, that figure goes to \$211.9m in 1996-97 and to \$218.1m in 1997-98.

Certainly, there have been some arguments in this place and in the community about the untraded-off teachers' salary increase given by the previous Government literally weeks before the last election. They gave teachers a salary increase without any thought about what it would do to budget levels, without any thought about what it would do to functions, class sizes or any of the other things that should be bottom line - I agree with Mr Moore - in terms of educational outcomes. If they had had a look at that, if they had bothered about funding that increase, then of course we would not have had a problem; but they did not. They just shoved it in, supposedly, as an election sweetener without there being any capacity for whichever government won last March to handle it.

The reality is that it is not just us. Anybody in this job right now would have had an enormous amount of trouble coming up with more than we did for education. In fact, if you remember, Mr Speaker, prior to the last election the education lobby groups tried to get the previous Government to give the commitment we did - CPI, in real terms - and they refused to give that undertaking. Why? The reason was that every year before that they had not done that. Not only did we do that, but in the

non-government schooling area, an area that looks after 33 per cent of students in the ACT, we restored the one per cent funding cut that had been put in place by the previous Government. We restored the one per cent across-the-board funding cut for 30 per cent of students in the ACT that had been made by the previous Government. We are also maintaining funding for those schools in real terms.

I think that it is really wrong to have a look at education in the ACT without having a look at the non-government schools. They have 30 per cent of our students. In terms of educational outcomes, they are important as well. Certainly, they are perceived to be so by this Government, unlike the previous Government. Whether it is a Liberal government, a Labor government or Michael Moore as Chief Minister, what we have to do in education is find how we can do more, how we can get better educational outcomes for the money that the Commonwealth is willing to give us and the people of Canberra are willing to give us.

It is lovely to be able to sit in this place and say, "We just need more money - more money for health, more money for education". We would love to be able to do that, but the reality is that health and education make up more than 50 per cent of our budget. We are already taxing the people of the ACT at the same levels as other States are. The Commonwealth is reducing funding to the ACT every year for at least the next two years. Therefore, there is a real reduction in the amount of money that any government - Labor, Liberal or Callithumpian - have to deal with in this place. Certainly, our approach should not be to cut the guts out of education, health or whatever else. Any government in power, if they are responsible, will attempt to do their best to get the best from the resources they have at their disposal.

The whole basis of school-based management is to make sure that schools can exact a better return on the quite substantial capital investments that this city has in those schools and use that return, that revenue, themselves to improve the lot of their students. That simply has to be the way we go. It is ridiculous to have school gyms and a large amount of space in our schools not being used to maximum capacity. An Assembly committee I was on suggested exactly the same thing. Unlike the previous Government, we believe that the schools themselves should get benefits from utilising their facilities better. The benefit should go back into the community. But let us be fair. The capital is there to serve.

That is what we are trying to do. Certainly, it has not happened as quickly as we would like it to, nor have the reforms in health, nor have the reforms in a lot of other areas. Why have they not happened as quickly as possible? It is because we are talking to the players. We are attempting to bring the people who will be affected by these changes along with us. That is what Mr Stefaniak has done in this case. Certainly, it would have been easier just to say, "Bang, we will do it". But the people involved said, "We would like a little bit more time. Yes, on the whole we support your approach, Government; but we need a little bit more time to change the way we do things and to have proper training on the ground to make sure that it can be done properly". I think that shows a responsible approach to any innovation in government. That is the approach we have taken in this area. It is also the approach we have taken in health and in other areas where significant changes are needed in this city.

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If those opposite were in government right now, they would be doing exactly what they did in the previous four years, that is, cutting education funding, cutting back maintenance; but putting what in its place - any avenue or any approach that schools could use to improve the lot of their students? What we have in the ACT at the moment certainly is a funding crisis. There is no doubt about that. But what this Assembly should be doing is making some effort, as the Government is, to work out how we are going to cope with that - not just knock it the whole time, as Mr Berry does, and not just say, "We will just give everybody a 9 per cent, no trade-off wage increase that we simply cannot afford". That would mean only longer waiting lists, larger class sizes and all the rest of the things that would happen. That is easy. It is the simple approach. Unfortunately, Mr Speaker, that is not the approach that this Government will take.

We believe very strongly that the community's money should be spent in the best way possible. We would love to be able to have primary school classes of 20 and high school classes of 25. It is in our policy that we would like to be aiming at 25 students per class. It would be lovely if the Commonwealth Government would change its view on education funding. It would be wonderful if the Grants Commission would fund us for the retention rates that we are so proud of. The fact is that they will not at the moment, so what we have to do in this place is learn how to use the money we have - raise as much revenue as we can within the bounds of fairness and equity, but use the money we have the best way we can.

MR STEFANIAK (Minister for Education and Training) (11.53), in reply: As the Chief Minister has said, it would be all very easy if the Commonwealth would give us the money. The Commonwealth does not. Even the Education Union thinks the Commonwealth should fund 50 per cent of education Australia-wide. It currently funds 44 per cent. The fact is that the States simply do not have the money to make up the difference. That is something the Commonwealth should do. Quite clearly, the Commonwealth should put its money where its mouth is and do more. It is totally inappropriate for the - - -

Mrs Carnell: Maybe after Saturday we will have a show.

MR STEFANIAK: Maybe after Saturday they will. That is just fundamental. Since 1989 our untied grants, which could be used to assist in education and other areas, have gone from \$500m down to \$270m. That is a fall of about 49 per cent in real terms. Those grants will continue to go down over the next couple of years.

Mrs Carnell: It shows you how much the Federal Labor Government cares about Canberra.

MR STEFANIAK: That is exactly right, Chief Minister. It shows you how much the Federal Labor Government cares about Canberra. Those grants will go down further, Mr Speaker. Despite the total lack of support from the Commonwealth, despite the fact that they have cut our funding from under our feet in this area and in others, and despite a very large deficit that has required us to struggle in many areas in an attempt to get this

Territory back on the rails as best we can, the Government has increased funding for education. It is a mathematical fact, Mr Speaker. There is \$206,624,000 for education in this budget. Under the three-year budget, that will go up to \$211,907,000 in 1996-97 and \$218,133,000 in 1997-98.

I think that is the only area where there is an increase over the three-year term of this budget. As the Chief Minister says, that is despite the Grants Commission. If we were economic rationalists, there would be a hell of a lot less money in education. As she has said, we rejected that approach because we realised how terribly important an investment for the future education is. Whichever way you want to play with the figures - you might think there should be \$4.7m more or \$3.8m more or whatever - the simple mathematical fact is that this Government this year has spent more money on education than any other government has since self-government in this Territory. That is a fact. Next year it will spend more again, and the year after that it will spend more again. It is quite simple.

Mr Speaker, some amazingly contradictory things were said by Ms McRae for the Opposition. She was talking about free buses. Yes, we would love to introduce those, but there were nine people in this Assembly who did not want them - the ALP, the Greens and Mr Moore. That one really has a bit of a problem before it gets started.

An incident having occurred in the gallery -

MR SPEAKER: Order! If that happens again, I will suspend the sitting.

MR STEFANIAK: I turn now to some other points Ms McRae mentioned. She blithely brushed over the fact that her Government wanted to cut some 80 teaching positions. Under this Government, despite two Auditor-General's reports, I think some 27 positions in secondary colleges did go. That was about only 40 per cent of what two of the Auditor-General's reports suggested should go. The recent offer made to the Australian Education Union does not involve the loss of one teaching position. That point really needs to be driven home. In fact, it is a very good package involving 4.3 per cent - - -

An incident having occurred in the gallery -

MR SPEAKER: The sitting is suspended until the ringing of the bells.

Sitting suspended from 11.58 am to 12.04 pm

MR STEFANIAK: Mr Speaker, Ms McRae mentioned a number of other things such as school-based management. I know that it might be hard for Ms McRae to appreciate, but this Government, unlike the previous one, does listen to consultation. It is an issue which I think is crucial to schools. It has immense potential, and it is something that school communities need to work through. Accordingly, I was more than happy to accede to quite reasonable requests by a number of school communities to extend the consultation time. Work is well under way on this vital initiative. It is an excellent initiative which I think will really take our schools into the twenty-first century, because there is so much potential in it - - -

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Mr Moore: It is a budget-cutting exercise.

MR STEFANIAK: I note with interest the points raised by Mr Moore. Obviously, this is not just a cost-cutting exercise. It is certainly not that at all. That is something I think we need to be very aware of. It is important that schools have adequate resources at the start and that they can utilise resources in a much freer way than they can at present. That is certainly something which we are very concerned to see maintained. That will give them maximum flexibility, which is crucially important. I look forward to the further evolution of this major initiative - something, of course, the previous Government did not bother about.

Despite Ms McRae's comments in relation to the maintenance program, it is \$9.7m, Ms McRae, or some \$29m over three years. That is basically what was going to be spent on maintenance, regardless of who was in government, Ms McRae. That is a significant amount of money being spent on maintenance. Ms McRae also talked about low-maintenance ovals. That is something the previous Government introduced as a cost-saving measure, and - - -

Ms McRae: Yes, but you did not fix it when you put in your sport program, did you? You are the one who put in the sport program.

MR STEFANIAK: Ms McRae, we are slowly redressing that. Go and have a look at Macquarie oval. A pilot project under way there will redress the damage done by your Government. Of course, the Government you were involved in left a considerable debt for this Territory which we are now trying to take steps to overcome. That does not help, either.

Ms McRae talked about sport in schools, as did Ms Tucker. Ms Tucker, I must admit, made a lot more sense in what she was saying. I find it quite amazing to listen to comments by Ms McRae. She is also the Opposition sport spokeswoman. Numerous inquiries, starting with the Senate inquiry, a bipartisan group, and including the group set up by the previous Government, recommended exactly what we are doing. Every other State in the country now realises what the situation is and what is needed. Ms McRae still has the temerity to criticise what I thought was an excellent program which involved extensive consultation that even Ms Tucker acknowledges and took into account all the views of the community, and the school community especially. In fact, Ms McRae, the one area which still needs addressing and which we would be addressing but for the bans is professional development. Six hundred primary school teachers were going to go through that but now cannot because of the bans.

Everything that was raised in community consultation and consultation with the relevant players in the schools was taken into account. We have an excellent model for our schools. It is particularly relevant, as indeed it should be, for our schools. It is far better than the previous situation. Some schools were very good, doing up to 260 minutes, but others were doing only 45 minutes a week, Ms McRae. Do you think that is good enough? I do not think any of the sporting groups, or indeed most of the mothers and fathers, would be remotely impressed by your statements in relation to that today.

Mr Speaker, a number of other points were raised. Mr Moore, a person respected in education circles because of his involvement as a teacher, made a number of comments. He raised a point in relation to computers. Yes, this Government is very keen to do whatever we can to help to get ex-government computers into our schooling system. As Minister, I am very keen every time I go to MCEETYA to push the need for the Commonwealth to play its part and for the Commonwealth to supply computers and computer programs. This is as important in ACT schools as it is in any other school in this nation. That is certainly one area where the Commonwealth can play a much larger role than it is. Despite the fact that the Commonwealth certainly is not coming to the party on all things we would like it to come to the party on, we are progressing. Mr Moore, for your information, I am told that 180 computers of the 386 type are going into our primary schools this week. (*Extension of time granted*) I will do all I can as Minister, and the department will do all it can, to ensure that we get good fairly recent computers from Public Service sources and elsewhere to put into our schools. Information technology is terribly important.

Mr Speaker, this Government, unlike the previous Government, is progressing literacy and numeracy and I expect to make a major announcement soon. Again, I was amazed to hear some of the comments made by Ms McRae, which I think were totally contradictory. Mr Moore raised a couple of other points which I should address. I have addressed his points on computers and literacy.

Mr Moore: What about productivity coming out of literacy and numeracy?

MR STEFANIAK: That is an interesting one, Mr Moore, which certainly I and the department will also look at. As I say, you have raised some interesting points. You usually do. Ms Tucker raised a number of points.

I come back to the bans and the effect they are having on our education system. Those bans are preventing students from doing work experience. They are preventing some of the vocational training courses. It is quite sad to see the effect they are having on kids who want to participate in interschool sport and sport at a national level. They are affecting camps; they are affecting rock eisteddfods. Surely, if a union takes industrial action and purports to have the welfare of its students at heart, it should be able to think of some way of taking industrial action other than by imposing bans that only hurt students. What concerns me, Mr Speaker, is some misinformation coming home from some schools indicating that the Government imposed the bans. What rot! Quite clearly, the union imposed the bans. It is certainly good to see at least the president of the union, Mr Haggard, acknowledging that fact and making the point that some people under him, it seems, are misrepresenting that. I think that is a very sad development, despite the natural emotion that occurs in any industrial relations matter when tempers get hot.

Mr Speaker, in very difficult financial times this Government is making substantial strides in education. I will mention one other area, an area affected by union bans. That is vocational training and education. Some very good pilot projects have started in the schools. I launched several last year. They include such things as students getting some experience in the workplace and getting some experience in relevant courses in schools - things which the Opposition's Federal counterparts, Simon Crean and Ross Free,

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are very keen to see. Incidentally, Ms McRae, for your information, Simon Crean and Ross Free are also very keen to see the strides we are making in sport and PE. They support that totally. Maybe you should have a little bit of a chat to them about what they would like to see and what State Ministers would like to see in vocational education and training. That is certainly something this Government is progressing.

We realise that a lot of students in our system do not necessarily want to go on to university and that there are many other courses that they can be prepared for. Vocational education and training courses are quite crucial for many of our students. When the bans affect those, they affect the potential livelihoods of some of our kids. Again, I think it is really dreadful that these bans have been imposed, and I hope that that situation will not last for much longer. Ms McRae, vocational education is something that this Government is progressing. Despite problems with the union and despite the hiccups we are currently experiencing because of the union, we will continue to progress that further, because many of our students will benefit greatly from enhanced vocational training and education courses in our colleges.

Mr Speaker, this Government has made some significant strides in a number of areas. We have certainly put more computers into schools. We have continued to do that. What we have done in sport and PE has been as a result of extensive consultation, and I thank the Greens for their assistance in that. That was positive. It has come up with something which is unique to our system. It is excellent and puts us at the forefront in that area where we had lagged sadly behind under the previous Government. We are at the forefront in Australia in that area, as indeed we are in a number of other areas.

There are a number of areas where we have already delivered. We will continue to deliver in difficult times. The effort is going into school-based management. With the consultation process, ideas are coming forward and there is recognition of the potential pitfalls. Let us not forget that. That is what consultation is all about. That is what listening to people is all about. The information and the ideas we are getting, and the way we are working through them, will prove to be of excellent assistance to our education system, as I think many people in that system realise. It is simply a matter of working through it and coming up with the best possible model for our schools. Despite the fact that the Opposition would have you believe that it is all doom and gloom - what rubbish! - I think we have delivered substantially more than they possibly could have delivered had they been in government. Indeed, as the Chief Minister said, we at least indicated that we would increase funding. We have done so, whichever way you look at it. I wonder whether they would have done the same.

Question resolved in the affirmative.

VISITORS

MR SPEAKER: I would like to welcome the pupils and teachers of the Sacred Heart Primary School. I think it is most timely and appropriate that they should be here during an education debate. Welcome.

REVISED ADMINISTRATIVE ARRANGEMENTS
Ministerial Statement

Debate resumed from 20 June 1995, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

MS TUCKER (12.15): This matter has been on the notice paper for a long time and it has really been overtaken by more recent events, so I will not speak on this issue today.

Question resolved in the affirmative.

DOMESTIC VIOLENCE (AMENDMENT) BILL 1995

Debate resumed from 14 December 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (12.15): Mr Speaker, the Opposition will be supporting this legislation that has been put forward by the Attorney-General. In supporting the Bill, we are aware that its provisions have been agreed to by the Standing Committee of Attorneys-General and that the provisions of the Bill arise from amendments to the Family Law Act, amendments contained in the Family Law Reform Bill which was passed by the Federal Parliament last year, as I understand it. One question that I hope the Attorney-General will address in the debate on his Bill is whether or not the provisions of the Family Law Reform Bill 1994 have actually come into operation at this point. I understand that at the time Mr Humphries introduced the Bill which the Assembly is considering the Commonwealth Bill had not actually received royal assent. I think it is quite important for the Assembly to know whether that has been achieved, because the provisions of the Bill we are considering are put forward in order to maintain that reform package which the Commonwealth has initiated.

Mr Speaker, I am very pleased indeed to see the Standing Committee of Attorneys-General addressing the issue of domestic violence. In my view, it is not before time. Domestic violence is a very serious crime in our community. It is a crime that is overwhelmingly committed by men against women and children, and it is a crime which has led to fatal consequences on many an occasion. In the ACT alone there have been roughly 13 homicides attributable to domestic violence. Of those 13 fatalities, all but one of them were women. I think it is a very serious crime in our community, as it is throughout Australia. It has been estimated that up to 31 per cent of all homicides committed are in fact domestic violence crimes. It is an issue which I believe deserves attention at the very highest level.

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I think that in the ACT we can be quite proud of the legislation that we have had on domestic violence; but it is, of course, a fact that the Assembly as we know it is not actually responsible for our parent Act, the domestic violence legislation. That legislation was brought in under Federal jurisdiction as a result of very extensive work done by the Law Reform Commission in the mid-1980s. The legislation that we have in the ACT from the outset has been very progressive. I think it is an example for the rest of Australia. Since the introduction of that early legislation there have been various moves in this Assembly to increase the protection that is offered, predominantly to women and children, by the domestic violence legislation. That is a matter which traditionally has attracted bipartisan support in this Assembly. I hope that that will always be the case.

Mr Speaker, it is a matter of pride to me that one of the recent initiatives in domestic violence was something which I made my own efforts to bring about, and that is the reciprocal recognition of domestic violence protection orders by various States and Territories. I raised that matter at Premiers Conference meetings and COAG meetings and, as a result of that, the issue was in fact referred to the Standing Committee of Attorneys-General. As we know, the legislative amendments that gave recognition to domestic violence protection orders have now been made throughout Australia. It is a significant step forward.

Mr Speaker, whilst looking at the seriousness of domestic violence, we also have to look at whether or not this crime is yet attracting the kind of attention, the kind of recognition, that a crime of this magnitude deserves in our community. It has been estimated that up to 70 per cent of domestic violence goes unreported. I think that is a tragic state of affairs in our society. It says that a large number of women and children who are suffering from domestic violence, who are the victims of domestic violence, are apparently unaware of, or unwilling to seek, the protection of the law to cease that violent situation. It also says to me that there are any number of perpetrators of domestic violence who have not yet appreciated that this is a crime. It is a crime of violence like any other, and it is prohibited by law like any other crime of violence. We have still a very long way to go in raising community awareness of the crime of domestic violence and in persuading both the victims and the perpetrators that this is a matter which will be dealt with with the utmost seriousness by our judicial system.

Mr Speaker, in the ACT our agency concerned with domestic violence is one of the best in the country. I refer to our Domestic Violence Crisis Service - a 24-hours-a-day, seven-days-a-week service. I know that the funding of that service has been a priority that has been recognised by all parties in this Assembly, and I trust that that will always remain the case. Mr Speaker, I would therefore like to point to those two issues - the need for continuing community education on the crime of domestic violence and the unreported nature of the crime. The fatal consequences of the crime, I believe, should ensure that this matter reaches the very highest levels of attention in all jurisdictions. Mr Speaker, I also believe that the fact that it has now received attention at the Premiers Conference and COAG levels and also the Standing Committee of Attorneys-General is a good sign. I hope that we will see further initiatives flowing out of that.

I turn to the particular legislation which we have before us, presented by Mr Humphries. It does seem to me to make some sensible provisions for better meshing our domestic violence legislation with the family law legislation, which is of course a Commonwealth matter. The legislation which Mr Humphries has put before us, first of all, makes the Family Court consider a history of family violence or any existing family violence orders. That is a provision which is very much needed. I think it would be very regrettable if any action that the Family Court took actually exposed people to violence which they had otherwise sought to be protected from. That is a sensible provision requiring the Family Court to take those measures into account.

The Bill before us also says that the Family Court must make orders that are consistent with family violence orders or, if it does not, then it must explain its reasons for making an inconsistent order. Again, Mr Speaker, I think it is very important that the protection offered by domestic violence orders be mirrored in the Family Court. I believe that this is therefore a very sensible provision and one which is necessary.

The other division which Mr Humphries seeks to amend is Division 11. Again, it provides that contact orders must not expose people to violence, whilst respecting the right of the child to have contact with both parents. I believe, Mr Speaker, that in making contact orders the Family Court would be expected to consider at all times what is in the best interests of the child. The court, under Mr Humphries's Bill, must explain its reasons when it makes a contact order that differs from an existing family violence order. That, of course, is in order to protect the best interests of the children and to ensure that children are not exposed to violence because of any inconsistency between the Family Law Act and the domestic violence legislation.

Mr Speaker, the Bill that Mr Humphries has brought forward provides that, when there is an existing family violence order which is inconsistent with any new contact order made by the Family Court, the new contact order does prevail over the family violence order; but, as I have said, the violence order must be taken into consideration and the court must explain if there is an inconsistency between the two orders. Mr Speaker, I believe that the legislation we have before us is a necessary step. I would like to see it as extending the protection offered by domestic violence legislation to people while they are in hearings in the Family Court. I am aware that that is certainly Mr Humphries's intention in bringing it forward and certainly the intention of the Standing Committee of Attorneys-General in recommending this legislative reform.

However, Mr Speaker, I realise that the Assembly has before it a very major and worthwhile report on domestic violence. That is the Community Law Reform Committee of the Australian Capital Territory Report No. 9. I realise that that report will be coming up for detailed debate at some stage in the Assembly's sittings. I look forward to that debate. It is my view, as I have said before, that domestic violence still does not have the recognition it deserves; that it is a very serious crime. In the ACT alone it has been

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responsible for 13 homicides. I am sure members realise that homicide is not a common occurrence in our community. The fact that there have been 13 homicides under circumstances of domestic violence is a matter of the gravest concern to me and, I am sure, to all members of the Assembly.

Mr Speaker, the Opposition will be supporting Mr Humphries's legislation. We would, indeed, support any legislation that seeks to extend further protection, predominantly to women and children, from what is a very serious crime in our community.

MR MOORE (12.26): Mr Speaker, I hear Ms Follett talking correctly about the crime of domestic violence. When I hear people talking in this way, I feel that the word "domestic" takes away from the seriousness of the crime. We are talking about the crime of violence. Adding the word "domestic" seems to take away from the seriousness. In lots of ways I think our community should see it the other way round. The word "domestic" should signify a more serious crime.

We all recognise that domestic violence is seen as being on many different levels in our society and within families. As Ms Follett pointed out, in lots of situations domestic violence is simply not reported. That reflects the complexity of the issues and the relationships involved. For me, the most significant community value that underlies domestic violence is the value of ownership. Ms Follett pointed out that in the vast majority of cases - I am sure that it is over 95 per cent of cases - domestic violence is committed by men on women or children. Underlying the violence is a perceived sense of ownership. Certainly, until recent times almost all of our laws have reflected that that has been the case. That is something that is changing and is becoming entirely unacceptable.

I remember prior to the last election and on a number of other occasions speaking to various community groups who have argued that there is violence by women against men. Indeed, that does happen. When I have responded to them, I have said, "If I could find a way to deal with that situation in the law - and hopefully we will try to find ways to do that - it would be appropriate that we deal with it, but for the time being it is far better for us to try to protect the 95 per cent and to look after those people who constitute the overwhelming majority of victims of domestic violence, namely, children and women". Mr Speaker, we should still search for ways to improve the law to do that. The legislation before us today seeks to improve the law by addressing a conflict between two pieces of legislation - the Federal Act and the Territory Act. I am pleased that the Minister has been able to bring this Bill before us. Not only this Minister but also his predecessor have brought us to this point of being able to work together with the Federal Government and the States in order to clarify the legislation and by so doing to improve protection for the victims of this crime of violence that occurs in the home.

Mr Speaker, it therefore gives me pleasure to support this legislation. I hope that it will be just another small step in improving the situation in our community. I think it is also appropriate to remind members that change in the community does not come with just a change in law. It comes with a change of attitude. It is that change of attitude that all members of the community need to work on by frowning on the notion of violence in the home and by ensuring that the notion that one person effectively owns another person has no place in our society.

MR HUMPHRIES (Attorney-General) (12.31), in reply: Mr Speaker, I welcome members' support for this legislation and thank them for their support. I endorse the comments made by both Ms Follett and Mr Moore about the importance of our maintaining a vigil on the question of domestic violence. There are still members of our community who view what occurs behind the closed doors of people's homes as a matter that is not the concern of the rest of the community. I think it is true to say that that attitude is being whittled away; but, to the extent that there are still people who feel that it is acceptable to perpetrate violence against other members of their family or relationship behind closed doors, we need to be prepared to create and to maintain laws which help the people against whom the violence is perpetrated.

The worst thing that could happen is for someone to find themselves in need of the protection of the law and discover that for some reason the law is inadequate to provide that protection. To some extent, until now the law in respect of the respective jurisdictions of the Family Court and the ACT Magistrates Court over domestic violence matters has been a problem which has caused parties that might otherwise have turned to the courts to perhaps think twice about the assistance that they can obtain from the courts. It has been quite satisfying to be able to resolve that difficulty by having, in a sense, a shared arrangement between the Family Court and the Magistrates Court to ensure that the orders of one court can be varied in appropriate circumstances by the orders of another court.

Mr Moore referred to the cooperation between the States and the Commonwealth on this issue. That is quite important. There has been some jealousy about the jurisdiction of family matters. I think Western Australia still maintains its own Family Court. The Family Court of Australia is not a court within Western Australia. There are still sensitivities about this. Therefore, it is quite outstanding that we have been able to get to the stage of having agreement between the Commonwealth and all the States and Territories to provide for this cross-vesting, so to speak, of jurisdiction. I thank members for their support for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.33 to 2.30 pm

MINISTERIAL ARRANGEMENTS

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members, Mr Stefaniak will not be present for the rest of the afternoon. I will take any questions that would have been addressed to him.

A.C.T.I.O.N. RECORDS Paper

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, pursuant to the resolution of the Assembly of 21 February 1996 relating to the tabling of the records of usage of individual ACTION bus services which were collected using the new magnetic ticketing machines, I present a patronage report for the week ending 29 October 1995 - I stress that it is for only one week - as provided to me by ACTION. The report shows total numbers of passengers for each departure time for each day. Should further detail be required, Mr Speaker, a small truck would need to be provided to bring the report to the Assembly and, knowing what is going on outside, it probably would not be allowed in. ACTION regards this information, Mr Speaker, as commercial-in-confidence.

Ms Follett: What a load of rubbish!

MR DE DOMENICO: Given the amount of paper involved, I do not plan to make individual copies - - -

Mr Berry: You have not privatised them yet, Tony.

MR SPEAKER: Order!

MR DE DOMENICO: I am advised, Mr Speaker, that they regard it as commercial-in-confidence. Given the amount of paper involved, I do not plan to make individual copies available to each member. Rather, I will provide this copy to the Assembly Secretariat for members' consideration. Mr Speaker, members should note that ACTION's automatic ticketing system became fully operational in late July 1995. Cash fares came on line in December 1994, and magnetic validation came on line in July 1995. This represents one week. As I said, if we have to produce the information for every week since July 1995, it would take a truck. I will table that for members who are interested.

QUESTIONS WITHOUT NOTICE

Psychiatric Hostels - Meals

MS FOLLETT: Mr Speaker, I direct a question without notice to Mrs Carnell in her capacity as Minister for Health and Community Care. I refer the Minister to the provision of meals to people residing in the ACT's two psychiatric hostels. Is it true that, as of last Friday, in a cost-cutting exercise, the evening meal was reduced to a small bowl of soup and a couple of sandwiches, and that a hot evening meal is no longer provided? Is it also true that breakfast-time at the hostels has been put back to 8.00 am, so that there is approximately a 15-hour break for the residents there between dinner and breakfast?

MRS CARNELL: Thank you for that question. I certainly will attempt to find that out for Ms Follett, but as far as I am concerned there have been no cost-cutting exercises with regard to meals at those institutions. There have been some changes in the menu. I understand that there were some difficulties for some members because salads had been increased to something like five times a week in the interests of health. I understand that consultation has since taken place and things have improved. I will find out for Ms Follett what the menu has been since last Friday.

MS FOLLETT: I have a supplementary question, Mr Speaker, which I would also appreciate Mrs Carnell taking on notice. Is it true that the change in the evening meal provision has removed any arrangements for people with special dietary requirements, and that in one case it provides for more bread in one meal than one person is supposed to have in a whole day?

MRS CARNELL: I will take that on notice, not having an intimate knowledge of individual people's meals at those places.

Contaminated Sites

MR HIRD: Mr Speaker, I direct a question to Mr Humphries in his capacity as Minister for Planning. It concerns contaminated sites - one of the great problems many Canberrans are facing. The question that comes to light about this big problem is: What is the cost? Could the Minister inform the parliament as to who will pay for the clean-up of these so-called contaminated sites?

MR HUMPHRIES: Mr Speaker, first of all, I could not say what the total cost of the clean-up of these sites will be. We are still in the process of examining the records available to us to determine how many sites there are in the Territory. An estimate of 150 sites has been made by the Conservation Council. Most of those sites, I might point out, do not present any immediate threat to human health, but there is a need for us to examine them and assess what danger they present to human health. The process of discovering additional sites is quite complicated. In recent days old aerial photographs have been relied on to try to identify sheep dip sites. You can imagine that for an area the size of the ACT that is extremely difficult to do.

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Mr Speaker, the cost is a matter which I think will have to be assessed comprehensively and accurately at the end of the day - that is, when we have completed the clean-up process. Certainly, the total net cost to the ACT will range anywhere between \$2m and \$5m. It could, in fact, be higher than that. I simply could not say at this point in time.

Mr Wood: Does that include Kingston?

MR HUMPHRIES: No, it does not. These are contaminated sites arising from sheep dips. Let me say, Mr Speaker, that - - -

Mr Wood: So Kingston would be a - - -

MR SPEAKER: Order! Mr Humphries is answering Mr Hird's question.

MR HUMPHRIES: Mr Hird asked me who will pay for these costs. At the moment, the ACT taxpayers will have to pick up those costs. That is, I think, most unfortunate. The Commonwealth presided over the operation of the ACT throughout the entire period that the sheep dips that are now at issue were established and used. Indeed, in the case of most of the sites that are now under houses, it actually established those houses. As a result, we now find ourselves having to meet much larger costs in remediating those sites than would have been the case had houses not been built over the top of them.

Mr Speaker, I think it is most important in the context of this particular Federal campaign that the major parties be prepared to address the question of whether the Commonwealth will be prepared to assist the ACT to meet those very significant costs. We would have to wear an act of God, or something that we were partly responsible for. A matter that we have inherited, through no fault of our own management or handling of ACT planning issues or environmental issues, is a matter we should not have to bear. The citizens of the ACT, I think, are entitled to look to the Commonwealth for some assistance, just as they got assistance in the case of asbestos, and I would urge parties in the Federal campaign to indicate their support for assistance from the Commonwealth. I personally will endorse any party that is prepared to supply that assistance.

Mr Berry: Okay; would you come out and endorse the Labor Party?

MR HUMPHRIES: I will certainly do that; you bet.

Lead Contamination

MS HORODNY: My question is to Mrs Carnell, because Mr Stefaniak is not here today. Mr Stefaniak's office was given notice of this question. The Greens have received some evidence that there is a health and safety problem in the ACT caused by lead contamination of public houses and schools. Up to 5,000 homes and numerous schools are contaminated by lead-based paint. Could the Minister inform the Assembly whether the Government has a register of houses and schools owned by the ACT Government

which currently have, or have had, lead-based paints applied to either the interior or the exterior? What information is being provided currently to tenants of government houses, students and teachers, and workers engaged in painting government-owned houses or schools, about the dangers associated with peeling lead paints, removal for repainting, or any other activities that may involve health risks?

MRS CARNELL: I will answer the question in two parts because, obviously, public housing and schools are handled somewhat differently by different areas of government. Lead-based paints were widely used in buildings generally in the ACT up until the early to mid 1970s. While paintwork is in a sound condition there is minimal risk to occupants. In any case, with regard to the school system, many existing surfaces have been either removed or repainted with non-lead paints.

The condition of painted surfaces in and on the school buildings is subject to cyclical maintenance inspections by the Construction and Maintenance Management Service and they form part of the annual maintenance program. Where lead-based paint is to be removed, a strict protocol is followed by the Construction and Maintenance Management Service. With regard to that particular protocol, a booklet has been produced, and I am more than happy to provide a copy for Ms Horodny to look at.

We do not have at this stage a formal register which records schools that contain lead-based paints. During their inspection procedures CAMMS are undertaking tests to identify those sites and building services which contain lead. This will form the basis of a register for making future decisions on the extent of work involved and its priorities. While there is no blanket statement made available to the school community about lead-based paints in schools - quite seriously, at this stage we are not 100 per cent sure of the breadth of this problem, although the information is being collected - when surfaces are to be sanded or to be repainted the school community is informed as part of the protocol that I have referred to which is in this document. That is part of the CAMMS approach.

With regard to Housing Trust houses, lead-based paint was used, as it was in schools, until around about the mid-1970s, although the Housing Trust is not 100 per cent sure of the cessation date as it was well before self-government. The draft Australian standard, "Guide to Lead Paint Management for Dwellings and Public Buildings", in this booklet was produced by the Standards Association of Australia in December 1995. The draft is being used by ACT Housing and ACT Works and Commercial Services as a standard procedure for treating affected public housing. This includes an individual assessment of treatment for each dwelling, the need for relocation of tenants under certain circumstances, and even advice to neighbours.

From 1995-96 ACT Housing has developed strategic management plans to repaint or re-clad affected dwellings. This will be a long-term program because of the cost and the number of dwellings involved. WorkCover, Environmental Health and the Environmental Protection Agency have been consulted and have endorsed this plan. Tenants are kept fully informed as their house is identified for inclusion in this program. This includes, as I have said, an ongoing approach to identifying which houses are involved and how we will deal with them. As much as I am sure that we would like a situation where we could click our fingers and make what happened before 1975 go away, I think that both the

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Housing Trust and the schools have adopted a very appropriate approach and are dealing with what can be a very real problem. May I state again, Mr Speaker, that while paint surfaces are in good condition the problem is minimal; but, the moment they start to peel or to flake, something has to be done. I think this approach will achieve that end.

MS HORODNY: I have a supplementary question. What commitment does the Government have to ensuring that contractors that are given the job of stripping and repainting these surfaces are given adequate training in the appropriate measures to do it safely?

MRS CARNELL: As I said in my answer, the Australian standard, "Guide to Lead Paint Management for Dwellings and Public Buildings", includes all of those sorts of approaches. Obviously, if you are going to sand back a dwelling which includes lead-based paint, the person who is doing the work must be well trained and must understand what they are dealing with; but so must the occupants as well. I am happy to provide a copy of this document to Ms Horodny.

Woden Valley Hospital - Patient Activity Data

MR BERRY: My question is directed to Mrs Carnell in her capacity as Minister for Health and Community Care. This question is directed to her in the knowledge, Mr Speaker, that she pursued with great passion the veracity of the information and activity data from the hospitals when she was in opposition. I refer her to the Woden Valley Hospital's information bulletin on patient activity data for the month of December 1995, in particular Table 3. This is about incomplete information and incomplete figures. It boils down to misleading information and - - -

MR SPEAKER: What is the question, Mr Berry?

MR BERRY: Mr Speaker, I - - -

MR SPEAKER: You are referring to a report.

MR BERRY: Table 3 - - -

MR SPEAKER: Thank you.

MR BERRY: Mr Speaker, I can manage. I quote:

Table 3 has not been included for the month of December 1995. It was not possible to accurately count available occupied beddays -

Mrs Carnell would not have tolerated that in her day -

due to a problem with the supporting MediLinc report. To have included available occupied beddays data would have resulted in misleading percentage occupancy figures.

Given that the same explanation was given in the same report in May 1995, seven months ago, how much longer will this Assembly and the Canberra community have to wait before this information will be provided? Will you apply the same standards to the supply of information now that you are in government? Will the Minister provide to this Assembly precise details of what the problem is right now or before the close of business today?

MRS CARNELL: I would be very happy to go back to the dark ages of the previous Government so far as the availability of information on ACT Health is concerned. That would mean going back to the old days of three-month averages, with the huge gaps in data that was available under the previous Government. As everyone in this Assembly would know, the approach that we have taken to information in Health is that it is an open book. The information provided includes the three-month approach which was available under the previous Government - I think it will be tabled later this week for that three-month period - and also the full monthly data that has been available from the time that we took government.

Mr Berry is speaking about Table 3. He forgets to talk about Table 1, which has the total run-down of total admissions. It shows that admissions are up by some 4.5 per cent. It goes right through all the areas - total separations, inpatient information, and so on. Table 3, as Mr Berry would know, is a table to do with available bed days for overnight and same day inpatients. The problem with this data is that there is a problem with the supporting MediLinc report. It means that while we are going through the process at Woden Valley Hospital - - -

Mr Berry: Have a go at Table 3 - a blank page.

MRS CARNELL: Table 3, yes, that is it.

Mr Berry: Table 3 is a blank page.

MR SPEAKER: Order! The question is being answered.

MRS CARNELL: The new approach to information technology at Woden Valley Hospital is such that, unlike with the previous Government, we will be able to get to a stage where information is actually reliable. That is the problem that the previous Government had.

Ms Follett: There is nothing very reliable about this. It is a blank page.

MRS CARNELL: That is right. It is a blank page, and it is about available bed days for overnight and same day inpatients. It is not even about the number of people we looked after, how many people are on the waiting list, and how many occupied bed days there were. All of that information is here, and it is all information that was not available under the previous Government. If those opposite would like us to go back to the bad old days of three-month figures, all averaged with no real knowledge of what was really happening at Woden Valley Hospital, so be it; but I think it would be a real step backwards. I think we should be looking at improving our documentation all the time.

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The level of improvement is such that, for the first time, this month I have at least a draft of the same sort of information - it is not perfect yet - from Calvary Hospital. Up until now the data from Calvary Hospital has not been all that great. We now have that on board. It was something that the previous Government was asked for many times.

With regard to information from our hospital system, our information technology system must work. It must be integrated. It must work not just in accident and emergency, not just in our human resources management area. All of those things have to work together. The system that I inherited did not interface. We have at least three or four different computer systems at Woden Valley Hospital, one of them being MediLinc, that do not interface with other systems. Our casemix system that Mr Connolly released as bells and whistles, Trendstar, as everyone would remember, is a great system. It just does not happen to interface with any of our other systems. That is the problem we have. Our patient record system was introduced with a great deal of fanfare by Mr Connolly. It is a great system, but it does not tend to interface with our admission system; and so on it goes. Yes, the system is not perfect yet. It is a damn sight better than it was when we took over, but it does have a long way to go. We will get to a stage - in fact, I think we have progressed quite well to that stage - of having data that is reliable, is integrated and can be used for management purposes.

MR BERRY: I must say, Mr Speaker, that the blank page that we got in the report is more reliable than most of the information that Mrs Carnell provides.

MR SPEAKER: Is this a supplementary question, Mr Berry?

MR BERRY: Because of her fervour for this sort of information in the past, I wonder whether the Chief Minister, with this bursting enthusiasm she has for information, could explain to us why it has taken her seven months to address this problem. Why have we not had action taken up until this point? It is all right for us to be burdened with the honeyed words, the rhetoric and all that sort of stuff, but what we want to see is a bit of action instead of this sort of rhetoric.

MR SPEAKER: Thank you. I think we got the question. "Why did it take seven months?", was it, Mr Berry - leaving aside the honeyed prawns or the honeyed words or whatever you were talking about?

MRS CARNELL: All that stuff, yes. Mr Speaker, the fact that the page is in the report with an explanation about why Table 3 is not there shows that we have absolutely nothing to hide. We agree that that information - - -

Ms Follett: That is right. It is a blank page.

Mr Berry: You cannot hide it in a blank page.

MR SPEAKER: Order!

MRS CARNELL: We could have left the page out if we did not want anyone to know. We did not, because we are working towards an integrated IT system that actually works at Woden Valley Hospital.

Mr Berry: When?

MRS CARNELL: A damn sight quicker than the five years it took you not to achieve it, I can promise. Right at the moment I have to admit, Mr Speaker, that it is very hard to do anything in the information technology system in this city. We have bans, Mr Speaker, on information technology. We have a situation where e-mail is not working. Mr Speaker, you will be happy to know that today both the taxation system and the Fiscal system have fallen over. I suggest that everybody here count their pennies, because we all know how we are paid.

Commonwealth Funding

MR KAIN: Mr Speaker, I direct a question to the Chief Minister and Treasurer. Chief Minister, yesterday the Commonwealth Grants Commission brought down its 1996 report on general revenue grant relativities. I note with some alarm that if the Commonwealth accepts the recommendations this year, and they have in previous years, the amount to come to the ACT from the Commonwealth general purpose funding is only \$285m. I note that that compares to an amount of \$476m which we received in the first year of self-government. There has been a substantial and progressive reduction in the amount of money coming to the ACT. I submit that no other community in Australia has suffered such a massive reduction in Commonwealth funding in the history of the Commonwealth. Chief Minister, I am sure that you are aware of these figures. Can you tell the Assembly what you believe are the implications for the ACT of the Commonwealth's acceptance of these recommendations in terms of not only this year's budget but future budgets as well?

MRS CARNELL: The Commonwealth Grants Commission report was released this afternoon to the - - -

Mr Berry: I raise a point of order, Mr Speaker. I think this is a hypothetical question and is highly disorderly.

Mr De Domenico: No, it is not. It was released this afternoon.

Ms McRae: The Commonwealth has not responded. That was the question.

MR SPEAKER: Order! I will allow the question. Continue, Chief Minister.

MRS CARNELL: Thank you very much, Mr Speaker.

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Ms McRae: Mr Speaker, with the greatest of respect, the question was in relation to the Commonwealth response to the Grants Commission report.

MRS CARNELL: No, it was what would happen if the Commonwealth accepted - - -

Mr Berry: That is right. That is hypothetical.

Ms McRae: Exactly. Hypothetical. "What would happen if ..." is a hypothetical question. It is out of order, Mr Speaker.

MRS CARNELL: It is on paper.

Mr Kaine: I would like to speak to that point of order, Mr Speaker. My question is far from hypothetical. You will recall that in my preamble to my question I noted that the Commonwealth has invariably accepted the Grants Commission's recommendations. It is not hypothetical at all. There is no doubt whatsoever that when the Commonwealth announces, as it will shortly, the amount of general purpose funding for the Territory - - -

MR SPEAKER: Order! I will not allow questions relating purely to Federal matters, but I will allow this question. It concerns the ACT.

Mr Kaine: I am still speaking to the point of order that Ms McRae raised.

Mr Berry: I take a point of order, Mr Speaker.

MR SPEAKER: Sit down, Mr Berry. Continue, Mr Kaine.

Mr Kaine: Thank you. I thought I had the floor and that I was speaking to Ms McRae's point of order.

MR SPEAKER: Continue.

Mr Kaine: I again make the point that it is not by any means hypothetical. There is no doubt that when the Commonwealth announces, as it will shortly, the funding to come to the Territory next year, it will be absolutely and irrevocably based on this recommendation. So it is not a hypothetical question at all, and I want to know - - -

Ms McRae: Based, as it will be. Come on! That is a future test.

MR SPEAKER: Order!

Mr Kaine: You raised the point of order, Ms McRae. You do not like anybody else talking about it, however. I wish to know from the Chief Minister and Treasurer what the implications of that reduction in Commonwealth funding are for the people of this Territory. I think they want to know, too, even if Ms McRae does not.

Mr Berry: Mr Speaker, - - -

MR SPEAKER: Do you have a point of order?

Mr Berry: Yes, I do. Standing order 117 is pretty clear. I go to standing order 117(b)(vii) and it says that questions shall not contain hypothetical matters. Mr Kaine made it pretty clear that this is a “what would happen if” question. The announcement has not been made. Mrs Carnell has been asked to give an answer to a question in relation to something that might happen in the future. That is clearly hypothetical. I think it would be highly out of order if the question were allowed.

MR SPEAKER: No, I do not uphold your point of order. I will allow the question. I accept the information. In fact, I recall reading something about this in the newspaper this morning. Continue, Chief Minister.

MRS CARNELL: Mr Speaker, I am very interested in the view of those opposite on this, because members from Ms Follett's office asked my office for a copy of the report earlier today. That certainly indicated that there was a degree of interest. Far be it from me to make that comment, though, of course. Anyway, as members obviously - - -

Ms Follett: I take a point of order, Mr Speaker. I think that Mrs Carnell is trying to mislead people as to the nature of earlier points of order. It had nothing to do with what was in the Grants Commission report. It had to do with the hypothetical nature of Mr Kaine's question as to the implementation of that report.

MR SPEAKER: Order! I have already ruled - - -

Ms Follett: Yes, I know that you have, and I would never question your ruling.

MR SPEAKER: I have already ruled on that point.

Ms Follett: I am raising a separate point of order - that Mrs Carnell is trying to draw an inference that my having asked for a copy of the report somehow has something to do with the hypothetical nature of the question, and it has not.

MR SPEAKER: There is no point of order. Continue, Mrs Carnell.

MRS CARNELL: Thank you very much, Mr Speaker. Members will be aware that a large proportion of ACT Government funding comes in the form of grants from the Commonwealth. The Commonwealth Grants Commission makes recommendations each year to the Federal Government on how these grants will be shared amongst the States and Territories. The most recent Grants Commission report was released yesterday and it recommends a slight reduction in the ACT's share of the general revenue pool. Ms McRae might not be interested in this, but it is of absolute bottom line importance to this Territory.

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Ms McRae: Yes; wait until Mr Howard is in power and see what you say then.

MRS CARNELL: I certainly hope that you are right, Ms McRae; I am very happy with that comment. Yes, we will take that on - - -

Ms McRae: See what you say then, when he slashes and burns. Forget your Grants Commission then, Mrs Carnell.

MRS CARNELL: I am very happy that you believe that he will have an opportunity to do so. Thank you very much.

MR SPEAKER: Order! Would you all have patience. You have a few days to wait yet. Continue, Chief Minister.

MRS CARNELL: Members may have noted that reports in the media this morning indicated that the Grants Commission had recommended an increase in the financial assistance grant to the ACT. In fact, the increase in the financial assistance grant is more than offset by reductions in transitional allowances and special revenue assistance. The picture is further confused by the fact that the Grants Commission figures include hospital funding grants which traditionally have been separated from the general purpose funding figures published in the ACT budget.

The bottom line for the ACT is that general purpose funding to the ACT is still forecast to drop next financial year. This year the ACT received \$291m in general purpose funding, and in our budget we estimated that that would drop to \$277m in 1996-97. If the revised Grants Commission recommendations are followed - as Mr Kaine said, they always have been - the ACT grant will drop from \$291m to \$284.6m, or approximately \$7.7m better than the forward estimate. However, even that apparent improvement is not quite as good as it sounds. Of that \$7.7m, \$6m is a back payment for the cost of treating New South Wales residents in our hospital system. In other words, it is a repayment for money that we have already spent.

Mr Speaker, the prospect of another cut in Commonwealth spending to the ACT should come as no surprise to members after the savage cutbacks over the last seven years by the Federal Labor Government. Since self-government, general purpose funding to the ACT has been cut in real terms by very close to half.

Mr Berry: Mr Speaker, I am not concerned that Mrs Carnell - - -

MR SPEAKER: Are you taking a point of order?

Mr Berry: Well, I am not concerned - - -

MR SPEAKER: Are you taking a point of order?

Mr Berry: A moment ago, Mr Speaker, you said that you would not be taking any references to the Federal election. I do not mind Mrs Carnell raising issues in relation to the Federal election, but it has to apply equally to all of us. That is the point I make. If you are going to let Mrs Carnell do it, it is going to be open slather.

MR SPEAKER: Actually, that was not a point of order; that was a statement. There is no reference, however, at the moment to the Federal election.

Mr Berry: It is a statement about being even-handed, Mr Speaker.

MR SPEAKER: Order! Mrs Carnell was quite legitimately drawing attention to the fact that for the last seven years the Federal Government has been reducing the amount of money coming to the Territory. That is a perfectly legitimate statement.

MRS CARNELL: Part of the report that I am referring to here is the continual reduction in funding to the ACT. It really demonstrates to everybody here why the Government is simply not in a position to award a 9 per cent pay increase to Government employees without trade-offs. It is bottom line stuff. Here we have on our desks right now, for everybody in this place and everyone in the ACT to see, what is going to happen to our funding next year under a Federal Labor government. We are going to see another reduction - another reduction that simply has to be funded somehow. Does that mean that everybody in this Assembly is still willing to go down the path of a 9 per cent fully budget funded rise with no trade-offs? Remember that that is what is plastered all over the buses out there - no trade-offs at all. The reality is that this Government believes that we now know what our financial situation will be next year under a Federal Labor government, and it further cements our view that we cannot have pay increases that we simply cannot afford.

Woden Valley Hospital - Nursing Staff

MR OSBORNE: My question is to Mrs Carnell in her capacity as the Minister for Health. Mrs Carnell, the Booz Allen and Hamilton report recommends that nursing numbers should be reduced by about 100 full-time equivalents. Of these 100 nurses, a very small percentage are of the clipboard-type or clinical nurses. Could you explain to me how you plan to reduce the waiting list at Woden Valley Hospital and still guarantee top quality patient care with close to 100 fewer patient focused nurses in the wards?

MRS CARNELL: Thank you, Mr Osborne. Unfortunately, the information that has been floated around by some in this area is simply wrong. Yes, 100 full-time equivalent nursing positions would be reduced under Booz Allen; but, if you read further, you will realise that none of those are permanent full-time or permanent part-time positions. They are not actually people who are working full time in our hospitals. Those positions relate to less use of casual agency nurses, nurses who fill in. We are not talking about permanent positions at all; we are talking about better management of the staff that we currently have.

As Mr Osborne would be very well aware, slightly more than half of those nursing positions or those nursing hours reductions would be achieved by moving to the triple-eight roster. That rostering situation is something that Mr Berry tried to introduce in 1993. He went to the commission but got knocked off. That seems to be the way we go these days; but, anyway, he went to the commission and got knocked off. We believe strongly that we should go for an implementation of that and we went to the commission.

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Members will be aware, I assume, that on 2 February, in the Industrial Relations Commission, a decision was handed down to implement a six-month trial of the triple-eight nursing roster, a roster that existed at Woden Valley Hospital before - - -

Ms McRae: Tell us the rest. Go on. Then what happened?

MRS CARNELL: I am very happy to tell you the rest. It existed before there was the amalgamation of Canberra Hospital and Woden Valley Hospital. It still exists today at Calvary Hospital, a hospital that I assume you would not believe has had nursing care. The rosters were supposed to be implemented from the 22nd of this month. However, on 8 February, members of the ANF and the HSUA held a 24-hour strike when a commission decision had occurred. Commissioner Larkin, I think it was, determined that the unions should go down the appeal path. We now have a situation where an appeal has been listed for 1 April this year in the commission.

I believe that all people involved in this situation should abide by their agreement, and the agreement between the Government and the ANF was that this situation would not be politicised. What have we seen since then? They actually agreed not to politicise this situation. We have seen rallies over in Civic, with Bob McMullan there - totally at odds with an agreement that was made in the Industrial Relations Commission. We saw the situation this morning. That does not indicate to me that people were really interested in the decision that was made.

Getting back to Mr Osborne's question, the reality is that at Woden Valley Hospital it costs us 30 per cent more to treat a particular patient than the Federal Government is willing to pay us. If we do not address that costing factor, what will happen is what happened under the previous Government, and that is a blow-out in waiting lists. I think that when they took over it blew out from 1,790-odd to over 4,500 over four years. That is what happens if you do not address the basic issues of costs in our system. Since we took over, waiting lists have fallen marginally because we are treating more patients. But by treating more patients our budget has blown out because we simply cannot address the bottom line issues. I believe - obviously, unlike others in this place, but I am sure that Mr Osborne agrees with me - that we must treat patients, that we must treat patients at a top quality level, and that we must address the cost issues. That is what we are doing.

MR OSBORNE: I have a supplementary question, Mr Speaker. Thank you for that, Mrs Carnell. That was very informative.

Ms Follett: I will bet that that has reassured you.

MR OSBORNE: Yes. Mrs Carnell, specialised education courses are essential for our nurses in order to keep up with the latest technology and standards of care. Given what you just said, how will nurses' education be carried out under your proposed triple-eight roster, where there is no overlap of shifts? Will the nurses be expected to come in unpaid, to work during their own time?

MRS CARNELL: Mr Osborne, the same way as nursing education is carried out at all other hospitals that have triple-eight rosters. There is not no overlap. The overlap is still an hour at midday. It varies between different parts of the hospital. There are still half-an-hour or quarter-of-an-hour overlaps, depending on the ward, at other times of the day. Certainly, there is a capacity. We are currently negotiating, when people are willing to negotiate, with the ANF on how those sorts of issues will be addressed under the new arrangements. It is simply wrong to say that a triple-eight roster means no overlap. It does not mean that at all. That would be the case if it were just 8 by 8 by 8. The reality is that there are 12 different shifts that overlap at different levels, so you still get an hour overlap at lunchtime. There are still things like rostered days off, and other things like that, that are part of the whole negotiating process.

You are right in that ongoing professional development is absolutely essential, and it will be part of any approach that we take. Mr Osborne, you will also be very interested to know that at this stage, under the current rostering arrangements, there are 81 different shift patterns. You can imagine the amount of paperwork, both clerically and in the pay areas, that it takes to manage that sort of approach. The approach we have put on the table takes that 81 down to 12, so you can see the amount of clerical time that we would save.

Woden Valley Hospital - Clerical Staff

MS McRAE: Mr Speaker, my question is to Mrs Carnell in her capacity as Chief Minister and Minister for Health and Community Care. Mrs Carnell, I refer to the Woden Valley Hospital information bulletin on patient activity data for the month of December 1995, Table 6. This states:

Data for patients booked in advance is no longer being provided by the WVH Surgical Booking Office due to staff shortages.

Given that the situation existed for three of the last four months of 1995, will you now act to ensure that staffing levels in the surgical booking office are adequate to perform the duties required of them, or will the nurses have to deliver more flowers to commemorate the end of the surgical booking office in the same way as they felt compelled this morning to deliver flowers for the death of the Health Department?

MRS CARNELL: Substantial changes are happening at Woden Valley Hospital, and we would like them to happen at Woden Valley Hospital. Certainly, the hospital is going through a substantial restructuring. Unfortunately, that restructuring has been hampered substantially by unions who simply are not interested - - -

Ms McRae: Answer the question.

MRS CARNELL: That is exactly what it is.

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Ms McRae: I asked about the surgical booking office.

MRS CARNELL: That is exactly what it is. We are in the business of restructuring. We cannot restructure if we cannot get any support or commitment from some of the people involved. If those opposite believe that the approach we should take is just to go ahead and do it, please say so. I would be happy.

Mr Berry: You will get a long way coming in here and bagging - - -

MR SPEAKER: Order, Mr Berry!

MS McRAE: I asked a very specific question. The question was, and I repeat it as a supplementary - - -

Mr Hird: Could I take a point of order, Mr Speaker?

MS McRAE: No, you may not. I am asking a question.

MR SPEAKER: Order! There is a point of order. Sit down, Ms McRae.

Mr Hird: Mr Speaker, I draw your attention to standing order 61. I was trying to hear the supplementary question. Mr Berry seems to think he is ruling the roost.

MR SPEAKER: Allow Ms McRae to ask her supplementary question. Continue, Ms McRae.

MS McRAE: What I asked, quite specifically, was this: Will you act to ensure that the staffing levels in the surgical booking office are adequate to perform the duties required of them, and will you remove the staffing freeze that you imposed on them?

MRS CARNELL: The answer to that question is categorically no. I will not, because of what Booz Allen identified, and it has actually gone up since then. We have 413 clerical staff at Woden Valley Hospital. We only ever have, on average, about 480 patients. Heavens! There is no way on this planet that I am going to put on extra clerical staff at Woden Valley Hospital.

Woden Valley Hospital - Nursing Staff

MR MOORE: Mr Speaker, my question is also to the Chief Minister as Minister for Health. The Chief Minister stated in her reply to Mr Osborne's question that her objective is to treat patients. In discussions that I had this morning with a number of nurses, Chief Minister, the issue was raised of the triple-eight roster proposal put by your Government. Are you willing to be responsible for the situation, as described to me, of a nursing sister being back at work after five hours or less sleep and working, for example, in intensive care with patients' lives in her hands?

MRS CARNELL: Mr Moore, that rostering situation need never happen, as I think you would be aware. We have said categorically that we are very willing to discuss with each nurse, each person involved in the triple-eight roster, when they do their other shift, if they choose to. If you go from the 10 by 8 by 8 - with what used to be four nights on, four nights' worth of night duty, 10 by 4 - to the triple-eight, it could mean that a nurse may have to do another shift in order to achieve a full-time weekly wage. That other shift could be another night. It could be five nights. It could be at some other time. But it certainly does not have to be, by any stretch of the imagination, a shift that starts seven hours or five hours later. What is being said here is absolute emotional claptrap. The reality is that we are not in the business of forcing nurses to come back in a couple of hours if they believe that that will affect their professional capacity. There is nothing wrong with nurses doing five nights on duty, or, alternatively, another session which does not start seven hours or five hours after they have just finished.

MR MOORE: I have a supplementary question, Mr Speaker. I am aware that Mr Berry, when he was Minister for Health, also tried to implement the triple-eight roster and was convinced of how effective it would be. Mrs Carnell, in your answer to Mr Osborne's question you mentioned casual nurses. Do you categorise the work of casual nurses as less important than the work of nurses that you have working as full-time staff or part-time permanent staff?

MRS CARNELL: Casual nurses fill a lot of jobs in our hospital system. Many of them are agency nurses who come in just to fill a gap in our hospital system. Everybody who has ever worked in a ward would be aware that casual staff, although they are very important, are not the core patient care givers in any ward. I suppose the best possible scenario is to get to a stage where you never use casual staff - although that would be impossible in a hospital system - so that the staff that are in any ward are the ones who understand the patients who are there, are used to that ward situation, and do not need to be brought up to speed as quickly as agency nurses.

So, Mr Moore, the answer is that the best possible scenario is to use casual staff - that is not permanent part-timers, but casual staff - as little as is possible if you are looking at maximising patient care. That is the approach that we are attempting to take here. The move from 10 by 8 by 8 to triple-eight nursing rosters would save our health budget some \$2m a year, and \$2m a year could be used to treat a substantial number of the just under 4,500 patients waiting for surgery in the ACT. If those who so adamantly oppose the move from 10 by 8 by 8 to 8 by 8 by 8 can show me another way to move that money from an area where we are spending more than the national averages by miles down to treating patients - we are talking about \$2m here, Mr Speaker - then please tell us. The situation is that we have to cut our costs at Woden Valley Hospital, in clerical areas, in nursing areas, the VMOs - all the way, across the board. Everybody has to take responsibility for that, including everyone in this house.

Gungahlin - Lakeside Development

MS TUCKER: My question is to the Minister for the Environment, Land and Planning, Mr Humphries. I refer the Minister to proposals for the Gungahlin lakeside development of package boundaries L1, L2 and L3 alongside Gundaroo Drive. Have any formal or informal agreements been made with developers regarding proposed developments on these blocks? If so, what is the nature of these agreements?

MR HUMPHRIES: Mr Speaker, I thank Ms Tucker for the question because it does address an issue which has been floating around the media, I think, in the *Gungahlin Chronicle*. It was raised a little while ago. Mr Speaker, I am not aware of any agreements, formal or otherwise, with any developers for the use of that land. The land, however, is designated under the Territory Plan as land available for residential development - medium-density residential development, as I recall. The suggestion has been made by the Gungahlin Community Council that there is a major problem with this. They have raised a number of issues, not directly with me or with my office, or, as far as I am aware, with other members of the Government - I do not speak categorically on that, but as far as I am aware that is the case - about the need to preserve the foreshores of Gungahlin Pond as an area for public access.

Mr Speaker, it is the Government's intention that there be public access to the foreshore. At no point will development reach the lake's edge or the pond's edge. At the nearest point housing is 50 metres from the edge of the pond, and it averages more than 100 metres throughout the area where the development abuts the pond. I believe that there is an opportunity with that kind of development for there to be substantial public access to the pond. The land has been zoned for housing development since the first day that the plan was drawn up for Gungahlin. It has not changed. It has not been cemented in place any more than it was before.

I am disturbed by the suggestions that this has been raised before by the Gungahlin Community Council. I have written to the council asking them what their concerns are, because I had not heard their concerns before I read about them on the front page of the *Gungahlin Chronicle* published recently. I am very happy to talk to them about concerns they might have, but the concern that they raised in that publication was the lack of urban open space for residents of Gungahlin. Mr Speaker, they have a point when they say that. There has been a shortage of open space for residents of Gungahlin, I think, in some parts of Gungahlin, and this Government has responded to that request by setting aside 500 hectares of open space for preservation of native grasslands. The ACT's first native grassland reserve will also be designed to protect the habitat of the legless lizard, *Delma impar*. I think there is need to get more open space. If they want to change the Territory Plan to withdraw land that is already designated for housing, I am very willing to discuss that; but I think it is best for the point to be made directly to the Government or the Minister rather than in a form which is very hard for us to respond to.

MS TUCKER: I have a supplementary question. Do you have any plans for how the community could be involved? I understand about the area you have already put aside; but if the community does have these concerns, which they obviously do, does the Government have in mind some process which would allow them to have an input into landscape decisions or exactly how those green spaces are going to be put in place in the area?

MR HUMPHRIES: You are talking about the green spaces rather than the housing developments.

Ms Tucker: No; I am talking about the green space between the pond and the development, as well as generally throughout Gungahlin.

MR HUMPHRIES: Mr Speaker, generally speaking, there is a degree of consultation with the community about the way in which open spaces are landscaped. We talk to people like the community councils and other established stakeholders about the way in which particular developments should be established and how they should look. As far as the edge of the pond and the open spaces there are concerned, it is not the intention, as far as I am aware, to change much of that. It is a native open space, in a sense, at the moment. The proposal would be to leave it as it is rather than change it to any great degree. To the extent that there will be any changes to that area, my department is very willing to discuss that with members of the community. There are mechanisms in place for plans of that kind to be available for public inspection, and they will continue to be made available. I have written to the community council and said, "If you have a concern about this, please come and talk to me about it and we will attempt to sort out the concern".

Woden Valley Hospital - Patient Activity Data

MR WHITECROSS: Mr Speaker, my question without notice is to Mrs Carnell in her capacity as Chief Minister and Minister for Health and Community Care. I refer to the Woden Valley Hospital information bulletin on patient activity data for the month of December 1995, Table 6, which states:

A breakdown by clinical unit was not available for December 1995 due to technical difficulties in generating the required reports from MediLinc.

What were those technical difficulties, and have they now been resolved?

MRS CARNELL: I am happy to get a technical briefing for the member if he would like, but I have made the comment already that there are some problems with MediLinc. They are ones that we are addressing in a holistic way to get the information technology approach at Woden Valley Hospital working for a change.

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MR WHITECROSS: I have a supplementary question. Given that Mrs Carnell does not know the nature of the technical problem, and presumably is not terribly interested in finding out - - -

Mrs Carnell: No, not exactly what the technical - - -

Mr De Domenico: What is the supplementary question?

MR SPEAKER: Order! This is not a dialogue.

MR WHITECROSS: Mr Speaker, I just heard an interjection across the floor from the Chief Minister that she knows exactly what the technical difficulty was.

Mrs Carnell: No, I did not say that.

MR SPEAKER: Order!

MR WHITECROSS: My question was, "What is the technical difficulty?". If Mrs Carnell knows, perhaps she would care to share it with the rest of us. Mrs Carnell, will you tell us when the problem will be solved? When it is solved, will you immediately provide the information which is currently missing to members of this Assembly?

MRS CARNELL: I will certainly provide that information when those opposite tell me what they want this information for, because I have never known them to ask a question along those lines before. I am very happy to get a detailed briefing on the technical details for those opposite. I am also, as I said to everybody here, more than willing to go back to providing the level of information provided under the previous Government.

MR SPEAKER: Mr Berry, do you have a point of order?

Mr Berry: No; I wish to make a personal explanation pursuant to standing order 46, Mr Speaker.

Mr De Domenico: We have not given him his question yet.

Mr Berry: I have had my question.

Mrs Carnell: I was going to ask that further questions be placed on the notice paper.

MR SPEAKER: Order!

Mr De Domenico: You have to wait until Mr Wood is briefed on what he has to ask.

MR SPEAKER: I am sorry, but I can only be guided by standing order 113A, which says:

Questions without notice shall not be concluded until all non-Executive Members rising have asked at least one question.

If people do not rise, I am afraid that I will not be calling them. Are you planning to rise, Mr Wood? Do you want to ask a question, Mr Wood?

Mr Wood: Yes. Mr Berry is on his feet.

MR SPEAKER: Mr Berry does not yet have leave from the Chair. I will be happy to give him leave at the end of question time. Would you like to ask a question, Mr Wood?

Industrial Dispute - Relocation of Buses

MR WOOD: Mr Speaker, my question is directed to the Chief Minister and is about her responsibility for industrial relations in this town.

Mr De Domenico: Uh!

MR WOOD: She runs it, Mr De Domenico. There is no need to question it.

MR SPEAKER: Order!

Mr De Domenico: I did not say a word.

MR WOOD: It is a bit late to question it. You should have asserted authority earlier.

MR SPEAKER: What is the question, Mr Wood?

MR WOOD: Mr Speaker, can the Chief Minister confirm that she has instructed police to see whether charges can be laid against bus drivers following the relocation of certain buses that are near this Assembly? Is she aware that police are scouting around ACTION depots seeking information? In the spirit of trying to reach agreement, would she issue instructions to have that stopped?

MRS CARNELL: Mr Speaker, I am aware that ACTION management were somewhat concerned when three buses went missing last week. If they happened to be three buses less at some stage you would assume that they would have a concern about that. I understand that ACTION management made some investigations to try to sort out who had signed out those buses or who had driven them away. I am informed that that information was not available. Those three buses seemed to have been removed from ACTION bus depots without authority and there was no particular information about how they were taken away. Surprising as this may seem, those three buses have somehow ended up outside the Assembly doors. It seems to me totally appropriate, whenever three buses go missing, without being authorised to be elsewhere, that it should be investigated.

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MR WOOD: Mr Speaker, I have a supplementary question. The Chief Minister used the term "I understand". Is it the case that this Government instructed a certain course of events to take place?

MRS CARNELL: Mr Speaker, I am confident that ACTION bus management would always investigate when three buses went missing. I used a quote last week in this Assembly which I will use again.

Mr Berry: Mr Speaker, I raise a point of order. Standing order 118 says that the answer to a question should be concise and should be confined to the subject matter. The subject matter is whether or not the Government had issued the instruction. Mrs Carnell only has to say yes or no.

Mr Kaine: Mr Speaker, I would like to take a point of order. I draw your attention to standing order 39, which Mr Berry just contravened - and he does it constantly.

MR SPEAKER: Order! The Chief Minister can answer the question as she sees fit. Continue, Chief Minister.

MRS CARNELL: Mr Speaker, I would hope that everyone in this Assembly would share with Mr Berry his views in 1993, when he said very definitely in this place that he did not condone the use of public property, public vehicles, for the purpose of industrial action. Nor do we.

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

Psychiatric Hostels - Meals

MRS CARNELL: Mr Speaker, may I answer the question that I took on notice from Ms Follett earlier in question time with regard to meals at Watson Hostel? I am advised that breakfast has been changed from 7.00 am to 7.45 am. Lunch is had in two sessions, one at 12 noon and one at 12.30 pm, and it is a full hot meal. Dinner is now at 5.00 pm and is soup, a sandwich, bread with condiments, and a piece of fruit or yoghurt. There is a light supper, Mr Speaker, between 7.30 pm and 8.30 pm. All of these changes have been discussed with residents and the majority agree. The nursing staff have been consulted and there is 100 per cent agreement. The program managers were also part of the changes and there was 100 per cent agreement. So they were properly consulted, and nutritionally it is very appropriate, Mr Speaker. There is the answer.

ANSWERS TO QUESTIONS ON NOTICE

MS FOLLETT: Mr Speaker, under standing order 118A, I wish to ask Mrs Carnell again to answer question on notice No. 123, which first appeared on the notice paper on 6 December 1995.

MRS CARNELL: I gave an answer last week in this Assembly and said that I had written to Ms Follett with regard to the question of act of grace payments and making sure what has happened right across the ACT Government Service. It is a quite complex question. I wrote to her and explained that it would take some time, and I said last week that I was happy to make that information available as soon as possible. That stands.

Motion

MS FOLLETT (Leader of the Opposition) (3.32): Mr Speaker, under standing order 118A, I move:

That the Assembly requires the Chief Minister to respond to question on notice No. 123, which first appeared on the Notice Paper on 6 December 1995, by the adjournment of the Assembly's sitting today.

I want, first of all, to draw to the Assembly's attention the fact that a question on the notice paper has been unanswered by the Government over a very long period. I would like to read the question to the Assembly because I think it is important for members to understand that this is not the most complex question ever asked of a government. The question reads:

In relation to Act of Grace payments, writing off or waiver of rights to money under section 43 or 124 of the Audit Act or any other Act, between 9 March 1995 and 30 November 1995 -

- (1) Who was the beneficial recipient of the decision.
- (2) What was the amount of money involved.
- (3) On what date was the decision made.
- (4) What was the reason for the decision?

The Government has had since 6 December to address that question. I understand that it is a question that requires a whole-of-government response and that each department will have to check their financial records in order to come up with the information I have requested. Nevertheless, I want to make it clear that the period I have inquired about expired in November last year, and the date of my question was December. I had no intention of setting an unreasonable question, nor has the Chief Minister ever argued that that question was unreasonable.

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It is now two months since the Chief Minister first advised me that this question would take some time to answer. My view is that two months is quite long enough. It is a long way from being an extremely complex question. I have seen many other complex questions - indeed, Ms McRae has one now - that will clearly take a long time to answer. I have asked questions to which the Government's response has been, "We are not going to answer it because the resources required would outweigh the public benefit in answering that question", and I have accepted that. I do not make a habit of asking unreasonable questions, but I do not think the Government should make a habit of taking an unreasonably long time to answer any member's question.

I believe that this question is reasonably straightforward. The Government has had three months to answer it, and I believe that I am well within my rights in asking the Assembly to support me in my request for an answer to that question. We have seen debates in this place previously about a member's right to information. Indeed, it was the Assembly members' own action that brought into being standing order 118A, which put time limits on government responses to questions. We were in government at the time, and I do not believe that we opposed this provision either.

I believe that the request I have made is in every way reasonable. Mrs Carnell's last contact with me on the matter was on 28 December, so she has had two months since begging for more time to address the question. In my view, the question should have been answered. There is nothing complex about it. It is merely a matter of checking records, checking financial data for a period which is now some three months past. I do not accept Mrs Carnell's explanation - indeed, she has not made an explanation - of why the question has not been answered, and I believe that I am within my rights in requiring that it be answered today.

Mr Humphries: I raise a point of order, Mr Speaker. I draw your attention to the wording of standing order 118A, which provides in relation to an explanation for a question on notice not being answered within 30 days:

- (a) at the conclusion of questions without notice on any day after that period, that Member may ask the relevant Minister for such an explanation;

Ms Follett: I have done that.

Mr Humphries: This has occurred, indeed. It continues:

- (b) the Member may, at the conclusion of the explanation, move without notice "That the Assembly takes note of the explanation";

She has not done that.

Ms Follett: I do not have to do that.

Mr Humphries: You have not done that; you have done something different. What I assume Ms Follett is moving under is paragraph (c) of standing order 118A, which says:

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

The Chief Minister has not supplied an answer, but she has supplied an explanation. She has explained why it is not possible to have produced an answer at this stage. I would have said that was a quite reasonable explanation. Ms Follett does not agree with that. It does not say, however, that it must be a satisfactory explanation or a reasonable explanation in the eye of the asker of that question. It simply says "provide an explanation". Mrs Carnell has done that, and therefore there is no capacity under standing order 118A to move this motion.

Ms Follett: If I may speak to the point of order, Mr Speaker, I direct your attention to the earlier part of standing order 118A, where it refers to the answering of a question within that period:

provide to the Member who asked the question an explanation satisfactory to that Member of why an answer has not yet been provided ...

I repeat what I said in moving the motion: The explanation given to me is not satisfactory. Mrs Carnell has had three months to answer the question, and the fact that it is a complex question, in my view, does not mean that you get out of answering it. Mrs Carnell ought to have answered this question by 5 January. That was when the answer was due, under our own standing orders. I believe that I have been more than tolerant in allowing such a long period to elapse since the answer was due - 5 January - before raising the matter again. I raised it last week. It is not as if Mrs Carnell was unaware that I wanted an answer to the question. Again, the only response I got was, "Oh well, it is a complex question". It is a long way from being the most complex question. I know what it involves and I know that it requires you to go to all of the departments.

Mr Humphries: Is this a point of order you are making?

Ms Follett: I repeat, under the point of order, that there is a clear role in standing order 118A for the member to be satisfied with the explanation. I am not satisfied; hence I am proceeding down this path, and I believe that it is totally in order.

Mr Humphries: Mr Speaker, on that point of order: Ms Follett refers to the wording of paragraph (c). It is interesting that the wording of paragraph (c) is different from the wording of the preamble to those three paragraphs. That refers to "an explanation satisfactory to that Member". I will quote the whole phrase:

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If a Minister does not answer a question ... asked by a Member, within 30 days of the asking of that question, and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member -

then three things can happen. The wording used in paragraph (c), “does not provide an explanation”, is different from the wording used in the preamble, which is “an explanation satisfactory to that Member”. Had the word “explanation” been meant to refer - - -

Ms McRae: Give up, Gary; just give up.

Mrs Carnell: Why?

Ms McRae: Because you are wrong.

MR SPEAKER: Order!

Mr Humphries: I am glad that we have a new shadow Attorney-General in the chamber. If paragraph (c) had been intended to mean the same thing as that preamble paragraph, it would have said “in the event that the Minister does not provide such an explanation”, not “any explanation”, in effect.

MR SPEAKER: Yes, I must uphold Mr Humphries’s point of order.

Ms Follett: Mr Speaker, that is outrageous.

MR SPEAKER: It is not outrageous. Mr Humphries has succinctly pointed out that paragraph (c) does not require that the Minister provide an explanation that is satisfactory to the member.

Ms Follett: Well, it shortly will. We will amend it.

Mr Humphries: Do so prospectively. This is what it says at the moment.

MR SPEAKER: It simply states:

in the event that the Minister does not provide an explanation, the Member may, without notice, move a motion ...

You have already done that.

Ms Follett: Mr Speaker, I seek leave to move my motion as circulated.

Mr Moore: I raise a point of order first, Mr Speaker, if I may. I think there is a precedent being set here by your ruling. Before you jump to that conclusion - and I realise that it is going to take a little time - standing order 118A does say in its first part:

... provide to the Member who asked the question an explanation satisfactory to that Member ...

Then later on, in (c), it says:

in the event that the Minister does not provide an explanation ...

I would have thought a normal interpretation of that would have been to take the word “explanation” as described more fully at the beginning of the standing order and that therefore we would be talking about an explanation that is satisfactory to the member at this point as well. That would keep a consistent reading of the whole standing order.

Mr Speaker, can I suggest, having made that suggestion, that you take advice. I am quite happy to give the Leader of the Opposition leave to put her motion. As far as I am concerned, I support her putting the motion; but perhaps, rather than leaving sitting on the table a ruling that I think is open to question, it would be worth taking advice on that and trying to see what is the most effective way to deal with this issue so that we do not run into this problem again.

Mr Humphries: Mr Speaker, could I support that suggestion, but make a point in relation to what Mr Moore has just said. I ask members to look at the reference to “explanation” in paragraph (a). It says there:

at the conclusion of questions without notice on any day after that period,
that Member may ask the relevant Minister for such an explanation.

To use the analogy Mr Moore has just used, if the word “explanation” subsequently in that standing order is meant to refer to the phrase “an explanation satisfactory to that Member”, why are the phrases different in paragraph (a) and paragraph (c)? It is quite clear to me that what is meant by this is that at the conclusion of questions the member may ask the Minister for an explanation. If the Minister provides an explanation, then a motion may be moved in relation to that. If he or she does not provide an explanation, then there may be another motion that is more general than the one that is referred to in paragraph (b). That clearly is the interpretation I think anybody would draw, looking reasonably at those words.

MR SPEAKER: I must say that I believe that Mr Moore's suggestion would be sensible. I am quite concerned that we have a statement in the standing order, “does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member”. That seems to me to be an enormously broad undertaking; any member could stubbornly refuse to accept the explanation ever.

Ms Follett: Mr Speaker, on a point of order: I believe that you have made an inference about my motivation in requesting an answer on this question. I can assure you that there is a great deal more to it than just stubbornness, and I believe that that inference should be withdrawn.

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MR SPEAKER: No, there is certainly no inference. If there was a suggestion of inference, I certainly withdraw it. What I am saying is that the wording of standing order 118A's preamble could lead to a situation which could never be resolved if people did not want to do so, and it seems to me, therefore, that it does require an examination of the entire standing order. It may also require an examination of point (c) to either bring it into line with the preamble or perhaps bring the preamble into line with (c); I know not. I do not think this is a matter to be debated here and now. Where are we at, therefore?

Mrs Carnell: I think you were going to take some advice, Mr Speaker. I am happy to make a statement with regard to this question for the Assembly, if you would like?

MR SPEAKER: Yes.

Mr Berry: No; we want the motion carried.

Ms Follett: I sought leave to move my motion. Are you going to deal with that?

Mrs Carnell: Fine. If you do not want to know, that is okay.

Mr Kaine: On a point of order, Mr Speaker: I understood that there was a motion before the house put forward by the Leader of the Opposition. I suggest that the Chief Minister may speak to that, if she wishes.

MR SPEAKER: She can speak to that. There is a motion before the house.

Ms Follett: No. If I could just refresh your memory, Mr Speaker, I thought you had ruled my motion out of order on Mr Humphries's point of order. I then sought leave to move the motion, and that request for leave has not yet been dealt with by the Assembly.

Leave granted.

MS FOLLETT (Leader of the Opposition) (3.47): Mr Speaker, I have spoken to my motion, but I will do so again very briefly. Having got leave, I formally move:

That the Assembly requires the Chief Minister to respond to question on notice No. 123, which first appeared on the Notice Paper on 6 December 1995, by the adjournment of the Assembly's sitting today.

Mr Kaine: On a point of order, Mr Speaker: Somehow or other, the Assembly seems to have been totally diverted from its business. I do not know whether I am the only one in here who is confused, but I suspect that I am not.

Ms McRae: Yes, you are. We all know what we are doing.

MR SPEAKER: We have not been diverted. We are still on business.

Mr Kaine: The former Speaker has plenty to say, but a little while ago you put a motion which I did not even hear. I got to my feet to ask you to clarify it and the next thing you have the Assembly voting on it, when I did not even hear the motion. I repeat, Mr Speaker, that I do not know what is going on, and I suspect that nobody else does either. Can you clarify the thing?

MS FOLLETT: If I could clarify it for Mr Kaine's benefit, Mr Speaker, the Assembly has granted me leave to move the motion circulated in my name, following the expiry of my previous motion, on the Speaker's ruling that it was out of order, following Mr Humphries's point of order.

Mr De Domenico: Then this one is out of order, too, is it not?

MS FOLLETT: No; I have leave to move this one. Try to pay attention over there. To be brief, I asked this question on 6 December last year. To date, the only explanation I have had from the Chief Minister as to her failure to answer it is that it is a rather complex question. I know that, and that is why I have given her three times the normal amount of time required to answer a question. But I have had enough. I now think it is high time the question was answered. I have experience in these matters and know how complex this question is. I have previously adhered to the Government's request that they not answer some questions on the grounds that they were too complex. I have agreed to that, so I am not being unreasonable here. I realise that the question does require all of the departments and agencies to submit a return, but the period for which the return needs to be submitted expired last November and I can think of no reason why the information I have sought is not readily available. It is merely a matter of collating that information and providing me with an answer. The Government has had three months to do that, and, since the Chief Minister sought an extension of time from me on 28 December, she has had two months to do it. I think that is an entirely reasonable amount of time.

As I said before, Mr Speaker, standing order 118A was not my doing. I did not oppose it at the time, but it was a request from the Assembly to the government of the day for questions to be answered in a timely and efficient manner. I support that requirement by the Assembly in the general case of questions asked with or without notice. In particular, with the question I have asked, No. 123, I believe that I am fully entitled to either an answer or a more convincing explanation than that it is just a bit complicated. I know that it is a bit complicated. That is why you have had three months, not one. I commend the motion to the Assembly. Let us try to keep the Government honest.

MRS CARNELL (Chief Minister) (3.51): Mr Speaker, I am very happy to give this Assembly an undertaking, as I have already done on a number of occasions, that we will answer this question as soon as we can. The reality is that our Fiscal system has fallen over and will not be repaired, due to union bans. We have union bans on answering questions, as those on the other side of this house would know. If we have union bans on answering questions on information technology that would give us the information to do it in any number of other areas within the various departments we would need to access to get this information, I suspect that this Assembly could ask me to provide it today, in two hours, or whatever, and there is probably very little chance of doing so, simply because the capacity to do it has been severely affected by the 200-plus bans that are currently in place.

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I give an undertaking that as soon as this information is available I will be happy to give it to the Assembly. I am happy to give to the Assembly any information we currently have with regard to this question and answer it in full when all of the information is available. There is nothing to hide here. It is simply an issue of 200-plus bans in place that, quite honestly, I can do little about. Possibly those opposite might like to get the bans lifted so that I can answer the question.

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

That the question be now put.

Original question put:

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

The Assembly voted -

AYES, 9

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

NOES, 6

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

Question so resolved in the affirmative.

Ms McRae: Mr Speaker, on a point of order: I would like to withdraw my comment that Mrs Carnell was misleading, which I made while the bells were ringing. I would like to restate the point, though, that she is likely to have been misled about the collation of information. I say that purely and simply on the basis that today I received an answer from Mr Stefaniak, which is a long and complicated answer about Housing Trust properties, all neatly collated. What I meant by my comment was that I think Mrs Carnell had better check back with her people because, clearly, some information is being collected.

Mr Humphries: Mr Speaker, can I point out to the house that different departments are operating on entirely different bans from others and on different computer systems. Some departments are very good at getting information to their Ministers; others are not.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, I would like to make a personal explanation pursuant to standing order 46.

MR SPEAKER: Proceed.

MR BERRY: During question time, members opposite tried to draw some parallels between my period in office as the Minister for Health and other affairs and the way the Government is dealing with, firstly, the nurses dispute and, secondly, the dispute generally. As far as the issue of rosters for nurses is concerned, it is true that there was a dispute between the then Labor Government and the nurses in relation to rosters, but it was not over a fixation with the triple-eight roster. It was quite different from that, and Mrs Carnell knows it.

Mr Moore: But it included that.

MR BERRY: And Mr Moore should be advised of it. It did go to the Industrial Relations Commission and there was a decision by the commission in relation to family responsibilities. I think that generally clarifies the issue. We were supportive of the umpire, of course, which has not been the case with this Government. It was the umpire who was supported by the Australian Labor Party, and it will ever continue to be so.

In relation to the bus drivers, Mrs Carnell tried to draw a parallel with the way I dealt with industrial relations in relation to bus drivers when she said that I had said that I did not condone the use of buses. I would not disagree that I would say that because that would be a response from a Minister, but I would never call the cops in the middle of an industrial dispute on this sort of issue.

MR SPEAKER: That is hardly explaining matters of a personal nature.

MR BERRY: So do not try to draw parallels - - -

MR SPEAKER: Order! The member has made the personal explanation.

MR BERRY: Mr Speaker, I have been given leave to speak and I can continue until I am finished.

MR SPEAKER: No, you will not - not unless you follow standing order 46, which says:

Having obtained leave from the Chair, a Member may explain matters of a personal nature ...

MR BERRY: It is. This is of a personal nature. I have been accused of adopting the same lines as this Government adopted in relation to the bus drivers.

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Mr Kaine: Mr Speaker, the member is ignoring your ruling. I submit that you should deal with him accordingly.

MR SPEAKER: He is indeed.

MR BERRY: I have not, and that ought to be made very clear.

MR SPEAKER: Order! Sit down.

MR BERRY: I have never adopted - - -

MR SPEAKER: Sit down, Mr Berry. You have explained.

MR BERRY: I have never adopted a position which is similar to this Government. I would not.

MR SPEAKER: Sit down, Mr Berry.

PAPERS

MR SPEAKER: I present, for the information of members, three reports of a trip undertaken by Mr Hird, Mr Kaine and me to Hobart from 23 to 25 February 1996.

HEROIN PILOT TASK FORCE Paper

MRS CARNELL (Chief Minister) (3.59): Mr Speaker, for the information of members, I present the report of the heroin pilot task force, and I move:

That the Assembly takes note of the paper.

I apologise to some members of this Assembly who were under the impression that we were not going to table this paper today. That certainly was the case earlier today. The reason why there was every indication that we could not table the report today is that members of the picket lines were unwilling to allow the report through. It seems, though, that somehow - I do not for a moment know how - some copies of this report managed to end up under people's jumpers and other things, I assume. Somehow they have managed to make it into the Assembly today, so the business of the Assembly can proceed.

On 11 January 1996, Mr Kevin Waller, AM, chair of the heroin pilot task force, presented me with its report. In July last year I commissioned the task force to consult widely with the ACT community. The report represents the culmination of a comprehensive community consultation process which taxed the skills and tenacity of members of the task force. I would like to thank the chair and the members of the task force for the incredible work and effort they put into the consultation and this report.

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have voiced the same view: Unless we have support from other governments and from the Federal Government, we cannot go ahead. It is very difficult for this Assembly to make a decision until we know what the situation is outside the ACT. I endorse, for the Assembly's interest, the approach I am considering.

MS FOLLETT (Leader of the Opposition) (4.06): At the outset of my comments on the report of the heroin pilot task force, I would like to commend the Government on the consultative approach it has taken on a very sensitive issue in our community. I would also like to commend and congratulate Mr Waller, AM, on the way in which he conducted that consultation and on the report he produced arising out of the consultation. It seems to me that the method of community debate and consultation that has occurred here might well be used as a model for further sensitive issues where there are clearly very divided views in the community, and equally strongly held views. I want to make it very clear that I believe that, in arriving at the report, this task has been well done.

I realise that there is still a view around, and no doubt it will be stated today, that even the consideration of a heroin trial is nothing more than pandering to a self-indulgent bunch of law-breakers. I have had that view put to me. I have also heard people question the Government's priorities in even looking at this issue. Indeed, I think there is a great deal to be said on the matter of priorities. Coming from a government that has taken quite dramatic cost-cutting measures in the health arena, including closing health centres, sacking all the salaried doctors, and so on, the priority that is given to this clinical trial of heroin does warrant some examination.

On the other hand, I have also heard the view put forward that we need to pursue the heroin trial because "prohibition does not work". I do not necessarily agree with that view either. I think prohibition, if it is strictly enforced and adequately resourced, probably would work a great deal better than it has so far. But we know that the resources of the police are finite, and we know what a difficult task it would be to monitor and police every single heroin transaction that might occur in the Territory and then deal with those offences through the correctional system. In fact, it would probably involve the entire police and correctional budget of the Territory if that matter were to be pursued 100 per cent. So whilst some people mouth the platitude that prohibition has not worked, my view is that it has not been implemented with total vigour. That is because of policing priorities and because of the finite nature of the resources that are allocated to those priorities, and I understand that perfectly. I do not disagree with those priorities.

As far as my Labor colleagues and I are concerned, throughout the debate on the heroin trial our position has been to provide cautious support for a trial. The caution involved in our support relates to whether this is truly a national trial - that is, we do not want to see the Territory going it alone in this kind of trial - and it relates also to who is going to pay for the trial. I believe that, if it is a national trial and it is surely in the national interest, that ought to be reflected in the funding for this measure. My party's position over some years now has been cautious support for this trial. Respective Labor Ministers for Health, Mr Berry and then Mr Connolly, have supported the idea at national forums - the Health Ministers Conference, the Ministerial Council on Drug Strategy, and so on. If you look at the action that has been taken over quite some years now, you will see that our party's views and actions have been pretty well consistent.

There is a very good reason for Labor's interest in the idea of a heroin trial. Our interest in this matter is based purely and simply on the harm heroin does in our community, and I think people who take the view that this is a self-indulgent bunch of law-breakers who ought to be left to their own fate completely ignore the harm heroin does. If I could run through some of the horrendous outcomes of heroin use in our community, the most obvious outcome is death - death of young people, death of people in the prime of life, death through drug overdose or through the use of extra strong drugs, which they may not have been aware of, but, nevertheless, unintended deaths. The impact of those deaths is a loss to our community in terms of economics, in terms of talent, and a loss also to those people's friends and families, which should not be discounted. I think the number of deaths we have had recently in our region and in our community is something on which we are forced to take action. It is a tragedy that ought to be prevented if it is humanly preventable.

A further very dire consequence of the illegal use of heroin is the spread of disease, most notably AIDS and the HIV virus. It is a well-known fact that using dirty needles, reusing injecting equipment, and the spread of blood between different users does cause AIDS and the spread of the HIV virus. As yet, we do not have a cure for those diseases, and the deaths from those diseases are as certain as they are horrific. Again, it is predominantly young or younger people who are involved - needless deaths, needless suffering, and, to use Mrs Carnell's bottom line analogy, a needless cost in our health budget, a substantial cost. HIV/AIDS is a very real and very undesirable consequence of heroin use.

I admit that much of the evidence is anecdotal, but we also have evidence that the use of heroin has led to an increase of crime in our community - crime against the person, crimes of violence, and crime against property. Our entire community is at greater risk because there are people in our community who choose to use this substance illegally. Our whole community is at greater risk of burglary, greater risk of mugging, greater risk of theft, and so on. So the cost in terms of crime in our community ought not to be discounted either. I might say that some years ago I met and talked for some time with a young woman, who was 23 at the time, who had lived for seven years in the ACT as a heroin addict and had financed her entire habit, which was a very severe habit, by burglary. She had never been apprehended on any count. She got away with it every time. Again, the cost in terms of loss to the community, in terms of distress, in terms of police time and so on, is a matter we ought to address.

Finally, I think the harm heroin does can also be counted in the number of lives that have been blighted by its use. Young people, intelligent people, creative and talented people, have had their lives ruined by abuse of this substance, and that is a real loss to our community. Those people's productive lives, their creative lives, their family lives, have been very much reduced by the use of heroin. That is an overall loss to our community. Far from this subject of heroin use being confined to just a few determined law-breakers, I would argue that it impacts throughout our community in a number of ways and that the way of life, the quality of life, of our whole community is reduced because of the harm this substance does. For that reason, my party has taken the view that if there is a reasonable alternative we will explore it, and we will do so with a cautious and thoughtful approach.

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The Government has now had this report before it for some weeks. It is quite disappointing to me that we do not have as yet a Government response to the report. I believe that, given the time that has elapsed, there was ample time for the Government to come up with some information for the Assembly, for the community, on how they propose to progress this matter. I am a little disappointed that we do not have that chapter and verse yet, because the fact of the matter is that it is now up to the Government to progress this matter. The consultative work has been done and the report has been prepared and presented, and very well done. There is only one way forward now, and that is for the Chief Minister to take this issue to the relevant national forums where decisions can be made about a national trial of heroin. Frankly, I am having some doubts as to whether Mrs Carnell will be able to take the matter forward with any great degree of confidence.

I ask: Why did the Government not particularly want to debate this issue today? Do they not feel confident about it? I ask also: Why have they not prepared a response to the report? Why have they not considered it as a government and said, "We adopt the report and here is how we are going to progress it."? That has not happened, and it is a matter for the Government to do. I ask also: Why has Mrs Carnell been unable to convince even her own Ministers of the merits of the trial? We have seen media reports - I presume that they are accurate - that at least two of Mrs Carnell's Ministers have grave reservations about the trial proceeding. The comments of her backbench are also on the record.

I am afraid that, in my cynical view, what we have seen from the Government so far is really no more than grandstanding on the issue, and I think that is regrettable. We need to see a great deal more than just the rhetoric. I believe that Mrs Carnell must now present to the community and to the Assembly her Government's plan of action on this matter. We need to know from the Government, first of all, whether they are going to proceed with the two-stage trial, as set out in the report; whether they are going to go a little further than the report. In fact, there is a bit of a gap in the report, in my view, in that it does not address sufficiently the question of what happens to people at the end of the trial. The Government must spell out, for instance, whether the methadone program would be expanded in order that every person on the trial would be accommodated at least on that program at the conclusion of the trial. The Government has a job to do in looking at the report and making those kinds of judgments. I also believe that we should have heard from Mrs Carnell her plans for putting this forward at the national level. When is the State Health Ministers Conference? When is the Drug Strategy Ministers Council meeting? What are the views of the Standing Committee of Attorneys-General and the Police Ministers Council? They will all need to be involved in this. What is the Government's plan of attack? Before we can accept that Mrs Carnell is doing anything more than grandstanding, I think we have a right to see that plan of attack.

To conclude, I again commend the report and the process that led to its production. I believe that there is good reason for proceeding with the trial cautiously and as a national issue, but I am not yet convinced that Mrs Carnell has the fortitude, the courage, to take her Government forward on the matter and to put her Government's view forcefully and with confidence at the national forums where I believe the matter can and must be addressed, if it is to proceed as the kind of trial that was set out by Dr Bammer and now by Mr Waller.

MR HUMPHRIES (Attorney-General) (4.19): Mr Speaker, I think that what the speech by the Leader of the Opposition has just demonstrated is that, if some votes beckon in the sight of the Labor Party, they will chase those at the expense of principle.

Mr Berry: Answer me, Gary. Has the Government endorsed it? What is the Government's position?

MR HUMPHRIES: If you are patient, Mr Berry, you will hear about that in just a moment.

Mr Berry: I did not hear it from the earlier one. I heard what Mrs Carnell's position was.

MR HUMPHRIES: Just be patient and you will hear a bit about that. Mr Speaker, I am extremely disappointed by the comments made by Rosemary Follett in this place. You do not need to be a genius to realise that this is an issue of enormous sensitivity on which there will have to be not only a continuing very great debate within the ACT but also a very considerable debate at the national level. This issue will not proceed, it will not advance in any rational way for that debate to take place, much less for there ever to be a heroin trial, if parties at the core of that debate attempt to make it a party political issue and attempt to score points on it.

Mr Berry: You set the standard.

MR HUMPHRIES: On this issue no, we have not. We have tried to make this as neutral an issue as possible. Faced with the fact that there has been a decision so far to put this issue to a very comprehensive public consultation process, on which we have just been complimented by Ms Follett, and given the enormous community concern in some quarters about this trial, that represents an extremely ambitious task on the part of the Chief Minister and Minister for Health, for which she receives no credit whatsoever from those opposite. These hypocrites opposite say that they would like to see a trial take place, that they would like to advance this issue, but in fact they are prepared to put the boot into what would have to be a partnership arrangement in making this happen at the earliest opportunity.

Mr Berry interjected before and asked what the Government's position on this proposal is. The answer is very simple. The Government at this point does not have a position on the heroin trial.

Mr Berry: Thank you. Ha, ha!

MR HUMPHRIES: Mr Berry thinks that is very amusing and very funny. I might point out that his Opposition Labor Party did not have a position on, for example, the euthanasia legislation that was considered by the Assembly last year. There was no position. You had different members voting in different ways. This Government voted unanimously on that particular issue, but did we say, "The Labor Opposition cannot determine a policy."? No, we did not. We were more mature than that. Mr Berry obviously cannot bring himself and his party to exhibit the same maturity.

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Our party is a broad church. It represents many points of view, and members of the party hold different views about this issue. I see that as a point of strength in the Liberal Party rather than as a point of weakness. I think the party draws strength from the fact that there are different views within it on this very critical issue. With every remark made by Mr Berry - and, I was going to say, his colleagues opposite, but he has been abandoned pretty substantially by those opposite - with every remark made on this subject by him sticking the boot into this issue, he proves that this Labor Party opposite is prepared to sacrifice principle when it comes to trying to win a few votes.

Mr Berry: Ha, ha! You set the standard on this.

MR HUMPHRIES: Mr Berry laughs. On this issue, Mr Speaker, we have - - -

Mr Berry: You set the standard right across the board - scurrilous.

MR HUMPHRIES: I see, “across the board” - not on this issue, “across the board”. Apparently, baiting the Labor Party across the board allows them to destroy the bipartisanship that might have been possible on this issue. Clearly, that is the name of the game. It is revenge time. Get the Liberals when there is a division or weakness. Try to drive a wedge between them. Bigger the heroin trial. Do not worry about the people Ms Follett just spoke of, the people in this community whose lives are affected irrevocably by their addiction to heroin. Forget those people. They are victims in this process who can be easily dispensed with by Mr Berry and his colleagues. They do not matter. They are dross who can be thrown to one side in this debate. You should be ashamed of yourself, Mr Berry - a former Minister for Health prepared to use this issue for that kind of purpose.

There was the opportunity for us today to have a sensible, rational debate about this. Ms Follett claimed in this place that she did not know why the debate was not supposed to happen today. She knows perfectly well why it was not supposed to happen; Mr Berry knows too. These hyenas opposite, who are prepared to make an issue - - -

Mr Berry: You explain.

MR HUMPHRIES: Now he jumps up and gets all upset. These people opposite, these hypocrites opposite, are prepared to put their hands on their hearts and say, “We are concerned about the people in this community affected by heroin addiction. We're concerned about those in the community whose homes have been robbed, whose lives have been affected by armed robberies, who have otherwise been hurt and damaged by the problems of heroin and other addictive drugs in our community”. They are prepared to say all that, but they are not prepared to advance the issue towards doing something about it in a constructive bipartisan way. Shame on Mr Berry and his colleagues for that!

I would have thought that what has happened on the part of the Government with respect to the heroin trial and the proposals for it has been the very antithesis of grandstanding. Grandstanding is taking an issue on which we all know you win some votes, and beating your chest and saying, “I am in favour of this issue”. In my book, that is grandstanding.

This is not what the Liberal Government in this place has done; quite the opposite. We have advanced an issue - an issue which causes members of the Liberal Party, members of the community, enormous concern - into the open for a full public debate. We have had the most extensive period of consultation on this heroin trial proposal that we have seen for any issue since self-government was inaugurated; we have had the most comprehensive and careful process of community consultation on that issue. That has not won this Government very many points in many quarters. It is an issue on which, overall, the Government stands to lose much more than it stands to gain, and it is a great pity that, when the chips are down, the people who matter in trying to make that a worthwhile exercise from the point of view of our whole community are not prepared to stand by us when we do that.

MS TUCKER (4.26): Mr Speaker, drug addiction is as much a health matter as a criminal matter or a moral issue, and I think it has to be stressed that that is the case. A lot of the discussion around this issue seems to be based on some simplistic moral view, which is obviously not particularly useful in finding a resolution. Drug addiction is also a symptom of a society that is in trouble, and I think we all have to take responsibility for this. People in governments or parliaments can take responsibility by looking at the whole-of-government approach to people who are in trouble.

This morning I talked about education and how it is coming out quite clearly in any research material on the issue that early intervention is far more successful than dealing with the crisis at the end. When we are talking about drug addiction, that is very relevant. We were talking this morning about education, for example, where it is quite clear, even in preschools, that particular children are very troubled. The research shows that they are the same children who in high school are causing the larger problems that older children cause. You can follow that through even with children who are isolated in schools, who are friendless. In Adelaide recently with the Social Policy Committee I was interested and saddened to hear that as many as 10 per cent of children are friendless at school. That has a very long-term impact on self-esteem, which is a big part of why people will become drug addicts or take on other self-destructive habits. They have such trouble coping with life. It is interesting to note that children who are victims of abuse, sexual or physical abuse, will be much more likely to have a drug addiction habit or be homeless or have a behavioural problem.

Once again, what we are seeing in this town is waiting lists for these fundamental services for young people. I would stress to the Government that this is fine, this is a useful initiative and we support it, of course, and welcome the report; but you cannot isolate that from the causes. If as a community we are going to take responsibility, we as law-makers or leaders need to show a depth of understanding of these issues and attempt to address them through the work we do here.

The underlying premise for the trial comes from the well-established fact that there is no current treatment that is successful in helping people to become drug-free before they are ready, but this trial may add a new treatment option that may help people to lead a healthier and more stable life, free of crime and illicit drug use. The trial is to assess the efficacy of injectable heroin as an addition to current oral methadone treatment. It is not about handing out free heroin to all and sundry; it is about trialling an option to provide injectable heroin in a controlled manner to see whether it is a viable alternative to the

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undesirable present state of affairs. From my understanding of the purpose of the trial and the report from the heroin pilot task force, it is very clear that the conditions surrounding the conduct of the trial will be rigorously controlled and very specific in nature. The trial itself will not take place unless the two pilot stages have been deemed successful and each stage given the go-ahead by the Assembly. Members should also note that the task force report emphasised that the trial's outcome is consistent with the policy of harm minimisation that underpins both the national drug strategy and the ACT drug strategy.

There are, however, a few issues that were not within the task force's brief that still need to be worked on, such as the holistic approach, which I have already talked about, and also the duty of care for those participating. Ms Follett mentioned that she had some slight concerns about that, but I note that there is a bioethics committee working with the steering committee, or whatever it is going to be. I think that is a normal process in any kind of trial, but I will be watching with interest how that is carried out. There are also cost and funding implications, as well as safety and security implications, and ongoing community education is an issue. As the report has indicated, these matters would be taken further by the steering committee that would oversee the pilots and trials.

There are major concerns within the community that more still needs to be done, especially in regard to setting the trial into the context of a longer-term strategy, and I have already talked about that, but also in terms of dealing with people who have got to the unfortunate position where they have a serious drug addiction that is controlling their lives. The community seems to have a sense that this sort of project or experiment or trial needs to be set in a broader context, a broader strategy, for helping these people. We urge members to consider seriously the need to support measures that would integrate more fully maintenance and rehabilitation options as key elements for all drug and alcohol programs offered within the ACT. Increased funding of such programs would also need to reflect this renewed commitment towards the goal of achieving long-term wellbeing of individual drug users and, therefore, the broader community.

The high human cost of heroin use is counted not only by the users but also by their families and the wider community. The costs are well documented, and I will not go into them, but they include lost lives and opportunities and widespread drug-related crime. It is about time we started looking at this issue in a more in-depth way and were prepared to act courageously, which I believe this Government has done in instigating this trial. The Greens would like to offer sincere thanks to the members of the task force for their commitment and objectivity. I also congratulate the Government on the consultation processes that were used. I agree with other members that they were a very good model.

MR MOORE (4.33): It is with pleasure that I rise to speak to this issue today. Members will be aware that this is not the first time I have risen to speak on this and similar issues. In fact, in August 1991, I was chair of the Select Committee on HIV, Illegal Drugs and Prostitution, which brought down a second interim report, "A Feasibility Study on the Controlled Availability of Opioids". In the preface to that report I stated:

The Assembly Select Committee had the benefit of following a series of parliamentary and judicial reports from the early 1970s. These included Marriott (1971), Baume (1977), Sackville (1979), Williams (1979), Rankin and Kerr (1981) and Cleeland (1989). All deplored the lack of hard data upon which to base policy decisions.

Indeed, a similar comment was made by Fitzgerald. It will be very surprising if we do not get a similar comment from Commissioner Wood. In fact, Commissioner Wood has already come out and said that we need to look at alternatives to our drug policy and to look for lateral solutions - I think that was the term he used.

There are no other lateral solutions to the drug problem on offer. In the early 1950s, heroin was available in linctus form. The member for Eden-Monaro, Mr Jim Snow, as a pharmacist, tells the story of filling prescriptions for linctus heroin for people who were addicted to heroin. So it is only for a relatively short time that heroin has been prohibited in Australia, and throughout that period we have seen a massive escalation of the amount of heroin that is used. I do not know that it is rational to put that all down to prohibition; other factors come into it. However, we should keep in mind that prohibition does force a pyramid sale system and, as such, in the same way as we see networks of kitchen goods and so forth expanding their access to the market, we would expect that under prohibition we would also see a network system.

I do note that the Leader of the Opposition queried whether prohibition might work with more vigour. The Williams royal commission in 1979 suggested that that was the best approach, and that was the approach that was adopted by governments throughout Australia. Williams also suggested that better coordination between our police forces as well as our Federal police and international police forces would assist. All that was done, more money was added, and the problem grew further and further. It has been done, and the question remains: Should we seek to do more of the same? Should we put more money into prohibition in the hope that that may improve the situation? It seems to me that that is effectively the only alternative.

There are, of course, situations where prohibition has been quite successful. We should keep in mind that prohibition has been successful where we have been able to make available to people an alternative that is acceptable to them. For example, the barbiturates were prohibited at a time when benzodiazepines were available and provided a sensible alternative that was acceptable to people. What we have not found is alternatives for this particular substance, heroin, that are acceptable to heroin users. The strongest argument that needs to be dealt with on the possibility of prohibition working in terms of vigour is that we have the most restrictive of all circumstances in our gaols. Those of us who have visited one, two or three gaols, as I have, have seen the barbed wire, the walls, the guards with guns, the full range of deprivation of civil liberties in a gaol, in a society we would never want here. Even under those circumstances, we know that prohibition does not work, that there is bribery, that there is corruption, and that drugs are used.

The Fitzgerald commission of inquiry and the Wood royal commission indicate to us that prohibition causes corruption and a series of other problems. Ms Follett enumerated those other problems very effectively, and it is those problems we are attempting to deal with. There is no reason why this sort of process should not go hand in hand with the possibility of an effective education program for the community. But wherever we establish education programs, and that is an issue raised by the task force, we should realise that the education program for young people needs to be one that goes through their peer groups and uses their sorts of communication systems, such as the modern music you might find on Triple J, because exactly the opposite happens. The other day, as part of the preparation for a conference I will be attending, I asked my son to find for me five top songs from Triple J that refer to drugs. He said, "That's easy", and he had a few lines out of each prepared for me in less than half an hour. In each case, the group was celebrating the fact that they were using one of the illicit drugs. So, before we start on a program of education, we have to think about how these issues are promoted and deal with it in the most effective way, which is through the peer groups, knowing, as we do, that the peer groups work through a pyramid sale scheme in order to reach those young people.

There is a great deal of harm caused in the community by the use of illicit drugs, but there is also a great deal of harm in the community about the fear of alternative policies. I think it is that fear of alternative policies that makes us all particularly cautious. On this issue I have probably been less cautious than almost any other member of parliament in Australia over the last six or seven years. Even so, I believe that I have dealt cautiously with it as I have sought to find alternatives that will take a more rational, more tolerant, non-judgmental, humanitarian, understanding approach to people who currently use illicit drugs, rather than the approach that is often taken in our community. What we have to deal with is the community fear of the alternative. It seems that over the last 50 years we have forgotten what happened when we did not have prohibition of heroin, and that is an issue the task force took into account. It is interesting that in the task force's conclusions they state:

On balance, the Task Force believes the potential benefits of the trial outweigh the potential hazards, and the trial should go ahead.

I think that is the real crunch for us all. We all are conscious of some concerns associated with running such a trial. We all are conscious that the very day an individual is provided with legal pharmaceutical heroin the whole discourse on the issue of heroin goes through a change. We go through a transition, if you like, in the debate. We are conscious of that, Mr Speaker.

We are conscious, as indeed the task force said, of the concerns about sending mixed messages to our children, and nobody is more concerned than those of us who have young children, children going into high school, who are exposed to mixed messages. I must say that when I send messages to my children I want them to have no misunderstandings, no mixed messages. I want them to understand that, although I personally disapprove of this type of activity, I do not think the way to deal with it is in a punitive way. It is a health issue that should be dealt with as a health issue. I think that is the sort of balance we have coming out of this very careful report by the task force.

It is interesting that 29 out of the 30 members of the task force have come to this way of thinking, having gone through a huge number of arguments presented to them by the community.

In conclusion, let me say that this research project is an academic exercise. It is an exercise about looking into areas where we do not have knowledge, and that is fraught with difficulty. (*Extension of time granted*) It is incumbent upon us to accept that this is a scientific trial. We are talking about allowing our scientists to examine a new field of knowledge. That is what academics should be about. That is what we need to recognise this trial for, and that is why it is that we should give the encouragement and the room for Dr Bammer and her team at the Australian Institute of Criminology and the National Centre for Epidemiology and Population Health to proceed with this trial on a national basis, as Ms Follett said, with support from our Federal colleagues and State colleagues through the Ministerial Council on Drug Strategy.

MR BERRY (4.45): As the Leader of the Opposition said, this matter was first raised by Labor with the Ministerial Council on Drug Strategy. It has always been discussed between Health Ministers. At the outset of the discussion it was very clear to me, at least, that we were a long way off convincing Ministers from all around the country. As time passes people will become more receptive to the idea; but I rather suspect that, before the first prescription of heroin is made out, many of us will be long gone from this place. That does not mean that you should stop, because I think this is a job that will take some time.

I have always been of the view that it was not something that the ACT was able to carry by itself, either financially or in the spotlight for the rest of the country - indeed, the rest of the world - to focus on. I take the view that this infant self-government will take some time to earn the respect of other places on a whole range of issues; but, if it comes to this particular one, it will be even more difficult for us to do so.

Mr Humphries was critical, across the floor, about where Labor stood in relation to this issue and was trumpeting his desire for bipartisanship. When it comes to setting standards of bipartisanship, who set the standard across the board? We set the standard on this issue because we were the first to take it to the Ministerial Council on Drug Strategy. We still expect that that process has a long way to run. It will have its hurdles, because from time to time throughout the country governments will change and the philosophies of governments will change.

One of the great problems that I have with the Liberals pursuing this issue at a national level is that here they are not united on the issue. It is all right for Mr Humphries to say that the Liberal Party profits from their divided interests on this issue. Nobody would accept that. If you are not able to push a particular issue with a united team behind you, it becomes much harder. It is very clear that the Liberals are not united on this; in fact, they are clearly divided on it. That will be a problem for Mrs Carnell when it comes to negotiating this issue at a Federal level. "How strong is the ACT Government on this issue?", I think Ministers from other places will say. Of course, they have a right to say that, because they are the ones that are going to be asked to make a moral and financial investment in progressing this issue.

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Let us not forget that we do not have a blemish-free record on the way that we have handled other drug-related matters.

Mr Humphries: Who is “we”?

MR BERRY: This Assembly. Take the “grow it down the backyard; treat yourself to marijuana” experiment. The whole world was laughing at us on that score. Mrs Carnell, who was one of the advocates of that particular proposal, is now the one that is pushing this line: “We are going to press for these changes at a Federal level”. She has a job in front of her, I would expect.

I think the people of the ACT would be duly concerned about some of the priorities of this Government. When you look at the preparatory phase, we are talking about \$821,000-plus being spent. In the second pilot, \$1.5m is to be spent. Regrettably, this all comes at a time when Mrs Carnell is getting stuck into the public sector in the ACT. The community would be starting to worry about her priorities - and not surprisingly, I would think. Overwhelmingly, the community would be concerned about the basic services which ought to be provided. I think the planning has left something to be desired.

Labor's position is, as has been said, one of cautious support for the issue. You will have gathered, from the speeches which we have made thus far, that we do not have much confidence in the ability of the Chief Minister to deal with the issue. We hope that she can win back our trust; but I think she has a long way to go, given her performance thus far.

I would like to refer to a few things that Mr Moore said. Mr Moore has long said that prohibition does not work. I have to say that chanting the mantra does not change the truth. In many ways, prohibition is an important part of our social structure.

Mr Moore: I gave one example of where it does work and what the parameters have to be.

MR BERRY: Yes. In fact, prohibition does not work for people dependent on heroin, that is true; but for the overwhelming majority of society it does work. From my point of view, those sorts of claims about prohibition do not really help the debate.

Mr Humphries: That is like saying, “For all those who do not smoke, anti-smoking campaigns are completely successful”. It does not make any sense.

MR BERRY: Prohibition never stopped everybody smoking, but it stopped most of them.

Mr Moore: No, it did not. We have not had prohibition of smoking. If we had prohibition of smoking, you would see an increase in use.

Ms McRae: It works 100 per cent in buildings.

MR BERRY: The prohibition in public buildings works. There is a long list of prohibitions that work. Let us not waste time in the debate. Prohibition is part of our society, and we live with it. I do not think it is very helpful to go on in this debate about prohibition not working. It is a social and health issue, and it is one that the community is going to have to come to grips with; but it is not an issue that we can decide if we are so progressive here in the ACT that we proceed with it on our own. I think that would spell the end of it. The job, I think, is a long and hard one. I think it will be around for a long time. Again, changes in philosophy of various governments around the country will affect its development as well. At this point at least, the people of the ACT would not be satisfied with the priorities that have been set by Mrs Carnell in relation to the expenditure of money here.

I heard other comment about how we need to provide services at other levels at the same time as we are dealing with this issue. That is true; but I think, in the national sense, the job of changing the way that we deal with people who are dependent on heroin is a much harder one than dealing with some of those other basic service issues here in the ACT. I think that is where we come back to that issue that I raised earlier; that is, the questions that would be in the minds of people in the community about the priorities of the Liberal Government opposite.

At the same time, I would have to say that if this report were in the hands of a Labor government we would be moving to argue the case at a national level. We would be principally involved, in the first place, in using this particular report as an education document for the rest of Australia. I think there is going to have to be a lot more debate on the issue before we get to the point where we have a trial in the ACT. I note that other people have said that it has to have the support of other States. I suppose that time will tell how much is required before anything is done in relation to this issue, but it is something that has to be handled with a great deal of delicacy. I do not think all of the people of the ACT are convinced that we should go down this path yet. It is going to be a while before we are able to convince people on a national front.

MR WOOD (4.55): Mr Humphries has a remarkable approach to this debate. Although the report was ordered by his Chief Minister and tabled by her, Mr Humphries has rebuked the Opposition for wanting to debate it. In fact, the debate, other than his contribution, has been entirely reasonable. The Opposition is giving qualified and cautious support to this trial. Let me emphasise the point that it is a trial. It is not the implementation of a continuing policy. It is proposed to be highly directed, limited and specific. We will again consider our approach after the completion of the trial.

There are a number of matters regarding the trial that need further consideration. In particular, it must focus on rehabilitation, not simply the reinforcement of the use of heroin. It must also pay attention to the interests of users at the end of the trial, if it is unsuccessful. The Opposition's support of the trial is dependent on it being a national trial, with appropriate financial support. Canberra, as an island within New South Wales, may not be the best location for such a trial. If agreement were to be reached to proceed to a further stage, that might better be done in a larger population centre.

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With this trial, there is another trial that I would like to see undertaken; that is, prohibition. The trial that we are debating is based on the notion that the current system has failed. Proceedings before the police royal commission in New South Wales demonstrate that prohibition has never been seriously enforced. I would like to be in a position also to judge the efficacy of a prohibition policy, effectively enforced. Finally, I would make it absolutely clear that support for this trial, if it eventuates, is not support for heroin. It is support for people; it is support for effective control.

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

SUBORDINATE LEGISLATION Paper

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present Determination No. 15 of 1996, made under the Bookmakers Act 1985 and gazetted in *Gazette* S30 of 22 February 1996.

LAND (PLANNING AND ENVIRONMENT) ACT - LAND ADMINISTRATION REPORT Papers and Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I present a land administration report, which includes the schedule of leases granted in the quarter ended 31 December 1995, pursuant to the Land (Planning and Environment) Act 1991. The report also includes lease variations made in the period 1 October 1995 to 31 December 1995, and betterment payments from July 1995 to December 1995. I ask for leave to make a brief statement in relation to the report.

Leave granted.

MR HUMPHRIES: I thank members. The Land (Planning and Environment) Act 1991 requires to be tabled in the Assembly a schedule of leases that were issued by direct grant during the quarter. The schedule that I tabled covers leases granted for the period 1 October 1995 to 31 December 1995. I also tabled a list of lease variations for the same period. Members may also recall that, on numerous occasions, there have been calls for information on the amount of betterment paid for lease variations to be made publicly available.

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.

**LAND (PLANNING AND ENVIRONMENT) ACT -
LAND ADMINISTRATION REPORT
Papers and Ministerial Statement**

Debate resumed.

MR HUMPHRIES: I have tabled a schedule which indicates the betterment payments from July to December 1995. I will continue to table this information on a quarterly basis.

Mr Wood: That has been done before; that is not a new proposal.

MR HUMPHRIES: Yes, it is. It is the first time that it has been done. This is the first time that betterment payments have been tabled in the Assembly on a regular basis.

Mr Wood: I will bring something and show you.

MR HUMPHRIES: Well, that is my advice. I was asked by, I think, Mr Moore on an earlier occasion to make that available. I think the Planning and Environment Committee asked for it as well. It had not been provided regularly before, and I am doing so now for the first time. I will continue to make it available, on a quarterly basis, as part of the - - -

Ms McRae: So what is new?

MR HUMPHRIES: This tabling is new, Ms McRae. It has not been done before; it is new.

Ms McRae: You had better check it out.

MR HUMPHRIES: You had better check it out, too. Go back to your colouring-in, Ms McRae. A record of all new leases and applications to vary crown leases is available for public inspection at my department's shopfront at the John Overall Offices.

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**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MR OSBORNE: I present Report No. 1 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Report No. 1 of 1996 contains the committee's comments on one Bill, 26 pieces of subordinate legislation and two Government responses. I commend the report to the Assembly.

ADJOURNMENT

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

That the Assembly do now adjourn.

Natural Law Party

MR OSBORNE (5.01): Mr Speaker, I would like to make a brief statement. I believe that I have found the solution to a number of our problems in this place. I will read a short piece from the Natural Law Party's policy. It might assist in relation to some conflicts that are going on in this place. In relation to defence, they say:

Natural Law Party government will create an invincible armour of positivity for the nation by establishing a Prevention Wing of the military - a group of Yogic Flyers - whose daily drills will neutralise all negative tendencies coming from both inside and outside the country and radiate peace and harmony to the world, nourishing everyone and transforming any enemy into a friend.

I suggest that Mr Berry and Mrs Carnell perhaps get into a room and try some yogic flying.

Nurses' Rosters

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.03): Mr Speaker, earlier today Mr Berry made some comments - I will show that yogic flying has not worked yet - about the 1993 case that he was involved in with regard to nurses' rosters. I would like to quote from the conclusion of the Industrial Relations Commission recommendations by Mr Larkin from last week. In the conclusion he starts off by saying:

Having thoroughly pursued the matters before Commissioners Smith and Foggo I take the view that the issue before this Commission is substantially the same as the issue addressed in 1993, that is, the introduction of a change of rosters.

It seems to me that it shows quite categorically that the commissioner believed that it was the same thing; it is just Mr Berry who has a different point of view. It is also interesting that Mr Berry went on in that particular statement to say that he would always pay attention to the umpire and that the umpire was the way that you should go. I quote from the *Canberra Times* of February 1985:

The ACT Secretary of the Federal Firefighters Union, Mr Wayne Berry, declined to give a commitment yesterday that he would abide by the decision of the Conciliation and Arbitration Commission on the union's dispute with the ACT Fire Commissioner.

I do not know whether or not Mr Berry's approach to the umpire has changed.

Nurses' Rosters : Business of the Assembly

MR BERRY (5.04): Mr Speaker, I often rebelled when I was at school, too; but it never amounted to much in this Assembly. Mrs Carnell tried to twist the events. The fact of the matter is that it was a dispute about rosters. As I said earlier in my personal explanation, it was not in relation to a fixation on a triple-eight roster. That is what Mrs Carnell has had throughout the debate. Mrs Carnell, if you would like to deal with the entire issue in relation to the dispute to which you refer, it might take a much longer period of time than we have available to us in this Assembly.

Mr Humphries: I think you were caught out, Wayne.

MR BERRY: He thinks I was caught out. Relating what I have done in this place to what happened 10 years ago is stretching it a bit.

There is one other matter that I would like to talk about. Mr Humphries, in moving that the Assembly do now adjourn, should also remember that the Government does not seem very keen to get on with its agenda. Orders of the day Nos 5 and 6 have been the subject of discussion between Mr De Domenico and me. I understood that he was not going to proceed with them. The Opposition stands ready to deal with orders of the day Nos 7 and 8, if you so wish.

Death of Mr Fred McCauley

MR HIRD (5.06): I would like to draw to the notice of the parliament the sad death late last year of one of the Territory's pioneers, Mr Fred McCauley, aged 90. I do that because some members of this place may not be aware that Fred was one of the founding fathers of local government in the ACT. He was a member of the Territory's first Legislative Assembly for four years, from 1974 to 1978. He served in that Assembly with me and two other present members; namely, you, Mr Speaker, and Mr Kaine. Before that he sat on the Advisory Council for four years. Both of these organisations were the forerunners to, and their members did most of the groundwork in the acquisition of, the self-government which the Territory has today.

Fred was also a pioneer in the building industry and a unionist. Mr McCauley was a tradesman. He started his trade - his chosen profession of bricklaying - at the age of 16. Fred was born in Queanbeyan and spent all his life in this area. He was very dedicated to the Territory and to the region. He filled most roles in the ACT building industry, particularly in the early 1950s. He was the first full-time industrial secretary of the Building Workers Industrial Union and was president of the ACT Trades and Labour Council for 10 years.

Fred worked on many of Canberra's early buildings and was behind the building of one of Canberra's first licensed clubs, the Tradesmen's Union Club in Dickson. As a matter of fact, Mr Speaker, as you probably recall, Fred raised single-handedly the funds to build that club. It was built in 1964. He was a member of the first board, staying on that board for 20 years. Fred was also a member of the National Capital Development Commission's Planning Committee, the Apprenticeship Week Committee for 18 years, and the ACT Apprenticeship Board for 26 years. I would ask that this place recognise the contribution that the late Fred McCauley made to the development of this great city, the region and what Canberra is today.

Answers to Questions on Notice

MRS CARNELL (Chief Minister) (5.08): Mr Speaker, I present the answer that the Assembly wanted me to provide. I certainly apologise to the Assembly for any inconvenience, but I have absolutely no control over the present industrial action.

Business of the Assembly

MR HUMPHRIES (Attorney-General) (5.09), in reply: Mr Speaker, I want to make reference to the reason why we are adjourning at this point in the proceedings. It is true that the Government wants to have matters Nos 5 to 8 of Executive business orders of the day to debate tomorrow. The reason is that the matters that were listed on the draft program for tomorrow were matters that are, I think, almost exclusively the responsibility of Mr Stefaniak, who may not be present tomorrow, for reasons which we all understand. Therefore, the Government has quite deliberately wanted to put that business over for tomorrow's debate. Mr Berry was on his feet when I discussed it with other members. I am sorry that I did not tell him about it beforehand.

Question resolved in the affirmative.

Assembly adjourned at 5.10 pm