



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

19 JUNE 1996

**Wednesday, 19 June 1996**

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The Assembly met at 10.30 am.

*(Quorum formed)*

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

### PETITION

**The Clerk:** The following petition has been lodged for presentation:

By **Mr Hird**, from 29 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

### National Soccer Centre

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the undersigned residents living in the Belconnen community totally support the proposed development and provision of much needed community sporting facilities by the Belconnen Soccer Club at the intersection of Owen Dixon and William Slim Drives in McKellar.

Your petitioners therefore request the Assembly to approve the above lease and development application as soon as possible.

Petition received.

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**MOTION OF CENSURE**  
**Suspension of Standing Orders**

**MR BERRY:** Mr Speaker, I seek leave to move that so much of the standing orders be suspended as would prevent Mrs Carnell from moving her threatened censure motion.

**MR SPEAKER:** Is leave granted? You will have to move a motion to do it, though.

**Mr De Domenico:** You can stand up and censure yourself, if you like.

**MR BERRY:** Do I have leave?

**Mr De Domenico:** Yes, to censure yourself.

**Mr Moore:** Yes, you have leave to move to allow Mrs Carnell to put her censure motion. That is what you asked for leave for.

**MR BERRY:** I asked for leave. Are standing orders suspended?

**Mr De Domenico:** For what?

**MR SPEAKER:** Order!

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care): Mr Speaker, I might be able to help. A couple of the crossbenchers asked for a briefing on this issue.

**Ms Follett:** So did we.

**MRS CARNELL:** Have you got it yet?

**Ms Follett:** No.

**MRS CARNELL:** The briefings are available. I think it is appropriate that those members who want briefings be allowed to have those briefings. Certainly, the Government has given no indication whatsoever that a censure motion was definitely on or definitely off, as the case may be. I think it would be very inappropriate for any motion to go ahead without people being properly briefed. We are very happy to make those briefings available.

**MR WHITECROSS** (Leader of the Opposition): Mrs Carnell has been making hay at a rate of knots on this in the media. She briefed all the media that she was going to move a censure motion this morning. She has been organising front-page stories slandering Mr Berry, and then she says, "But, out of respect to the Assembly, I am not going to put up my case; I am not going to come into the Assembly and justify my allegations against Mr Berry because I have not had a chance to brief anybody yet". Mrs Carnell should have thought of that before she started making these allegations. Mr Berry asked for a briefing yesterday. We are still waiting. If Mrs Carnell thought that this was such a serious matter

and that it was serious enough to be briefing the media that she would be moving a censure motion today, she should have got her department organised to brief everybody. She had Dr Hughes on the radio this morning telling his version of the story. Yet Mrs Carnell does not have the leadership to get her department to actually brief members of the Assembly. It is a disgrace, and Mrs Carnell should not be abusing the processes of the house in this way.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care): Mr Speaker, I gave no indication on any media outlet that we were going to move a censure motion this morning.

**Ms McRae:** On a point of order, Mr Speaker: Why is Mrs Carnell speaking to this motion again?

**MR SPEAKER:** It is a good question. Everybody seems to have got into the act at the moment.

**Ms McRae:** Thank you, Mr Speaker. Let us sort this out.

**Mrs Carnell:** I seek leave to speak, to answer the questions.

**Ms McRae:** No, you cannot. The Speaker has been asked to rule on a point of order. I would like to hear Mr Speaker's ruling.

**MR SPEAKER:** I take your point of order.

**Mr Kaine:** Mr Speaker, I seek leave to speak on this matter.

**Mr Berry:** Mr Speaker, I am the person who sought and, as I understood it, was granted leave to move that standing orders be suspended in order that Mrs Carnell could move her censure motion. My understanding was that standing orders had been suspended.

**MR SPEAKER:** No, they have not, because I have not put the question yet. We are still debating it.

**Mr Berry:** I have not moved the motion yet.

**Mr Kaine:** I seek leave, Mr Speaker, to speak on this matter.

**MR SPEAKER:** Mr Kaine is now following the correct procedure by seeking leave to speak on the matter.

**Mr Kaine:** On the assumption that if Mr - - -

**Mr Berry:** Mr Speaker, on a point of order - - -

**MR SPEAKER:** Order!

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**Mr Kaine:** On the assumption that, since you have recognised me, Mr Berry might sit down and let me do what I sought to do.

**Mr Berry:** There is a serious point of order at large here, Mr Speaker. Leave was granted, Mr Speaker - - -

**MR SPEAKER:** You have sought leave - - -

**Mr Berry:** And it was granted.

**MR SPEAKER:** You have sought leave to move a motion to suspend standing orders.

**Mr Berry:** No, I did not, Mr Speaker.

**MR SPEAKER:** I have not put that question yet.

**Mr Berry:** No, sir, I did not. I sought leave to suspend so much of standing orders as would prevent Mrs Carnell from moving her motion of censure.

**MR SPEAKER:** All right.

**Mr Kaine:** I make the point, Mr Speaker, that several people have already spoken on that matter, and I sought leave to do the same.

**Mr Berry:** Does she want to move the motion or does she not? That is the point. Put up or shut up.

**Mr Humphries:** We will put up and we will do it this afternoon.

**Mr Berry:** Well, put up now. Do it now.

**Mr Humphries:** Why now?

**Mr Whitecross:** Off you go.

**Mrs Carnell:** If that is what you want or if the Assembly as a whole wants that, I am very happy to have a vote on it.

**Mr Berry:** No; it is up to you.

**Mrs Carnell:** If the Assembly as a whole wants to run a censure motion without being briefed. People had asked to be briefed. We were happy to oblige.

**MR SPEAKER:** Order! I am advised by the Clerk that seeking leave is one thing. Mr Berry has to have that approval. However, Mr Berry will then be required to move a motion.

**Mr Berry:** Mr Speaker, I therefore move - - -

**Mr Kaine:** Mr Speaker, I sought leave to speak to - - -

**MR SPEAKER:** Order! However, Mr Kaine has been given leave to speak on this matter.

**Mr Wood:** He does not have it yet.

**Mr Kaine:** Thank you, Mr Speaker.

**Ms Follett:** On a point of order, Mr Speaker: You are quite right in saying that Mr Kaine sought leave to speak. He has not been granted it.

**MR SPEAKER:** No. I am sorry; I have granted him leave to speak on the matter.

**Ms Follett:** Under what standing order?

**MR SPEAKER:** He sought leave, and I granted it.

**Ms McRae:** But you cannot, Mr Speaker.

**MR SPEAKER:** Three or four people have already spoken.

**Ms McRae:** On a point of order, Mr Speaker: It is up to the Assembly to grant Mr Kaine leave. It is not under standing order 46.

**Mr Kaine:** Mr Speaker, do I have the floor or do I not?

**Mr Whitecross:** No, you do not.

**Mr Wood:** No, you do not. Sit down.

**MR SPEAKER:** In that case, three or four people are already out of order on this matter and have already spoken. I would suggest that, if the Assembly wishes to continue in a sensible fashion, they will give Mr Kaine the same leave as they gave other members.

**Mr Berry:** No.

**Mr Whitecross:** We will move the motion and then everyone will be in order.

**MR SPEAKER:** All right.

**MR BERRY (10.38):** Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mrs Carnell from moving her censure motion if she so wishes.

**Mr Humphries:** I am going to move the censure motion, not Mrs Carnell.

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**Mr Moore:** Mr Kaine, if you want to speak to it, speak now.

**MR SPEAKER:** Mr Kaine, you are now addressing the motion.

**MR KAINÉ (10.39):** Mr Speaker, the Leader of the Opposition was quick to jump to his feet a little while ago and say that this was disgusting, or words to that effect. The only thing that disgusts me is the attempt by members of the Opposition to usurp the control of this house and, in particular, to do away with private members business this morning. I point out that the motion was not to allow this to take precedence over private members business; it was to suspend standing orders. I assume that Ms Tucker, for example, would like to get on with debating the Bill that she wishes to present to the house. It is the decision of the Chief Minister whether she will or will not move a censure motion; there is plenty of time for that today. I do not understand what the urgency is for Mr Berry to bring the matter on now.

**Mr Whitecross:** Because you have been running it in the media.

**MR KAINÉ:** You had your say, Mr Leader of the Opposition.

**MR SPEAKER:** Order! Mr Kaine has the floor.

**MR KAINÉ:** I am objecting to the process that you people are trying to put into effect, whereby you usurp the power of the Speaker, the house and everybody else and take control of the agenda. I think it is obvious that I do not support the suspension of standing orders for this purpose. I think we should get on with the business which is the practice of this house on Wednesday mornings, in accordance with the standing orders, and deal with private members business. After all, we have limited enough time for that purpose. If Mr Berry wants to get the censure motion brought on, I am sure that the Chief Minister can and will oblige him at the appropriate time of the day. I urge members to reject this preposterous proposal, which is trying to anticipate what the Chief Minister may or may not intend to do. That is what we seem to be working on - what the Chief Minister may or may not intend to do. I think we should reject this motion and get on with the business of the house this morning, which is private members business.

**MS FOLLETT (10.41):** I would like to speak very briefly to the motion for the suspension of standing orders. I am quite sure that Mr Kaine knows as well as I do that a motion of censure, by tradition, is dealt with swiftly by this Assembly. I and many other members have heard, ever since question time yesterday, that Mrs Carnell was intending to censure Mr Berry for figures which he allegedly released when he was Health Minister and which, in fact, Mrs Carnell herself released. Many of the statements made by Mrs Carnell have been, in my view, totally defamatory. I believe that it is incumbent on this Assembly to give Mr Berry an opportunity to address those public statements as quickly and as decisively as he possibly can. If Mrs Carnell is not prepared to debate the issue in the Assembly, where she will have to answer charges from the Opposition, then it weakens her case quite dramatically and disgracefully.



As I say, we know that in this Assembly censure motions are dealt with swiftly. What we know also is that Mrs Carnell does not extend to members of the Opposition the courtesy of the briefings that they request when they request them. It is a matter of public record that Mr Berry requested briefing on this matter as soon as Mrs Carnell raised it in question time yesterday. That briefing has not been provided, although clearly the need for it was urgent. Quite clearly, we needed urgent information on just what these figures were and what Mr Berry was being accused of by Mrs Carnell. There is a question of natural justice here, if not of common courtesy. Those questions have remained unanswered by Mrs Carnell and, frankly, it is time that she put up her case and received the judgment of this Assembly on that case.

**MR HUMPHRIES** (Attorney-General) (10.43): Mr Speaker, there are several reasons why the Government does not support the suspension of standing orders.

**Ms Follett:** Because you do not have a case; that is why.

**MR HUMPHRIES:** Be patient, Ms Follett, and you will see that there is certainly a case - a stronger case for censure than has been made in this house for many a year. But there are several reasons why it was not the Government's intention to move this motion this morning. First of all, the Government was perfectly prepared last night to move a motion of censure of Mr Berry.

**Mr Berry:** Well, why did you not do it?

**MR HUMPHRIES:** Because Mr Berry asked the Assembly for time for a briefing, and for that reason - - -

**Mr Berry:** I never asked for time at all; I asked for a briefing.

**MR HUMPHRIES:** Yes, you did. He asked for a briefing. He said that he wanted a briefing before - - -

**Ms Follett:** Straightaway, before the close of business.

**MR HUMPHRIES:** I heard Ms Follett in silence, Mr Speaker. Perhaps I could be given the same courtesy.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Mr Berry asked for a briefing yesterday, and the Government decided that it would wait until Mr Berry had the chance for that briefing before it moved on that matter. It was similarly the intention of the Government to make available to those on the crossbenches briefings about this matter, because it is an arcane matter that relates to what one person said, what figures were released, how they were double-counted and so on, before - - -

**Ms Follett:** By Mrs Carnell.

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**MR HUMPHRIES:** We will find out. You have obviously decided already. We will make a case which is pretty compelling. There is, in the Government's view, a case for censure; but we wanted to make sure that people had the opportunity of seeing the evidence before it was brought on in this place. Mr Berry himself asked for more time before this matter - - -

**Mr Berry:** No, I did not.

**MR HUMPHRIES:** He did.

**Mr Berry:** I wanted it brought on yesterday. That was why I wanted a briefing before the close of business.

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** Mr Berry rose in this place and made comments on how he did not believe the figures that had been produced. I gather that he now does believe them.

**Mr Berry:** No, I do not.

**MR HUMPHRIES:** Yes, you do. He also said, "I want to be briefed on this before the day is over". I interpret that as saying that he wants the time to get a briefing before this matter is dealt with on the floor of the chamber.

**Ms Follett:** No. You are wrong. You made that up. He wanted a briefing yesterday, and he did not get it.

**MR HUMPHRIES:** No; I am not saying that, Ms Follett. Listen to what I am saying.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** I am saying that he wanted to delay the censure motion until he had the briefing. That was what he said.

**Mr Berry:** No, I did not.

**Ms Follett:** No, he did not. He said that he wanted a briefing yesterday, and he did not get it.

**MR HUMPHRIES:** He did say that. There is a second reason - - -

Opposition members interjected.

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** The record will show that Mr Berry did want extra time yesterday, and he was granted that time. The record will also show that Mr Berry made a comment yesterday in question time - - -

Opposition members interjected.

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** Mr Berry made a comment yesterday in question time about Mrs Carnell. I believe that, in the question that he asked as a supplementary question of Mrs Carnell, he made an allegation which is of the kind referred to in the motion which has now been circulated on the floor of this place. He made a comment of the kind which has now been referred to in that motion. He made a misleading comment. He misled the house.

**Mr Berry:** When?

**MR HUMPHRIES:** In the question you asked yesterday in this place of Mrs Carnell. I do not yet have the *Hansard* for yesterday, and it is therefore more difficult to be able to deal with this matter comprehensively this morning than it would be this afternoon. However, if Mr Berry wants to deal with it this morning, I am sure that he will accept the tenor of what he asked Mrs Carnell yesterday afternoon and will not need to wait for the *Hansard* to be produced so that the information is available.

The third matter, which Mr Kaine raised, is the question of the taking up of private members business time. Members are usually very jealous about using that time for other things, and I think it would have been only fair to allow that time to be taken up by private members business. However, I repeat that the Government is more than willing to deal with the censure motion here and now. As members can see, I have circulated that motion.

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

### **SHADOW MINISTER FOR HEALTH Suspension of Standing Orders**

**MR HUMPHRIES** (Attorney-General) (10.48): I move:

That this House censure Mr Berry for misleading it as to the number of operations conducted in ACT public hospitals between November 1993 and March 1994.

Mr Berry has been, in this place, what I think could be described as something of a paragon of righteousness when it comes to censure motions. There is probably no man who has moved more censure motions - - -

**MR SPEAKER:** Order! It has been pointed out to me that Mr Berry moved that so much of the standing orders be suspended as would allow Mrs Carnell to move the censure motion.

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**MR HUMPHRIES:** Then I seek leave to move a motion of censure.

Leave not granted.

**MR HUMPHRIES:** Come on! Really, that is just rubbish. I move:

That so much of the standing orders be suspended as would prevent Mr Humphries from moving a motion of censure against Mr Berry.

You wanted to do this quickly, and now you are stalling. I have moved that so much of the standing orders be suspended as would prevent me from moving a motion of censure of Mr Berry, as he asked for.

Question put:

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

The Assembly voted -

*AYES, 8*

*NOES, 7*

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

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

**MR SPEAKER:** Order! The result of the division is: Ayes 8; noes 7. However, I draw attention to standing order 272, which requires an absolute majority of members to pass such a motion. Therefore, the motion is negatived.

Question so resolved in the negative.

### **Leave to Move Motion**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, I again seek leave to move a motion of censure of Mr Berry. If those opposite are serious about wanting to have this matter dealt with now, then they should allow whoever wishes to move that motion to do so.

**Ms Follett:** Mrs Carnell has to do it.

**Mr Whitecross:** She made the allegation.

**MR HUMPHRIES:** When did you dictate who on this side of the house can move motions?

**Mr Whitecross:** She made the allegation.

**MR HUMPHRIES:** We all made the allegation. I have made it; Mr De Domenico has made it; Mrs Carnell has made it; we have all made it. It is my entitlement to move the motion, and I intend to move it. I seek leave to move that motion.

Leave not granted.

**Mr Berry:** On a point of order, Mr Speaker: Mrs Carnell has clearly indicated that she is not going to rise and move her censure motion. I suggest to you that we go to the first item of business on the notice paper, which is private members business.

**Mrs Carnell:** Mr Speaker, as much as this is totally stupid - and I think that moving a censure motion when the members opposite and those on the crossbenches have not been briefed on an issue is certainly something that we would not do in the future - if the Assembly as a whole is keen to debate this issue now, it should be debated. I understand that the bottom line is that people want to debate it now. Whether or not those opposite seriously want to be totally childish is not the issue. I am very happy to move the motion of censure.

### **Suspension of Standing Orders**

**MR HUMPHRIES** (Attorney-General) (10.56): Wait a minute. Mr Speaker, I move once again:

That so much of the standing orders be suspended as would prevent Mr Humphries from moving a motion of censure against Mr Berry.

**MR BERRY** (10.57): This is the most farcical situation that I have seen develop in this place in the many years that I have been here. Mrs Carnell has been wildly threatening to censure a member of this Assembly. It has been widely reported in the media. She was given the opportunity this morning to move a motion and refused. Let the record show that. The crossbench members ought not be convinced by the spin of the Liberals on this issue that it ought to be left to Mr Humphries because Mrs Carnell did not want to do it. Mrs Carnell is the one who made the allegations in question time yesterday. Mrs Carnell is the one who issued a press release in relation to the matter. Mrs Carnell is the one who has been reported each hour in the media this morning in relation to the matter. Her officials were on the radio in relation to the matter, and it is very clearly the responsibility of Mrs Carnell either to put up or to just sit there quietly and say nothing. The crossbenchers ought to pay due regard to that.

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I moved for the suspension of standing orders. I am the one who is threatened with censure here, and I am threatened by Mrs Carnell. I am the one who moved to suspend standing orders to have Mrs Carnell put up or shut up. I trust that the crossbenchers will have due regard to my position in this, because I am the one who is under threat. I trust that the crossbenchers would allow me to call on my detractor, Mrs Carnell, to give her a chance to put up or shut up. I trust that the crossbenchers will not join with the Government in order to assist them to divert attention from their weak leader on this issue. I speak on this issue merely to try to convince those people on the crossbenches to permit me - the person under attack - to call on my attacker, Mrs Carnell, to put up; to move the motion that she so threatens. If she is not going to move the motion now, she need not do it now. She can pick a time of her choosing. But now is the time for her to put up or shut up in the first place.

**MR HUMPHRIES** (Attorney-General) (10.59), in reply: There is no question that the Government intends to move the motion and for both Mrs Carnell and me to speak to this motion. There is nothing to be gained by those opposite insisting that Mrs Carnell move the motion, since it was always the Government's intention - members of the crossbenches will have seen yesterday a motion which I had drafted and which had my name on the bottom of it - that I would move this motion of censure. What the Opposition is saying is that it is their entitlement to dictate who it is on this side of the chamber that moves a censure motion. The question is: Is it the Minister for Health - - -

**Mr Berry:** I am the one who is being censured. She chose herself.

**MR HUMPHRIES:** No. I am sorry; you do not get the right to choose your firing squad. You cannot say who is going to be on the firing squad. You have the right to have the case made out. If we on this side of the chamber choose to make the case out through me rather than Mrs Carnell, it really does not matter.

**Ms McRae:** We will ask you all the questions on health tomorrow, then. It is outrageous.

**MR HUMPHRIES:** I welcome that interjection by Mrs McRae. I welcome it because Mrs McRae presumably supports the view that the - - -

**Ms McRae:** "Ms", thank you. Please call me by my right title.

**MR HUMPHRIES:** I beg your pardon, Ms McRae. Ms McRae says that it ought to be the Health Minister who moves this motion. I direct members to notice No. 2 on today's notice paper, which refers to expressing regret at Mr Stefaniak's inability to resolve the current dispute with the teachers federation. Who has given notice of this motion? Not the Education spokesman. Mr Berry has.

**Ms McRae:** Who is the spokesperson for industrial relations. You do not know what you are talking about.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Mr Berry has always moved, as I recall, motions of censure in this place on behalf of the Labor Party. He is the only one that does so. I do not think anybody on that side of the chamber has ever moved a censure motion, except for Mr Berry. If it is all right for the Manager of Opposition Business to move a censure motion, why is it not all right for the Manager of Government Business to move a censure motion?

**Mr De Domenico:** Because they do not like it.

**MR HUMPHRIES:** Because they do not like it. They want to organise the way that this goes ahead. If you are serious about wanting a censure motion, then stop stalling and get on with the motion.

**MS TUCKER (11.02):** Mr Speaker, the Greens have reconsidered their position on this, for two main reasons.

**MR SPEAKER:** Ms Tucker, I am advised that you have to seek leave to speak, as Mr Humphries has closed the debate.

**MS TUCKER:** I seek leave.

Leave granted.

**MS TUCKER:** Mr Berry asked that we have due regard to the fact that he should be able to ask his attacker to put the case. I am sure that she will. She is not usually shy about coming forward on these sorts of topics. However, what I have due regard for also is the fact that we have an opportunity to hear both sides of this issue clearly articulated. Yesterday Mr Humphries had his name at the end of this motion. I assume that he is the one who is prepared, and it seems to the Greens to be a reasonable process that people do have a choice about who is preparing the case. Because we wish to be able to make an informed decision at the end of this debate, we think it is reasonable that he have the right to put forward the case first.

I would also say that we were offered a briefing by the Liberals yesterday. They did not offer it to us this morning, which I find disappointing. I came in especially with that in my diary. We have not had the opportunity to hear it. By stretching it out over the day we are giving more opportunity for Mr Berry to be talked about, slandered - whatever you want to call it. So we are prepared to support the proposal that this be discussed this morning, for that reason. We have been given a commitment from the Labor Party and Mr Moore that the time for private members business will be extended so that we can discuss the other important matters here later in the day.

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

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### Motion of Censure

**MR HUMPHRIES** (Attorney-General) (11.04): Mr Speaker, I move:

That this House censure Mr Berry for misleading it as to the number of operations conducted in ACT public hospitals between November 1993 and March 1994.

Yesterday in this place Mr Berry asked Mrs Carnell a question. The question that he asked her was followed, as it always is, by a supplementary question. The supplementary question alleged that Mrs Carnell had misled the people of the Territory, both in this place and outside, as I recall the wording of that question, as to the number of operations that had been conducted in the ACT in a period under the Carnell Government compared with a period under the Follett Government.

I do not have the detail of Mr Berry's question because Mr Berry asked the question and yesterday's *Hansard* is not yet available. I beg your pardon, Mr Speaker; we do have yesterday's *Hansard*. This is, of course, the proof *Hansard*. This was Mr Berry's question, and I quote it directly:

Does the Chief Minister seriously believe that following the Federal Liberals cut to state funding that Mr Carr would hand over the \$16m you are talking about ... do you think he would do that just to supplement your budget flop, and also do you think he would hand over ... \$16m to somebody who has just completed a year where 2,000 patients in our hospital system have not received the operations they were supposed to get?

That, I think, was a clear reference to the issue that Mr Berry had been running around with on this question, with the media in particular. In fact, he got coverage in the electronic media about 10 days ago concerning the number of operations conducted in the ACT public hospital system. Mr Berry made very serious allegations about that matter.

The background to that is that Mr Berry put out a release. That release said:

In her first year as Health Minister Mrs Carnell failed to match last year's performance with over two thousand less operations being carried out at Woden Valley Hospital, Deputy Labor Leader and Labor Health spokesperson Wayne Berry said today.

That was Mr Berry's press release of, as I said, about 10 days ago. Mr Berry was claiming that Woden Valley Hospital had carried out 2,095 fewer operations between March 1995 and February 1996 compared with the corresponding period 12 months earlier. Mr Berry demanded to know at that stage whether there were 2,000 fewer procedures, whether waiting lists had decreased and whether Calvary Hospital would



have had to carry out 2,600 additional operations to equal last year's total. Despite asking that question, he has asserted repeatedly, and did so yesterday as well in his supplementary question, that there were 2,000 fewer procedures, based on his allegation that the figures had been at a certain level, that the number of operations under him as Health Minister had been at a certain level.

**Mr Wood:** But whose figures was he using?

**MR HUMPHRIES:** He was using figures that he himself produced while in office. It is not the business of this Government to go back and produce revised figures, as a matter of course, for a period before we entered office. We do not actually go back, sort of Stalinistlike, and revise all the figures to make them fit with our version of history.

We inherited from the previous Government a set of figures on levels of operation, levels of performance, levels of waiting lists and so on within the public hospital system. We assumed that those figures were accurate, and we operated on those figures. Indeed, we published those figures in good faith, believing that those figures were accurate - the figures that Mr Berry's then department had produced.

**Ms Follett:** Who published them?

**Mr Wood:** Who published them?

**MR HUMPHRIES:** You people produced them. They were published internally in the hospital under you.

**Ms Follett:** Did he publish them?

**MR HUMPHRIES:** He was Minister for Health. Yes, as Minister for Health, he published those figures. It is clear that the defence is going to be, "I did not know that this was happening". I take it that this is an admission that he now realises that the figures were shonky.

**Mr Berry:** No. I have them all here.

**MR HUMPHRIES:** He will not admit that. Well, we will see. The fact is that the figures were shonky. We know that they were shonky, but apparently Mr Berry does not admit that he was responsible for having published them. We will come back to what Mr Berry had to say in debate earlier this year in this place on the responsibility of the Minister for Health for things that were supposed to be done under the Minister for Health. His own standards clearly show his responsibility for the figures that he was responsible for publishing or his department was responsible for publishing.

To return to what I was saying before about the problem with the figures: The monthly information bulletins that Woden Valley Hospital produced, in fact, reported a decline of 2,091 procedures from March 1995 to February 1996, compared to the same period 12 months earlier. That covers part of the period referred to in this motion.

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Mrs Carnell saw those figures initially and, as Minister for Health, was puzzled by them. Her indication was that throughput was increasing and the waiting lists were coming down, but there was some anomaly as to why this was occurring. She went back to her department and asked why it was that there appeared to be a decline in procedures, despite the increase in throughput and the dropping off of the waiting lists.

What she found out was that for each month between November 1993 and December 1994 - Mr Berry can confirm that that was the case; he now knows that it was true - in 13 months under the Labor Government the number of day procedures being carried out in the public hospital system was double-counted under the heading "Main Theatre Procedures". They were double-counted.

**Mr Berry:** Who said that?

**MR HUMPHRIES:** The hospital produced those figures under you, Mr Berry.

**Mr Berry:** You said that I knew that.

**MR HUMPHRIES:** Yes, you did know it, because of the standard that you yourself have applied in this place. You are imputed to have known that fact because you censured Mrs Carnell earlier this year on the basis of what she was imputed to have known about the VMO contracts. Mr Berry, that is your standard. You set that standard. You were the taskmaster on that occasion. You were the one throwing thunderbolts from your position on the Opposition bench, claiming righteousness on those matters. I will come back to that matter and prove it.

I take it from Mr Berry's interjections in this place, and those of his colleagues, that they concede that there was double-counting going on.

**Opposition members:** No.

**MR HUMPHRIES:** They might be prepared to pretend that they do not know, but they do know now that those figures were double-counted at that stage. What that means is that the number of main theatre procedures reported in the Woden information bulletins for those years is incorrect. For both of the 1993-94 and 1994-95 years - - -

**Ms Follett:** Who published them?

**MR HUMPHRIES:** Mr Berry published the figures for 1993-94. He was Minister for Health. Those figures are not correct; in fact, they are misleading - misleading of this community, misleading of this house. Those figures were produced in this house. Those figures were produced in this house by Mr Berry and relied upon. What they actually mean is that, for almost six months while Mr Berry was Minister for Health, and for a further seven months under his successor, Mr Connolly, the total number of operations was artificially inflated by a massive number.

The question is, of course, whether this was a deliberate act by Mr Berry or an omission on his part. I would argue that either way Mr Berry is responsible for those figures, because they were published under him.

**Ms Follett:** Where?

**MR HUMPHRIES:** They were published by the Woden Valley Hospital in their information bulletins, in their regular publications that were published by the hospital. They were published. Mr Berry does not recall that fact. Perhaps he needs to go back and check his own records as to what was going on at that stage in the hospital. Mr Berry published those figures and is responsible for the inaccuracy of them. Day after day, he came into this place and went on television and accused Mrs Carnell of misleading the Assembly and the community about the performance of our hospital system.

Members will recall, if they have followed this matter, a little bit of the history of the matter. In the first couple of years of self-government, in this place the test that was applied regularly as to the success or failure of our hospital system was waiting lists. Mr Berry and I, as health spokesmen for our respective parties, constantly tussled on the question of waiting lists. Mr Berry much excoriated me for increases in the waiting lists - relatively minor ones, I might say - during the 18 months that I was Minister for Health between 1989 and 1991. After I left office in 1991 there was a precipitous rise in the waiting lists in the public hospital system. In fact, in the space of another year or year and a half, the number of people waiting for surgery in our public hospitals doubled, under Mr Berry. When that happened, rather than use waiting lists as a test of success or failure of the hospital system, Mr Berry, as Minister for Health, discontinued talking about waiting lists altogether. In fact, he claimed repeatedly in this place that waiting lists were not an accurate measure of how well our public hospital system was doing. He said that there was a different measure which was a test of how well our public hospital system was doing. What was that test? The test was throughput.

Mr Berry came into this place repeatedly and told this house, this Assembly, that under his Government throughput was increasing; and that, although waiting lists were going up, although the budget was blowing out, as it was every year - although all those things were happening - there was one overwhelming redeeming factor in the way the hospital system was operating, and that was that throughput was increasing. Mr Berry was reluctant to table the figures in a clear form. Mr Berry at that stage, do not forget, was tabling quarterly reports - only quarterly reports - on the hospital system, rather than the monthly reports that this Government is now producing and the fuller figures that it is now producing.

The fact is that Mr Berry repeatedly made the claim in this place that throughput through the hospital system was increasing, but that was not true. It was not true because the hospital throughput was being double-counted.

Opposition members interjected.

**MR HUMPHRIES:** Day procedures were being double-counted. There was a total of 3,749 additional operations carried out at Woden Valley Hospital, according to Mr Berry, which, in fact, were never carried out. They were in figures produced under Mr Berry. This Government has not been in the business of producing figures for periods when it was not in office. It is not in the business of producing figures for periods when it was not in office.

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**Mr Berry:** No. You produced them.

**MR HUMPHRIES:** It has been responsible for revising a figure which appears now to be inaccurate, but the figures we have relied upon - - -

**Mr Berry:** You produced them.

**Ms McRae:** You produced them.

**MR HUMPHRIES:** Mr Speaker, I have been constantly interjected on during all of this speech.

**MR SPEAKER:** Order! This is an important debate. It is a censure motion. Mr Humphries is entitled to be heard in silence, as will all other speakers.

**MR HUMPHRIES:** Mr Berry claims that he did not publish the figures concerned - the monthly figures that indicated the number of day procedures. In fact, they were produced within the hospital system. They were not tabled in this place in the form of monthly reports. In fact, I am not even sure that the quarterly figures were tabled in this place. They were usually produced at 5 o'clock on a Friday afternoon. In fact, they were always produced at 5 o'clock on a Friday afternoon, for the edification of those media people who were interested - which was very few, as a rule. Mr Berry knows all about that. But the fact is that the figures were produced and published under Mr Berry.

**Ms Follett:** Published where?

**MR HUMPHRIES:** In the hospital system.

**Mr Wood:** No; you said "in this Assembly".

**MR HUMPHRIES:** Yes; well, he also relied on those figures in the Assembly to repeatedly make allegations that the throughput of the hospital system had increased and also to claim a greater level of knowledge and awareness about what was going on in the hospital system. Mr Berry said, on 24 November 1993, about the question of information:

In contrast to what it was like when you had control of these matters -

he was referring to me at this stage -

as things occur you will be informed, and so will the community.

Earlier the same day he said:

It is now becoming clearer to everybody that we are able to produce a picture that shows all aspects of performance within the hospital system.

**Mr De Domenico:** But he did not mean to say that.

**MR HUMPHRIES:** But, apparently, he did not. Tell me, Mr Berry: Do you recall rising in this place repeatedly and saying to me, “But, Mr Humphries, you did not know what was going on. You did not know what was going on in the hospital system. We do know what is going on. We have the figures. We understand what is happening in this place.”? Do you recall that?

**Mr Berry:** Thank you for asking me, Mr Humphries.

**MR HUMPHRIES:** No, Mr Speaker, he does not.

**Mr Berry:** You asked me. Allow me to answer.

**MR HUMPHRIES:** You will have your chance, Mr Berry. You can interject if you want to; you are very good at interjecting when you want to. (*Extension of time granted*)

**Mr Berry:** Do not ask me questions if you do not want to hear the answers.

**MR HUMPHRIES:** The fact is that Mr Berry did make the allegation in this place repeatedly that throughout under the Labor Government had increased. In saying that, he relied upon the 3,749 additional operations which were carried out at Woden Valley Hospital. He made those allegations, and those opposite know it. He said in his release of 24 May:

“In her budget speech Mrs Carnell promised that with an additional allocation of \$2 million, an extra 600 operations would be performed ...

“And what did we get? Over 2,000 fewer operations at Woden Valley Hospital.

Does Mr Berry deny making that allegation in his press release?

**Ms McRae:** Based on Mrs Carnell's figures.

**MR HUMPHRIES:** Well, was it accurate?

**Ms McRae:** It was based on Mrs Carnell's figures. Ask Mrs Carnell.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Those opposite need to be aware that they are basing their comments on those false claims in the press release.

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**Mr Whitecross:** On Mrs Carnell's figures.

**MR HUMPHRIES:** On figures Mrs Carnell published, yes; but from Mr Berry's time in office - figures which Mr Berry's own department produced. Mr Berry's own department produced those figures. They were his figures. He was responsible for those figures.

Why do I say that he was responsible for those figures? Why was he responsible for those figures? Members may recall that, on 28 March this year, Mr Berry came into this place and got leave for Mr Whitecross to move a motion. That motion read as follows:

That this Assembly censures the Chief Minister and Minister for Health and Community Care for recklessly misleading this house over the claimed savings arising from the visiting medical officer contracts.

That was what was claimed. Mr Whitecross said:

... this is an extremely serious matter for the ACT.

Both of them accused Mrs Carnell of misleading the house. Members will recall that in the course of that debate there was a question about what projected savings were being made from VMO contracts in the course of the 1995-96 budget. Mr Berry said that Mrs Carnell had promised \$2m worth of savings. Mrs Carnell made the comment in her defence that she was relying upon figures produced by her department. Does that sound familiar?

**Mr Whitecross:** Someone else's fault, again.

**MR HUMPHRIES:** Produced by her department. Yes, that is true; produced by somebody else. Mrs Carnell did come into this place and she interjected upon Mr Berry:

How was I supposed to know that your cost model was wrong?

She said that the cost model being used was the same one as Mr Berry had used in office, and she relied upon the cost model. She interjected:

How was I supposed to know that your cost model was wrong?

Mr Berry's response was:

Because you are the Minister for Health, Mrs Carnell. You are the one that came in here and said that you had the savings. You created the atmosphere in this place and attempted to convince all of us that you had ...

Blah, blah, blah; in that case, a \$2m saving. That is precisely what Mr Berry attempted to do in this place as well - to convince people that we had reduced throughput through the hospital system, based on a lie. That was based on the lie that 3,749 operations had taken place in this hospital system - whereas 3,749 operations had not taken place at all.

The defence that Mr Berry is putting forward is, "I am not responsible for those figures because, although I used them frequently in this place to claim that there was an increase in throughput, although I claimed that repeatedly in this place, although I have made much capital out of that fact and although I did that frequently, I never actually tabled the figures in this place". That is a claim which I do not believe is sustainable, because Mr Berry relied upon the figures. He relied upon them in this place. He made assertions based on them in this place, and did so yesterday.

Okay, forget everything that happened before yesterday and after Mr Berry ceased to be Minister for Health; forget all of that if you want to. Yesterday, in this place, Mr Berry repeated in his supplementary question the allegation that there were 2,000 people who had not had operations in our hospital system that they were supposed to have. Mr Berry repeated the assertion that there had been a decline in the number of people receiving treatment in our public hospital system. He now, I think, concedes that that statement was not true. It was not true. In fact, the number of people waiting for operations has decreased under this Government, and the waiting list has fallen under this Government. That is the fact. Mr Berry wants a briefing, but he will not be prepared to accept the evidence that comes from that briefing. The fact is that that is true.

**Mr Whitecross:** He is not accepting any allegation from you.

**MR HUMPHRIES:** What I have said is true. There are more people who have had operations as a result of Mrs Carnell's reforms; there has been a decrease in the hospital waiting list under Mrs Carnell; and there have been 3,749 operations recorded by Mr Berry which did not take place.

I ask members to support this motion of censure because Mr Berry has always been ready to point the finger of censure at other people in this place. He has moved such motions in this place. He has always been quick to accuse people, as I have quoted before, of creating an atmosphere in this place where a different impression is attempted to be created to what the truth, in fact, is. Tabling information in a particular form has never been of itself a matter for, necessarily, censuring a member in this place; but relying upon it when they know it to be wrong, to create an impression which is false, certainly has been a matter deserving of censure in this place. Indeed, Mr Berry himself has moved such motions successfully in this place. He censured Mrs Carnell earlier this year on that very basis - that she tabled figures that turned out not to be accurate and she was responsible for those figures because she had produced those figures. Exactly that test now hoists Mr Berry on his own very high standard in these matters, and he ought to accept that he is deserving of censure by this place for misleading it repeatedly as to those phantom operations carried out in the public hospital system while he was Minister for Health.

**MS FOLLETT (11.27):** Mr Speaker, I rise to defend Mr Berry on this matter, and I do so in utter amazement that Mrs Carnell, the Minister for Health and Community Care, is apparently not even now prepared to get up and put her case. Not even at this stage in the course of the debate has Mrs Carnell been able to produce one shred of evidence to support her public statements. That is a disgrace.

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I want to put the case as simply as I possibly can, and I do so in the face of the most remarkable filibuster and obfuscation put forward by Mr Humphries in his attempt on the Government's part to lend some credence to this issue. The figures that Mrs Carnell tabled in the Assembly yesterday, I want to say first of all, were not prepared for Mr Berry and were not prepared by Mr Berry. They - the figures which Mrs Carnell tabled and which this whole debate is about - were prepared by the Department of Health and Community Care for Mrs Carnell, despite the obfuscation attempted by Mr Humphries. If anybody doubts that, they have only to look at the documents which were prepared for and published by Mr Berry whilst he was Minister. I have here a copy of the ACT Health activity report for the September quarter 1993. Members can peruse that report. They will see that it does include information on separations; on private hospital patient percentages; on average length of stay; on waiting lists, which are shown to be increasing alarmingly; on average length of time on waiting lists - a range of information. Nowhere in this document are figures on day surgery reported.

Members must be very clear that the information on which Mrs Carnell has based her allegations was produced for Mrs Carnell by the Department of Health and Community Care. At no time was it produced for Mr Berry or published by Mr Berry. Another point which I want to make is that the material published has been published in its entirety by Mrs Carnell, not by Mr Berry. The material over which this debate has occurred was produced by Mrs Carnell. Mr Berry has commented on those matters, as is his legitimate right as a member of this Assembly, and he commented in good faith.

**Mr Humphries:** He called her a liar, and he was wrong.

**Mr Berry:** I was right on that score.

**MR SPEAKER:** Order!

**MS FOLLETT:** Thank you. As a consequence of alleged inaccuracies in the material produced for Mrs Carnell and published by Mrs Carnell, I will concede that there may have been inaccuracies in the comments made by Mr Berry, and I am sure that he would concede that as well. But we have no proof whatsoever that the allegation of inaccuracies is in fact proven. We have not been briefed on the matter. We had requested briefing on it and have so far not been supplied with it.

**Mr Humphries:** By whom?

**Mr Berry:** You could not do it yesterday. It was all locked away in archives, they told me.

**MR SPEAKER:** Order!

**MS FOLLETT:** The matter goes further than that. In her statement yesterday, at which time Mrs Carnell produced what she asserted was proof of the inaccuracy of the figures provided to her and published by her, it became apparent that Mrs Carnell had known for quite some time that those figures were inaccurate. It remains a matter for this Assembly to deal with, I believe, but Mrs Carnell continued to publish those figures after she knew that they were inaccurate.



**Mr Humphries:** How do you know?

**Mr Berry:** Because your Health officials said it on radio this morning.

**MS FOLLETT:** On the evidence provided by Mrs Carnell yesterday and by - - -

**MR SPEAKER:** Order! Ms Follett has the floor. Members of the Opposition, I remind you that you are not really helping your own colleague by your constant interjections drowning her out.

**MS FOLLETT:** It is apparent to me, and it must be apparent to other members, that Mrs Carnell has known for quite some time that the figures provided to her and published by her were inaccurate. That fact was clarified this morning on ABC radio by Dr Hughes, as chief executive officer of the Department of Health, when he said that they had known for some time that the figures did not tally and had gone looking for a cause. Nevertheless, a period of about a year had elapsed in which the figures, the apparent inaccuracy, had been repeated. I repeat that, for the time when I responsible for the Government, and the time when Mr Berry was the Minister for Health, he could not have been held responsible for figures which he did not produce and certainly did not publish. The evidence is here.

I would also like to say that Mr Berry was, in fact, the Minister for a minority of the period which is under question here, and Mr Connolly was, in fact, the Minister for the majority of that time. If Mr Humphries's motion had any credibility whatsoever, he would have included Mr Connolly's name in it. Why has he not? I would put it to the Assembly that Mr Connolly is flavour of the month with the Government; they cannot see any point in attacking him, but they can see point, as always, in attacking Mr Berry.

I think members need to bear in mind the fact that the comments made by Mr Berry on this matter were made entirely on evidence supplied and published by Mrs Carnell. If there is any inaccuracy in Mr Berry's comments as a consequence of Mrs Carnell's inaccuracy, then I am sure that he regrets it; but it is a legitimate role of members in this place to make such comments. We have yet to hear Mrs Carnell apologise for producing and publishing inaccurate material. Mr Berry most certainly has not ever done that. If members opposite had any case at all, they would have produced the evidence.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (11.35): Mr Speaker, a number of comments have been made this morning, but I think this is really just about Mr Berry and his colleagues over on the other side of this place trying to hide a very real problem for Mr Berry. Why else would those opposite want to go ahead with a censure motion without the briefings? Last night Mr Berry asked for some information from the archives, which of course had to be obtained overnight; but he determined that he wanted to go ahead with this before he received the information from the archives. We had organised briefings for lunchtime, for those on the crossbenches who wanted them. But, for all of that, those opposite wanted to go ahead with this matter simply because they thought that they might be able to fuzzy the issue here and confuse the issue so that the crossbenchers may not actually be able to understand exactly what happened on an issue that is actually quite complex.

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What we do have, Mr Speaker, is 14 months of deception over the true figures of operations at Woden Valley Hospital. This deception occurred, as Ms Follett said, under both Wayne Berry and Terry Connolly as Health Ministers. But the reality of the situation is that it started under Mr Berry. The surgery figures were available to Mr Berry. The reason I can guarantee that to be the case, Mr Speaker, is that we actually obtained them in opposition. When Mr Berry said, "But we did not publish them", he is half right, Mr Speaker. He did not table them in this place. I think he made those points very clearly on radio this morning. He really did not make available any information when he was Health Minister, so how could anybody get stuck into him?

But the fact is, Mr Speaker, that to publish information does not mean that it has to be tabled in the Assembly. Mr Berry was right that he made it very difficult to get any up-to-date information when he was Minister. Mr Speaker, in opposition, we managed to obtain the information on theatre activity that was published at Woden Valley Hospital and in Health generally. What this information does is give minor theatre, main theatre and day theatre figures right from July 1993 through to July 1994, August 1994, and so on. So, what I have here is theatre activity that was - - -

**Mr Berry:** It was not tabled before.

**MRS CARNELL:** I am going to. It is all right. This information was available in July 1994 and before that, Mr Speaker.

**Ms Follett:** To whom?

**MRS CARNELL:** To everybody at Woden Valley Hospital and everyone in Health. It was a public document. It just was never tabled in this place. So, to say for a moment that the information was not tabled - or, I should say, was not published - is simply wrong. This is published information, Mr Speaker. So, I am very happy to table the published information on day theatre, main theatre and minor theatre as well. Those papers I have there indicate the figures that existed from 1993 right up until August 1994, Mr Speaker - the times that we are really talking about here. So, that negates the argument that the figures were never published.

**Mr Whitecross:** Are you going to table that document?

**MRS CARNELL:** I just did. It is interesting, Mr Speaker, that Mr Berry now seems to perceive that, if he did not make the information available in this place, then he was not responsible for it. That is what he is saying.

This Assembly, as Mr Humphries made very clear earlier, has censured me for accepting a model to work out VMO salaries that was used under the previous Government. That model was never tabled in this place. Mr Humphries made it very clear when he quoted *Hansard* earlier. I will quote it again. I said:

How was I supposed to know that your cost model was wrong?

Mr Berry said:

Because you are the Minister for Health, Mrs Carnell -

Full stop. This Assembly decided to support Mr Berry on that view, on that test of what should be censurable and what should not be censurable in this place. But I will go on, Mr Speaker, and talk about things that Mr Berry actually did say, as shown in *Hansard*. On 24 November 1993, the very month that this deception began, Mr Berry said:

It is now becoming clearer to everybody that we are able to produce a picture that shows all aspects of performance within our hospital system.

He went on to say:

In contrast to what it was like when you had control of these matters -

meaning Mr Humphries -

as things occur you -

meaning the Assembly -

will be informed, and so will the community.

So, Mr Berry said categorically then that, as things occur, the Assembly is informed and so is the community. He said that there was a total picture of the performance in the hospital available right then. Those comments are in *Hansard*.

Contrast those two statements with what actually happened over the next 13 months, from November 1993 to December 1994. Day surgery was double-counted, Mr Speaker. A total of 3,749 operations appeared in Woden Valley Hospital statistics - published statistics, Mr Speaker - but these operations, we now find, never actually happened. They were phantom operations, Mr Speaker.

**Mr Berry:** Table the advice.

**MRS CARNELL:** Mr Berry says, "Table the advice". Yesterday in this house I did table the revised figures that were produced, quite definitely, by Woden Valley Hospital. This morning on radio, as those opposite have already pointed out, the chief executive of Woden Valley Hospital pointed out exactly what did happen over the last couple of weeks. Mr Berry put out a press release.

**Mr Berry:** Table the advice.

**MRS CARNELL:** Mr Speaker - - -

**MR SPEAKER:** Continue, Mrs Carnell.

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**MRS CARNELL:** Mr Berry put out a press release saying - - -

**Ms McRae:** You cannot table it. You do not have it. You do not know. You do not care.

**MR SPEAKER:** Order! Members of the Opposition will have the opportunity to defend their colleague, or perhaps their colleague might like to defend himself, at some time in the future. I suggest that up until then they cease interrupting.

**MRS CARNELL:** Thank you very much, Mr Speaker. Dr Hughes made it very clear this morning on radio that when the press release of Mr Berry was produced a couple of weeks ago I went to the department and said, "Maybe Mr Berry has a point here. This does look very strange. It does look as though we are doing fewer operations than was the case under Mr Berry. But our waiting lists are going down. Our waiting times are improving. We are certainly spending the money to treat these people. What is happening here?". As Dr Hughes very rightly said this morning, he went away and investigated. This was after Mr Berry's press release. Remember that he was not in charge of the hospital at the time. He went and investigated, and what did he find? He found that for that 13-month period day surgery had been double-counted - 3,749 phantom operations had been counted and published in statistics that were available for Woden Valley Hospital. That is what he found out.

The reality is quite contrary to what was said by those opposite - that we had known about this for a long time. The fact is that we did not know at all until after Mr Berry put out his press release. In fact, nor did the people in the department or, for that matter, Dr Hughes, because none of them were actually here when Mr Berry was performing, shall we say, the double-counting trick. So, how would they have known? But, going backwards, having a look at the figures that were published during those times, we found out that there was a deception, and we found out why our figures were not looking terribly good when we compared them with figures produced under Mr Berry. The reason why our figures were not looking very good is that Mr Berry's figures were simply wrong. When you actually look at our figures, they show categorically that we have done some 1,300 extra operations, not the 2,000 fewer.

To get back to the issue of censure, Mr Berry has to understand that he must be judged and this Assembly must be consistent when it comes to censure motions. The Assembly has taken very definite views on censure motions of recent months. The view was that, regardless of whether or not you may have known about a particular issue - whether it be the issue of the model that was used for the VMOs under the previous Government or, for that matter, whether it be health blow-outs - - - (*Extension of time granted*) This Assembly has determined that, if the Minister was responsible during that period of time, then that Minister should be censured if there were inconsistencies, if things like models for VMOs disputes were not appropriate.

But Mr Berry, when he was Health Minister, actually went on about the very clear picture, which I spoke about, that he believed that this Assembly was given of what was actually happening in the hospital at that time. He said time and time again that he was making information available that throughput was up. There are any number of quotes in *Hansard* of Mr Berry saying, "Throughput is up. Things are on track".

He claimed consistently that increased day surgery at Woden Valley Hospital gave a capacity for beds to be closed, and that was his excuse for cutting some 200 beds out of the hospital. The fact is that we now know that day surgery was being double-counted, Mr Speaker. Even by Mr Berry's standards, that has to be a major stuff-up. There is just no other way of looking at it. If there was a major stuff-up when Mr Berry was Minister, then, by his own standards, by this Assembly's standards, he must be censured.

We also have the situation that, under him as the responsible Minister at the time, waiting lists were blowing through the roof. There were problems with budgets. If you or anybody here were in the position as Minister, with waiting lists going up exponentially at the time, with budgets blowing out, would you not ask to see the surgery throughput figures - figures that actually existed, figures that were published within the hospital? I heard Mr Berry on radio this morning say, "Nobody ever showed them to me". Quite honestly, if Mr Berry, in a time of waiting lists blowing out, people ending up waiting longer and longer for surgery, and budgets blowing out, did not ask to see what the throughput of surgery was in his major hospital, then I think he needs to be censured on that point, let alone for double-counting day surgery. Those are words out of Mr Berry's own mouth. He said, "I did not have the figures. I did not ask for them. Nobody showed them to me". We could believe that, or we could believe that they were double-counted and Mr Berry knew about it. In either of those circumstances, using the standards that this Assembly has chosen to use for me and for this Government, this Assembly must choose to censure Mr Berry as well.

There are certain things that are absolutely categorical here, Mr Speaker. One is that double-counting of day surgery occurred between November 1993 and December 1994. There is no doubt that that happened. There is no doubt that those figures were available and published at Woden Valley Hospital at the time. There is no doubt at all about that. There is no doubt that Mr Berry told this Assembly that we had all of the information that was available at Woden Valley Hospital to create a very clear picture, as I said, so that everyone could judge how well he was doing. I will also quote a statement from *Hansard* of 12 October 1993 where Mr Berry said:

No other State provides the level of information that is provided here in the ACT, and the Labor Government, for one, provides accurate information.

Mr Speaker, it is in *Hansard* - "the Labor Government, for one, provides accurate information"; more information than anyone else, and accurate information. It is interesting to see what Mr Berry said when he went on with that statement on 12 October. He said:

I have demonstrated, right across the board, that the public hospital system is performing much better in all respects.

Again, Mr Speaker, that has proved not to be the case. The one area in which it was performing very well, if figures have anything to do with it, was waiting lists, because they were going up really very quickly at that time. It would appear, if we are to believe Mr Berry, that he allowed waiting lists to go up exponentially and did not actually ask, nor was he told, what was actually happening in surgery at Woden Valley Hospital.

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I find that extraordinarily difficult to believe, Mr Speaker. I cannot believe that there is a Health Minister in this country who would be in the position that Mr Berry was in then and who would not ask what surgery throughput was actually like.

But we have to assume that he did ask, because he said time and time again, Mr Speaker, that the hospital was doing better in all respects. Again, it is in *Hansard*. Mr Berry has certainly suggested that we should believe that he did not know about it; but he certainly should have known about it. Again, I come back to this: I cannot believe that a Health Minister would not have known of a double-counting of this sort. I cannot believe that a Health Minister would not have bothered to follow it through. Mr Speaker, the bottom line here is, categorically, that we know that there was double-counting; we know that the figures were published; and we know that, if this Assembly is to use the same standards for everybody, then, to use Mr Berry's own words, he was Health Minister at the time.

**MR BERRY (11.51):** What a pathetic case! Mr Speaker, this is a bizarre event, when the government of the day seeks to censure somebody who was the Health Minister some years ago - so far back that it passes from the memory, and, of course, there has been an election in between and the tables have been turned. This is a bizarre set of circumstances.

Mr Speaker, may I, first of all, deal with the technical issues. Mr Humphries moved:

That this house censure Mr Berry for misleading it as to the number of operations conducted in ACT public hospitals between November 1993 and March 1994.

Mrs Carnell bowled over Mr Humphries's argument by saying, "This is the evidence" - and she referred to the documents. This is the evidence that she tabled in this place to prove her case; that is, that there were some working documents at Woden Valley Hospital which provided a set of figures, which were produced there but which were not tabled. She conceded that they were not tabled in this place. She argued that these amount to the substance of her case that I have, in some way, misled this Assembly - conceding at the same time that they have not been tabled in this place, neither have I argued in this place that these were true.

As a Minister, one sees lots of working documents. Even if I had seen these working documents, it has never been argued that I tabled them in this place and said that they were true, attempting to mislead it. So Mr Humphries's motion fails on that score alone. I could sit down right now and the motion should fail, because that is the basis of her claim. But I will take up one other issue that Mr Humphries raised as well. Mr Humphries made the point that I mentioned in question time yesterday that Mrs Carnell had conducted 2,000 fewer operations over the period of her involvement as Health Minister, relating it to the \$14.2m overrun, and so on. According to Mrs Carnell's figures, that is true.

I now turn to another basis of Mrs Carnell's claim. I think Mr Humphries referred to a press release which I issued - I will table it in due course, Mr Speaker - which reads:

In her first year as Health Minister Mrs Carnell failed to match last year's performance with over two thousand less operations being carried out at Woden Valley Hospital, Deputy Leader and Labor Health spokesperson Wayne Berry said today.

“In the Woden Valley Hospital monthly activity report for March -

they are the ones that come with all of these; so I am using Mrs Carnell's published information tabled in this chamber -

Mrs Carnell's falling theatre activity rates has again been shown up. From March 1994 to February 1995, 18,125 operations were conducted at Woden Valley Hospital and for the same period in 1995-96 under the Liberals with Mrs Carnell as Health Minister, 16,034 - 2095 fewer operations.

“In her budget speech Mrs Carnell promised that with an additional allocation of \$2 million, an extra 600 operations would be performed ...

“And what did we get? Over 2000 fewer operations at Woden Valley Hospital.

This is all from the Woden Valley Hospital information bulletin tabled in this place. I went on to say:

Add this to Mrs Carnell's 7 extra beds alongside her promised 50, together with the biggest budget blow-out since self-government of \$14.2 million worth of unapproved spending, and a hospital that was so clogged up by mismanagement that it couldn't receive emergency patients for 24 hours last week and you have enough reasons for Mrs Carnell to admit that this job is beyond her capabilities.

I agree, Mr Speaker, that that press release would sting. But it was based on the figures. I do not back away from that press release, Mr Speaker, because it was based on the figures that were produced by Mrs Carnell.

**Mrs Carnell:** No. They were produced by you.

**MR BERRY:** Mrs Carnell says that they were produced by me. Mrs Carnell, I refer to your January 1996 information bulletin, which I assume was tabled in this place. The figures were taken from that.

Mr Speaker, this morning we heard the chief executive of Health describing how he discovered that in December 1994 a change to the way operations were counted was implemented in the hospital system. That is according to him. I have not seen the evidence yet, and I will not be convinced until I do. After working with Mrs Carnell for

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a while you get to be a little bit that way. So, what Mrs Carnell wants us to believe is that that change should not have been carried over into the figures that she produced on a month-by-month basis.

**Mrs Carnell:** How was I supposed to know that you fudged your figures?

**MR BERRY:** Somebody knew in December 1994 to change the way that these things were counted. But the same people, one presumes, who produced the figures for Mrs Carnell's monthly activity bulletins were not of a mind to change them. So, when we in this Assembly are led to believe that these are true figures, we take them at face value. Mrs Carnell's figures, where she casts back to the years of a Labor government, are the true figures, one would expect. Labor never brought those figures into this place claiming anything about them; but what Labor did was bring in, at the request of the then Assembly, activity reports on a quarterly basis.

Mr Speaker, if there is any information in those activity reports which is wrong, then I will duly apologise for it, if it was my fault that it was wrong. I have no difficulty at all with that position. But I will not apologise for using figures which were created by Mrs Carnell and tabled in this place as if they were true. It is quite reasonable that any of us in this place - including members on the crossbenches - could have quite easily done our sums and come up with the same figures. You only had to add them up and you would come up with exactly the same figures as I came up with in my press release - 2,000 fewer operations under Carnell than there were under Labor. That is what the figures say, and they are the figures that were produced by Mrs Carnell.

**Mrs Carnell:** No. They were not produced by us. They were produced by you, and you knew that.

**MR BERRY:** Mrs Carnell interjects and says, "I did not create them".

**Mrs Carnell:** They are on those documents.

**MR BERRY:** Mrs Carnell, will you deny that these figures were the ones which were tabled in this place month after month after month?

Mr Speaker, I have been accused of artificially inflating Woden Valley Hospital's operations statistics between November 1993 and March 1994. More specifically, I have been accused of misleading this Assembly with those figures. Mr Speaker, that is patently untrue and a twisted and distorted view of proper procedure in this place, because I have not misled this house. I have not produced the figures in this house and claimed anything about them, Mr Speaker. I have used a press release, which was based on Mrs Carnell's own figures. These operations statistics, as has been shown by Mrs Carnell, were produced in working documents at Woden Valley Hospital. Indeed, they would not even tally. So, Mr Speaker, we have a clear situation where Mr Humphries's argument is blown out of the water by his colleague Mrs Carnell. *(Extension of time granted)*



Mr Speaker, the figures which were provided to me and which I routinely provided were, as I have said, in quarterly reports. They related to admissions, occupied bed days, outpatient occasions of service, available beds, waiting lists and, of course, separations. Separations include the whole range of people that leave hospital in one way or another; for instance, same-day and long-term people who are in the hospital system. Mr Speaker, as I said a moment ago, if there is something wrong with those figures of some years ago I would be happy to apologise for them; but no claim has been made in respect of the figures that I have presented in this place time after time. Mr Speaker, I never provided monthly figures in this place and I never made the claims that Mrs Carnell has made about her figures.

Mrs Carnell is the one who crowed about these monthly reports - how much better she was than Labor by producing these monthly reports for this Assembly. Mr Speaker, I reserve the right to take them at face value. I reserve the right, as a member of this Assembly, to regard those figures as gospel. I think members on the crossbenches would consider them as gospel as well. Even the Government should be able to regard those figures as gospel. They were provided from February 1995 and relate to Woden Valley Hospital only. The operations statistics first appeared in those monthly reports. Using the statistics provided by Mrs Carnell, I was able to come to the conclusion that fewer operations were being done in 1995-96 than in 1994-95. Mr Speaker, Mrs Carnell is getting stuck into me, but the press release relates to the 1994-95 year. I was not around long in that year, as I recall, as Health Minister. In fact, on the figures provided by Mrs Carnell, the only conclusion that you can come to is the one that I came to in my press release.

I took an interest in the figures in March this year, when I became Labor's health spokesperson on the resignation of Mr Connolly. In the February figures I noticed that the 1995 operations were showing that fewer operations had been done than in the corresponding period in the previous year. When the March figures arrived in May, I checked and, sure enough, the same trend was there - 7.8 per cent down in main theatre and 15.7 per cent down in day theatre. I immediately asked for the previous figures, went back through to the first figures from February last year and did some sums. Anybody could have done that.

Now Mrs Carnell says that the figures she had supplied for the previous year were wrong, and she blames me for it. Mrs Carnell, if they were wrong and they were my doing at the time, I would have adjusted them. Mr Speaker, it is her job, as Minister, to ensure that the information she puts before this Assembly is correct. Of course, Mrs Carnell did not do that. Mrs Carnell suggests that Mr Connolly and I may have deliberately double-counted the figures to create the impression of more surgery being done at Woden Valley Hospital. Mr Speaker, I could suggest that Mrs Carnell is trying to find a new formula on the figures to make her performance look good.

Mr Speaker, we can all play around with the numbers here; but the fact is that the evidence that was put in my press release and has been the basis of all of my comments in relation to this matter has been based on the figures that have been produced by Mrs Carnell in her monthly reports, which were placed before this place as gospel. Mrs Carnell, if Mr Connolly and I had cooked the books, do you not think we might have used the figures for some useful purpose?

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**Mrs Carnell:** But they were.

**MR BERRY:** They were never used. What an outrageous and shallow argument! Mr Speaker, Mrs Carnell suggests that, if I did not double-count the figures deliberately, I was incompetent. Mrs Carnell herself just admitted that they were Woden Valley Hospital figures, not mine.

**Mr De Domenico:** You were not responsible, then?

**MR BERRY:** I was responsible for this, because I had been directed by the then Assembly to produce them, and I did. Mr Speaker, if it was within my power to alter the way that these things were done in the hospital which was proven to be incorrect, then, of course, I would have done it, had it been brought to my attention. It still gets back to this point: I am not the one who released these figures and claimed that they were gospel. Mrs Carnell is. And she is the one, in effect, who has misled this Assembly and misled the community. So let us work out who should be censured here. (*Extension of time granted*)

The question that she has to be asked is: If, in two months on the job as Opposition health spokesperson, I could see that there was a problem with the operations figures, why could Mrs Carnell not see it? Two months on the job, and I could pick it up. The Chief Minister did have these figures. She had been seeing these figures and releasing them every month for 14 months. Every month for 14 months, she was bringing them in here and saying that they were gospel. As soon as somebody takes them up and says, "She has mucked it up badly", all of a sudden, she is stung by a press release which is based on her misleading information in this house and she gets a little bit upset by it. Well, Mrs Carnell, it does not wash. Mr Speaker, why did the Chief Minister not ask in February last year what was going on?

**Mrs Carnell:** Because we knew what was going on.

**MR BERRY:** Well, what about March, or April, or May, or June, or July? Did you not have a look at the figures and see that you were down and your operations were falling apart? That is what opposition spokespeople do. They have a look at these things. That is how I discovered that there was a problem. Do you not even look at your own stuff? You do not even look at your own stuff; but you table it in here and expect everybody to take it as gospel. They are your figures when you produce them in this place, Mrs Carnell. Never let it be said otherwise. So, in February, March, April, May, June, July, August, September, October, November or December, or this year in January, February, March, April or May, it seems that if I had not brought this issue to Mrs Carnell's attention she would never have discovered anything. And, Mrs Carnell, you accuse me of incompetence!

There are a number of other questions raised by the claims that Mrs Carnell has made. In relation to a briefing, Mr Speaker, I will table a letter which clearly points out that I wrote and asked for a briefing last evening.

**Mr Humphries:** To whom?

**MR BERRY:** To the head of the Department of Health. I was informed that I could not be briefed yesterday.

**Mrs Carnell:** That is rubbish. You asked for stuff that had to be got out of the archives, and we said that we would get it out overnight and get it to you this morning.

**MR BERRY:** I was informed that I could not be briefed yesterday. So, let us not try to re-create history. Mr Speaker, Mrs Carnell claims that there was a period of double-counting. We are yet to see the evidence of that. Mrs Carnell has not come forward with the advice from her department on this issue and she - - -

**Mrs Carnell:** I gave you the figures they produced.

**Mr Whitecross:** No advice, though.

**MR BERRY:** No advice in relation to the matter. I am pleased that you raised those figures, Mrs Carnell, because all they are is the doctored information bulletin figures where you subtract some notional day theatre figures from the overall figures. Mrs Carnell, I want to see the advice. Mr Speaker, I seek leave to table the letter to which I referred.

Leave granted.

**MR BERRY:** Mr Speaker, this issue is nothing but a publicity stunt. One thing you know in this place is that, if you are doing well in opposition, the Government is likely to point the gun at you. Those are the strategies that we live with in politics. When Mr Humphries comes in here and claims that I have misled the Assembly as a result of some figures that have been dug up from Woden Valley Hospital, he has to be kidding himself. I have not misled this place. What I have done, Mr Speaker, has been to draw attention - in a stinging press release, I admit - to a whole host of figures which were produced by Mrs Carnell, month after month. It has yet to be proven that the figures were wrong.

So, Mr Speaker, for Mrs Carnell to propose a censure motion against me is an outrageous misuse of parliamentary procedure, because there is no evidence. Mrs Carnell herself admits that there is no evidence. She said herself that the Woden Valley Hospital working document figures had never been tabled in this place, and they never were by me. Mr Speaker, I drew attention to the quarterly activity reports that were produced by me. They were the only figures that were tabled in this place in relation to the performance of hospitals while I was Health Minister. I stand by them until proven wrong on the issue. Mr Speaker, this is a dopey motion, and it ought to be defeated.

**MR SPEAKER:** Order! The member's time has expired.

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**MR WHITECROSS** (Leader of the Opposition) (12.13): Mr Speaker, I move the following amendment:

Omit the words after “censure”, substitute “Mrs Carnell and the Department of Health and Community Care for misleading the Assembly and the community by publishing false and misleading figures in relation to the number of operations conducted in ACT public hospitals”.

Mr Speaker, this has been an important debate. What we have seen today is that the stunt which Mrs Carnell pulled yesterday and which she has been milking in the media for all it is worth for the last 24 hours is nothing but a fabrication, nothing but a paper-thin tissue of allegations. Chicken Woman would not even move the motion. I withdraw that, Mr Speaker. Mrs Carnell would not even move the motion.

Members interjected.

**Ms McRae:** Mr Speaker, on a point of order: I remember being called to order for one interjection while the members of the Government were speaking. May I just remind you of that call to order. Perhaps you could apply it now.

**MR SPEAKER:** I think it is timely, Ms McRae, to remind all members that this is an important debate and that speakers on their feet are entitled to be heard in silence.

**MR WHITECROSS:** Mr Speaker, Mr Humphries defended Mrs Carnell's stunt yesterday. It is not surprising that Mrs Carnell got Mr Humphries to do it. They call him “Patsy” in the party room, because he has to get up and take the rap for Mrs Carnell's stupid procedures.

**Mr De Domenico:** Mr Speaker, on a point of order: Mr Whitecross - we know who he is, but nobody else does - insists on trying to play Rambo or whoever. Perhaps he should call Mrs Carnell by her correct name and Mr Humphries by his correct name and we in turn will call Ms McRae by her correct name as well.

**MR SPEAKER:** I uphold the point of order, and I would suggest that members refer to people by their correct names.

**MR WHITECROSS:** I will try to restrain myself. I did actually refer to Mr Humphries by his correct name.

Mr Humphries came in here to defend Mrs Carnell's stunt yesterday because they knew that it was too thin an argument for Mrs Carnell to run on her own. It would have been too bad for a leader to turn up and run an argument as thin as the argument Mr Humphries had to run, so they got Mr Humphries to do it. Let us have a look at it. Mr Humphries comes in and says that Mr Berry has misled the house about the number of operations. What did Mr Humphries produce? Did Mr Humphries produce any evidence of Mr Berry actually having misled the house? No, he did not. He did not produce a single shred of evidence that Mr Berry had known about these figures when they were being compiled inside the department. He did not present a single piece of evidence that

Mr Berry published these figures anywhere. The basis for Mr Humphries's claim, repeated by Mrs Carnell, was an internal working document - a document that is circulated within the hospital, telling people in the hospital what is going on in the hospital. They have not produced any evidence that Mr Berry sought it, any evidence that he relied on it in this house, or any evidence that he published it in this house.

This is the basis of their claim that Mr Berry misled them. In fact, Mr Humphries's only claim that Mr Berry misled this house was that Mr Berry, yesterday and in press releases in the last couple of weeks, relied on Mrs Carnell's published figures to make a point about the performance of the health system - something that Mr Berry was perfectly entitled to do. Mrs Carnell published the figures. She has to take responsibility for the accuracy of the figures she published. I will have more to say about that in a minute. That is the only time that Mr Berry has done it. There is no evidence that in Mr Berry's period as Health Minister he knew of the figures, that he published the figures, or that he relied on the figures. So much for Mr Humphries's claim about misleading the house.

In order to bolster his paper-thin argument - he had no evidence of any of the basic things required in order to prove a misleading - Mr Humphries had to pull together a couple of other desperate arguments. What were they? One of them was, "You set the standard" - it might be a tissue-thin case; it might be as weak as water - "so we are going to abide by it". He brought up the VMO debate. Mr Speaker, the differences between the VMO censure motion and this one are manifest to anybody. For a start, Mrs Carnell not only made claims in this place about the savings she was going to get from the VMO deal but also made claims in her budget papers about it and admitted that the budget papers were not based on the model which she said was wrong. Mr Speaker, there is no comparison between Mrs Carnell making claims about savings, not relying totally on the model but relying also on other figures prepared for the budget in other ways, and Mr Berry relying on Mrs Carnell's published figures. So, the VMO argument is a dead argument. There is nothing there. It is completely without substance.

Mr Humphries had another argument to bolster his tissue-thin case here. It was that there is nothing wrong with tabling figures which are misleading; it is only wrong to rely on them. So, Mrs Carnell can come into this place, month after month, and publish figures which are wrong, and that is okay, according to Mr Humphries; but, if Mr Berry dares to read them and says that there is something wrong here and makes a statement based on the figures, that is misleading, according to Mr Humphries. So, it is okay to publish the misleading figures; but, if you want to quote them, if you want to rely on them, suddenly you have engaged in some hideous crime, according to Mr Humphries. Mr Speaker, that is how tissue-thin and how pathetic the Government's case is.

So, Mr Speaker, why have I moved this amendment? I have moved this amendment because the real scandal here, and the real issue for which we ought to be getting an explanation in this place, is: Why did Mrs Carnell publish these figures, month after month, when they were misleading? That is the real issue. Why did her department compile these figures, month after month, for her to publish, when they were misleading?

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That is the real issue. Let us, for the sake of the argument, give Mrs Carnell a bit of the benefit of the doubt here. Let us say that she is being entirely truthful when she says that she found out only when Mr Berry put out his press release and she went and asked, "What is going on here? How can this be so?". Let us give Mrs Carnell the benefit of the doubt on that.

**Mrs Carnell:** No; that is what Dr Hughes said.

**MR WHITECROSS:** That invites the question: How was it, as Mr Berry said, that she had these figures in front of her, month after month, and did not ask, "Why are our figures lower than their figures?". She castigates Mr Berry for not having asked for these figures when he was the Health Minister; yet, for month after month, Mrs Carnell published these figures and she never said to her department, "How come these figures show that we are doing fewer operations than were done under the previous Government?".

**Mr Humphries:** But she did. That is how she found out about it.

**MR WHITECROSS:** She did not, until Mr Berry drew it to her attention. Mr Speaker, the fact is that Mrs Carnell did not discover this for herself until Mr Berry brought it to her attention. So let us have none of this talk about why Mr Berry did not ask. The question is: Why did Mrs Carnell not ask? But, Mr Speaker, let us go to the other question. According to Dr Hughes on the radio this morning, they had known about this since December last year.

**Mrs Carnell:** No; that is not what he said.

**MR WHITECROSS:** It is.

**Mrs Carnell:** How could he? He was not even here.

**MR WHITECROSS:** It was December the year before; I am sorry. I stand corrected by Mrs Carnell.

Members interjected.

**MR SPEAKER:** Order! The house will come to order. Mr Whitecross has the floor.

**MR WHITECROSS:** Thank you, Mr Speaker.

**MR SPEAKER:** Members, you will have the chance, if you want to participate in the debate, to get to your feet.

**MR WHITECROSS:** The ABC asked Mrs Carnell yesterday:

Do you believe that the officials who found those figures for you genuinely only found the double-count in meeting your request?

Mrs Carnell said:

My understanding is that they had known about it for a period of time.

In other words, Mrs Carnell's officials had known that these figures, which Mrs Carnell had been publishing month after month, were wrong. Mrs Carnell admits that her officials knew that they were wrong yet they allowed her to go on publishing the figures. Everybody in this house, everybody in this community, should be concerned about that state of affairs, and everybody should be concerned about Mrs Carnell's handling of the discovery that this Assembly and this community were being misled.

The fact is that Mrs Carnell should have come in here and said, "I know that Mr Berry has been quoting this figure of 2,000 fewer operations; but I have to confess, embarrassing as it is, that I have discovered that my department made a mistake and has been giving me figures which were wrong. I am sorry. I apologise to Mr Berry; but the figures he has been relying on are wrong, and I will get you a new set of figures which are right". That is what Mrs Carnell should have done. But, Mrs Carnell cannot say those words, "I was wrong". She does not know how to. She cannot say, "Sorry". She does not know how to. Instead of saying, "I am sorry; the figures we have been giving you, the figures we have been publishing, have been misleading", what does Mrs Carnell do? She comes in and tries to blame Mr Berry. She turns it into a cheap political stunt in order to deflect attention from the fact that she has been misleading this Assembly and this community by publishing false figures. What possible explanation could she have for that, Mr Speaker? There is one. (*Extension of time granted*)

Members interjected.

**Ms McRae:** Mr Speaker, may I take the same point of order again. You did say that members would be heard in silence.

**MR SPEAKER:** I did. I would also invite members, if they wish to make a contribution to the debate, to stand up and make it, not simply by interjection. It shows a want of knowledge, it seems to me, if you can only interject.

**MR WHITECROSS:** Mr Speaker, faced with the fact that, according to Mrs Carnell, her officials had known about this for some time and kept getting her to publish false figures, why did she not just come in here and apologise and correct her mistake? No more would have been said about it. Why did she not do that, Mr Speaker?

Why did she turn it into this major publicity palaver, trying to blame Mr Berry for her deception, trying to blame Mr Berry for her department's deception? Why did she do that? There is one reason, Mr Speaker. It is that Mrs Carnell's Government is an embarrassment. Mrs Carnell, after coming to office promising to cut health expenditure, has presided over a \$14.2m blow-out. She has just come back from the Premiers Conference last week with a bad deal from the Howard Government - a government she campaigned to elect. She has had her Minister Mr Humphries make that stupid supermarket decision which is going to cost hundreds of jobs, inconvenience thousands of people and do nothing for small business. We have the planning fiasco.

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**Mr Kaine:** On a point of order, Mr Speaker: I have just read the motion and the amendment to it, and they both talk about the numbers of operations in the hospital. Do you think you could keep the Opposition to matters that are relevant to the debate?

**MR SPEAKER:** I uphold the point of order. Relevance, Mr Whitecross.

**MR WHITECROSS:** Mr Speaker, I am sure that everybody knows the point. This Government is on the ropes. It is in trouble. Everything Government members touch is turning to dust on them - whether it is buses, libraries, the education dispute, planning or whatever - and so they construct out of thin air this accusation against Mr Berry. There is no substance to it. The Government has produced no evidence for it. It is not surprising that Mrs Carnell did not have the guts to get up and move this motion. She knows that it is tissue-thin, that it is a smart-arse thing that has been cooked up in her office and - - -

**Mr De Domenico:** On a point of order, Mr Speaker: I may not have heard correctly; but the acting member - I am sorry; the member - for Brindabella, I think, called Mrs Carnell or something Mrs Carnell did "smart-arse". I suggest that that is terribly unparliamentary. Perhaps when Mr Whitecross has been in this place for longer he will realise that a courteous person would withdraw that sort of remark.

**MR SPEAKER:** Would you do so.

**MR WHITECROSS:** I am happy to do that.

**MR SPEAKER:** Would you withdraw the term.

**MR WHITECROSS:** I withdraw the term. Mr Speaker, it was a cheap stunt, cooked up in Mrs Carnell's office, which does not have enough fibre to stand up on its own. So, rather than come in here and defend it, she got Mr Humphries to do the dirty work for her.

In fact, Mr Speaker, she did not even have the guts to come into the Assembly this morning and move the motion. She was hoping that we would all be happy to forget about it and go away. She had every media outlet in town briefed that there was going to be a censure motion today. She did not have the guts to move it first up. She did not even have the guts to move it at all. Having accused Mr Berry yesterday, having raised the allegation yesterday, she did not have the guts to move the motion. She did not even have the guts to speak before Mr Berry did. She tried to get Mr Berry on his feet to defend himself before she - the accuser - had made her allegations. That is how chicken she is. That is how pathetic this case is. That is how feeble the Government is.

Mr Speaker, this has been a monumental distraction from the real scandal of what this Government is doing to the Territory. The sooner the community can get back to focusing on the terrible job this Government is doing - whether it is in planning, budgets, health, or whatever else - the better it will be for this community.



**MR SPEAKER:** I remind members that, now that Mr Whitecross has moved an amendment, members who have spoken before can address the Assembly again on Mr Whitecross's amendment.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (12.30): Mr Speaker, I thought it might be appropriate to try to get back to the point of the motion. It shows again that those opposite really do not have a case here today. The fact that Mr Whitecross has felt the need to talk about buses, Premiers Conferences and libraries really shows that he does not believe that he can win the argument on the basis on what is in front of us. I think that really shows with the amendment as well, Mr Speaker. The amendment obviously is a joke, or, if it is not a joke, what it is actually saying is that figures that were produced under a previous government and published under a previous government - that would mean budgets - - -

**Mr Whitecross:** They were not published.

**MRS CARNELL:** I am sorry; they were published. The amendment is saying that figures published under a previous government and distributed under a previous government became the responsibility of the new government. Mr Speaker, no matter how you look at that, that is just ridiculous. Obviously, figures that have been produced by us - all of the health figures that have been produced since last March when we took office - are my responsibility. I am the Minister. I accept that totally. Figures that were produced under Mr Berry when he was Minister are his responsibility, and so it goes on.

Mr Whitecross has moved an amendment to the motion that is before this Assembly, which, by its very nature, indicates that, if a new government ever publishes figures that were actually published by a previous government, produced under a previous government, documented under a previous government and used by a previous government for management purposes, the new government should be censured. The actual documents that those figures came from are called "Financial Performance Reports for Woden Valley Hospital". They are very important documents, Mr Speaker, and ones that are used for management purposes, for political purposes, for planning purposes and for strategic purposes.

**Mr Whitecross:** But not published.

**MRS CARNELL:** And published and distributed around the hospital and around Health generally. The amendment we have here indicates - - -

**Mr Berry:** You never saw me in Accident and Emergency handing them out.

**MR SPEAKER:** Order! Sit down, Mr Berry.

**MRS CARNELL:** Mr Berry, I think that what we have here from Mr Whitecross is an amendment that suggests that, if we use any figures that were produced and documented under a previous government - basically, if we republish figures that were already published under a previous government - without going back and checking every line

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because they might have been wrong, somehow that is censurable. That is what he is saying. The amendment would indicate that, by republishing figures that were published under a previous government, that somehow is a censurable matter. That is, obviously, patently ridiculous, Mr Speaker.

Members interjected.

**MRS CARNELL:** Mr Speaker, I thought those opposite were getting somewhat precious about being interrupted a few minutes ago.

**MR SPEAKER:** Yes. I uphold your complaint. Both sides seem to amuse themselves by interjecting when the other side is speaking. I remind everybody that Mrs Carnell has the floor at the moment.

**MRS CARNELL:** So, Mr Speaker, I would hope that everybody in this house would accept that figures produced under a Minister are that Minister's responsibility - end of deal; no ifs or buts. The figures that we are talking about now in Mr Whitecross's amendment were produced under the previous Labor Government - under Mr Connolly and Mr Berry as Ministers at that time. Therefore, they are their responsibility.

I come back to the case I made earlier. It has been made quite clear in this place by all of those on the crossbenches that they believed, in the way they voted on previous censure motions, that, if a Minister uses or publishes particular figures, then that Minister is responsible for his or her actions. This Assembly determined that, because I used a model for working out VMO salaries from a previous government without questioning that model and speaking about the outcomes of that model - by doing that alone - I was censurable. If that is the case, Mr Berry is certainly censurable in this case. But to suggest for one moment that a new government is somehow responsible for an old government's figures is patently bottom-line ridiculous.

In terms of when we knew about this situation, I think Dr Hughes made it very clear on radio this morning. Dr Hughes was quite definite. He said that he had no knowledge of this situation, that his executive had no knowledge of this situation, until he was asked to investigate it as a response to Mr Berry's press release. We asked him to have a look at it because our figures look fine. They are the ones that I am responsible for. They are the ones that I am working on. Our figures show that waiting lists are down. Our figures show that waiting times have been reduced. Our figures also show that we have a budget problem. All of those things I am totally responsible for, and I will not back away from it. Dr Hughes, though, was asked to do something fairly unusual, and that was to look at figures that had been produced under a previous government. He went away and obviously spoke to some people in his area. Dr Hughes said this morning that he went away and made investigations and found that double-counting had occurred for some 13 months - 3,749 operations that were documented as having occurred simply did not occur. That is what Dr Hughes said this morning.

If those opposite wanted a briefing about my advice, they got it straight from Dr Hughes this morning on radio. He said categorically that the first thing he knew about it was when he investigated it, on a request from me for information about a previous government's figures. It was not information about our figures, not information about our trending - all of the things I am responsible for, Mr Speaker. What I am not responsible for is that a previous government double-counted day surgery for 13 months and misled the community by indicating that somehow the situation at Woden Valley Hospital was wonderful; that operations were up, throughput was up, and everything was hunky-dory. Mr Berry actually saying that is in *Hansard*, Mr Speaker. It was not just out there in the community; it is here in *Hansard*, as I quoted in my first speech. Mr Berry said categorically that the hospital was operating better in all areas because the figures showed it. It is true that the figures did show it; but the figures were categorically shonky, Mr Speaker.

What we are deciding here today is: Who is responsible for figures produced under a Minister? Is the Minister responsible for his or her own figures? I do not think there are two ways to look at that. The fact is that we are responsible. I am responsible for my figures, for my performance as Health Minister, and this Assembly has made it very clear to me that it is willing to censure me when it does not believe that I am performing as well as it believes I should, even if I am relying on statistics or a model from a previous government. Mr Berry has to have the guts to actually say, "Yes, I am responsible for the figures that were produced under me. If they are wrong, then I am responsible".

This Assembly made it clear to me when the VMO savings that, in all honesty, I believed would occur, based upon a model that had been used by a previous government, did not happen. This Assembly said, "That is not good enough, Mrs Carnell. We are going to censure you". Fine. That is what this Assembly did. But let us have some consistency here. Surely Ministers are responsible for figures that are produced and used under them. Surely a new Minister who republishes or uses in documents figures that were produced under a previous government cannot be held responsible for figures that were put together under a previous government, Mr Speaker. If that were the case, we could never accept any budget figures, any figures whatsoever, that were put together under a previous government, because by their very nature we would have to take responsibility for them. That is ridiculous, Mr Speaker.

I will come back to the issue here. This Assembly, in the past, has said categorically that Ministers are responsible for what happens under them in their departments when they are Ministers. Under Mr Berry, day surgery was double-counted. There was a situation where, by Mr Berry saying that things were improving in every aspect of the hospital, the community, the people in the hospital, Canberrans generally and this Assembly were all led to believe that there was substantially more surgery happening than actually was happening. That cannot be questioned. It is actually there in *Hansard*. Mr Berry saying that things were improving in every aspect of the hospital is there in *Hansard*. Mr Berry saying that information was available on all aspects of hospital activity is there in *Hansard*. It is there, it was there, and it was available to Mr Berry. The bottom line here, Mr Speaker, is that we need some consistency from this whole Assembly. You cannot censure one Minister for things that happened under that Minister's operation and then say that somehow that is not consistent across the board.

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**MR WOOD** (12.40): What should be supported is the amendment moved by Mr Whitecross. It more accurately expresses where condemnation should lie in this debate today. Mrs Carnell has made a great deal of this issue. In question time yesterday, she used some strong words. She was talking about “a scandal”. Today she or Mr Humphries used the word “deception” and said that there was some plot to doctor figures. In fact, no speaker from the Government has pursued that theme very strongly. They have tended to dance around it, to make imputations, to make suggestions. But Mrs Carnell has certainly endeavoured to make a great deal out of this issue. There is nothing behind it. As Mr Whitecross says, it is tissue-thin. There is nothing there.

It has already been explained to the Assembly that the actual motion, moved rather reluctantly by Mr Humphries, would fail simply on any basis of logic, because Mr Berry did not mislead the Assembly. To take it as far as possible beyond logic, how could asking a question mislead the Assembly? It is nonsense. Let us try to develop a scenario of what happened here. Some time ago, in late 1993, apparently - and we still do not know the full story - figures were doubled up in November 1993, and that went on until December 1994, when, apparently, the department caught up with it. Mrs Carnell then continued to work off those figures in certain respects. Mr Berry never used those figures.

Let us have a look at this. Mr Humphries tried hard to say that Mr Berry has absolute, hands-on responsibility for these figures; that they are his; and that he is condemned by them. Like Mrs Carnell, Mr Berry is not slow to make a political point. He is not at all tardy in putting out a media release. I think they match each other fairly well in that respect. On the paperwork that Mrs Carnell gave us yesterday, there is a clear increase - a doubling of the figures. If Mr Berry had even known about those figures, if he had used those figures, if he had wanted those figures, he would certainly have put out a media statement. He would have been out there in front of the television cameras saying, “Look what our administration has done”.

**Mr Kaine:** He did just that.

**MR WOOD:** No, he did not. Mr Berry did not use those figures. He says that he did not know about them. They were down there in that department - - -

Members interjected.

**MR WOOD:** What about your rules, Mr Speaker?

**MR SPEAKER:** Indeed; I am happy to uphold them. Keep going.

**MR WOOD:** So, the figures were not used. Mr Humphries acknowledged that they were not tabled in this Assembly. We have nothing coming back to us. The Government, no doubt, has been searching through all the records and, if Mr Berry's name was attached to any of them, they would have been tabled. We do not have them. Mrs Carnell, in new formats, used these figures for a long time. It was not until Mr Berry put out a media statement a little while ago that some questions started to be asked. So that is the story.

Mrs Carnell went to the Health Department, and the officers said, "We found a mistake. We found a doubling up". Mr Berry, by interjection, I think, asked for the advice she got from the department. She was told that there was a doubling up, and no doubt there was some reason given for that. No doubt there was some comment made about how that could happen. Mrs Carnell has tried to cast a few dark aspersions about it, to indicate that there might have been some chicanery on the part of Mr Berry; but she has not developed it. Mr Berry, by interjection, said, "Table that advice you received". I would like to see that advice. I would like to see what the department said. I would like to know why there was a doubling up. I would like to know the full story from the department. The conversation that Mrs Carnell had with her department is something we ought to hear. Maybe in due course it will come out.

She received this piece of information, that there was a doubling of figures. In true Mrs Carnell style, she set out to make the most out of it. There was a bit of a kerfuffle in the department, she thought, "Let us make the most of this. Let us go full steam on this to attack Mr Berry". In true front-on, confrontational, knock them down style, which is the style of Mrs Carnell, she set out to maximise what she could get from this. That was the reason for the actions yesterday and the reason why it was important that this matter be debated today, despite the hesitancy of the Government.

There is the story. I do not think there is anything behind it. Maybe - very likely - there was a mistake in the department. Mr Berry never used that data - that is clear - when it could have been used to great political advantage. Subsequently, Mrs Carnell caught up with it and wanted to try to make something of it. It just does not wash. I think Mrs Carnell is the one who needs to be condemned for taking up the time of this Assembly and trying to make a mountain out of a molehill. As Mr Whitecross said, she should be down there, with hard administration, getting the shambles that is her administration back into some form of order.

**MR DE DOMENICO** (Minister for Urban Services) (12.48): Mr Speaker, the thing that I have noticed while sitting here listening to both sides of the debate is that Mr Wood, who made an interesting contribution to the debate, tends not to interject very often, expecting perhaps that when he rises to his feet he can be very calm and gentle and thereby win us over with his argument. But there is one flaw in the way Mr Wood operates - he forgets to look at the facts. The facts are quite simple. Mr Wood tried to convince us that Mrs Carnell is responsible for figures collated and published between November 1993 and December 1994. Mr Wood, as an ex-teacher, would use the word "logic". Logically, Mr Wood, how can Mrs Carnell be responsible when at the times the figures were collated and published she was not the Minister? It is impossible, logically, to blame Mrs Carnell. That is point No. 1.

**Mr Wood:** Was I talking about that?

**MR DE DOMENICO:** Yes, you were. The deceptive way in which members of the Opposition use the English language is fascinating. They said that it was a working document, having you believe that it was just scrawled out in illegible handwriting. The figures that we are talking about are typed and published. Under "1.2 Theatre Activity", we see the Woden Valley Hospital and ARS theatre activity. On the next page we see "Theatre Activity" again.

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**Mr Berry:** They are not my figures.

**MR DE DOMENICO:** Mr Berry interjects, "They are not my figures". Mr Berry is saying, "Notwithstanding the fact that they were collated at the time I was Minister, notwithstanding the fact that they were published at the time I was Minister, they are not my figures". Whose figures were they, Mr Berry? They were not Mr Connolly's, at the beginning, because he was not the Minister for Health at the time. They were his later.

Of course they were Mr Berry's figures. They were his figures, based on his own standards. It was Mr Berry, Mr Censure Motion, who came into this place and said that Mrs Carnell should not have used a model, his model, that she should have known was flawed. Thereby he successfully convinced members of this Assembly to censure Mrs Carnell. On Mr Berry's own standards, the Assembly should find him responsible for figures collated, even if they were not published - let us forget for one moment about the fact that they were not published - during the time that he was the Minister.

Mr Wood said to himself, "If I speak gently and forget about the facts, perhaps people will believe me". Mr Speaker, the facts are quite clear. The Labor Party came in this morning expecting a censure motion at some time during the day. It was convenient for them, for all sorts of reasons, to bring it forward.

**Mr Berry:** Do you think this is fun?

**MR DE DOMENICO:** I will not take that on board. What happened? We had the censure motion. The facts before us are beyond doubt. They would tend to cause even members opposite to realise that Mr Whitecross's amendment is a nonsense. He is just trying to pull a rabbit out of the hat to make people forget.

The facts of the matter are very clear. Between November 1993 and December 1994, at a time when Labor were in government, there were two Ministers for Health. The first one was Mr Berry, and after the VITAB fiasco Mr Berry resigned and Mr Connolly took over. During that time, and only during that time, there was double-counting of figures in the Health Department. Not at times before then, as far as we know, or after that, but only during the time that Mr Berry and Mr Connolly were Health Ministers, was there double-counting. That is the fact. We would censure Mr Connolly, too, if he were here; but he is not - and good luck to him.

The facts are that during the time these two people - Mr Berry in particular, because he is here - were in control figures were double-counted. The question is: Who is responsible? On the basis of Mr Berry's own standards, Mr Berry is responsible - not Mrs Carnell, the Health Department, Mr Moore, Ms Tucker, Mr Kaine, Mr Humphries or me. Mr Berry has to take his own medicine. Obviously, we have to reject Mr Whitecross's amendment and accept the motion before us.

**MR BERRY** (12.53): I will speak to the amendment, Mr Speaker. The amendment was tailor made for the Liberals, because it talks about misleading this house. Mrs Carnell is the one who brought the figures in here and claimed that they were gospel, not me. It is as simple as that. The argument is that there has been a misleading of this house. There has been none by me. I know that some on the crossbenches are not so happy about censuring Mrs Carnell on this issue; but the fact of the matter is that, if there is to be a censure, it ought to be against the person who brought the misleading information into this house. If the Liberals were fair dinkum about these figures that were produced by somebody at Woden Valley Hospital and about the alleged glitch in them, then they would move a motion of censure which read something like this:

That this house censure Mr Berry for the figures which were produced at Woden Valley Hospital when he was Minister umpteen years ago.

That would not go down too well in here, I suspect. I do not think it would even get a run. That would be about the only sensible motion you could move, if in fact what has been claimed about the figures is true. Mr Speaker, it is a nonsense.

It is also a nonsense to compare this motion to the previous censure motion to which Mrs Carnell was subjected some time ago. It was about two issues. One was recklessly misleading this house as the Minister and the other was the management of the health budget. Mr Speaker, that motion was about the Minister making strong statements about something which turned out to be untrue and about budget management in Health, as I recall. Look at the situation here. I am not the Minister. In this case, I brought nothing at all into this place which could have misled it. Mrs Carnell is the Minister. She brought the figures in. They are the figures that the Liberals now claim have misled. It is a nonsense argument to say that I am deserving of censure because of something which occurred in the hospital at the time I was Minister, because nobody on this side of the house brought those figures in here and said, "They are gospel". Mrs Carnell was the one who brought them in here and said that they were gospel.

**Mr Humphries:** You did yesterday, in question time.

**MR BERRY:** Mr Humphries has still got himself hooked on this asking a question line that he tried to run. For heaven's sake, I do not think I can recall anybody having been censured for misleading the house when they asked a question. That is a beauty.

**Mr Humphries:** Does "the Vietnamese nurses" ring any bells?

**MR BERRY:** That was for racist remarks. Mr Speaker, the facts of the matter are that I have not misled this house in relation to the figures to which the Liberals refer. It is just a nonsense censure motion. The amendment which my colleague the Leader of the Opposition has moved is tailor made for the Liberals. They should join with us and support that one, because it is really about figures which have, in effect, misled this house; but, if they are not bent on supporting us on that one, neither should they support the censure motion against me.

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**MS TUCKER (12.57):** Mr Speaker, in listening to the debate this morning I have heard a lot from the Liberals on consistency. I have to agree that, if we are to be consistent, I would have to be as willing to censure Mrs Carnell as I am to censure Mr Berry on this issue, because she has used the same figures. I have heard Mrs Carnell say “his department, not mine”, but I have here a transcript of an interview in which the question was asked:

Do you believe that the officials who found those figures for you genuinely only found the double-count in meeting your request?

The answer was:

My understanding is that they had known about it for a period of time.

The responsibility is obviously equally with Mrs Carnell and Mr Berry when he was Minister. The question I have to ask is: Do we once again censure Mr Berry and Mrs Carnell so that we are consistent, because we did censure Mrs Carnell on the VMO issue?

Something else that the Liberals have raised often is the concern that the censure motion is losing its power or its impact. The question I have to look carefully at is whether this is the same as the VMO issue. I heard Mrs Carnell arguing fiercely that it was not her responsibility that the model she used was wrong; that it was not her responsibility to examine a model that she was using. Obviously, that is not a strong argument at all and does not give the impression of good management. My decision at the end of this is that the VMO issue was different. The issue is whether or not a censure motion is going to be totally frivolous. Mrs Carnell has used these figures. Her department has been aware of them as well. She claimed on radio that her department had known about them for a period of time. I therefore believe that in this instance there is a strong argument that she is as culpable as Mr Berry. I am not prepared to censure either person. I think we have wasted a lot of time. We do not have to make it worse by devaluing the impact of a censure motion as well.

Mrs Carnell said at one point that Mr Berry was trying to hide a very real problem by forcing this motion. I think everyone is hiding a real problem here, and that is that we do not have enough debate on structural issues around health. We have seen the politics of the waiting list replayed by both parties over and over for years. What the Greens have been asking for consistently is some real discussion on the structural issues in health. It is a debate that the whole community needs to be involved in. In my view, this has been a waste of time for the Assembly and for the taxpayers paying us, imagining that we are having some kind of constructive debate. We will not be supporting a censure of either person.



**MR MOORE** (1.00): Mr Speaker, I rise to disagree with Ms Tucker when she said that this is a waste of time. Indeed, one of the reasons why a substantive motion is needed is that an allegation was raised. It was raised and dealt with in question time yesterday, it was on the front page of the paper this morning, it was the subject of significant community debate on radio, and it is of significant community interest. That is probably not the context Ms Tucker had in mind when she said that it was a waste of time, but certainly it is - - -

**Ms Tucker:** I meant if it had not been raised in the first place.

**MR MOORE:** Indeed. Once it has been raised, then the substantive motion has to be put and the case dealt with as quickly as possible. In fact, my perception is that it is a matter that probably ought to have been dealt with yesterday afternoon, once it had been raised in question time; but I believe that all people involved wanted to look at the information more closely. Had the issue been dealt with quickly, then I think we would have seen a very different report in the paper this morning and a very different response in the media. It is important that such an allegation be dealt with in a substantive way and as quickly as possible. That is why when we suspended standing orders I was prepared to allow Mr Humphries or Mrs Carnell - I did not care who - to put the allegation. I thought it was sensible that the issue be dealt with as quickly as possible, even if it meant using up time we had set aside for private members business.

The issue, as Mrs Carnell put it in the substantive motion, is that Mr Berry had misled the Assembly on a series of things: The day surgery figures were double-counted; the figures were available and were published; the Assembly had been informed that all was going well, and Mrs Carnell quoted from *Hansard* of October 1993 to illustrate that point. I draw attention to the fact that October 1993 is actually before the time that we are talking about, before the time covered by the motion. However, there is the issue of Mr Berry saying that the hospital was effectively improving.

Whether these figures were available and published is, to a certain extent, the kernel of the debate here. Just how available were they and how could we have expected a Minister to make himself conscious and aware of them? I think that is where the issues that Ms Tucker raised really come into play. If it was so important for Mr Berry to have made himself aware and conscious of these figures, why was it not the case that the current Minister for Health was aware and conscious of the fact that operations under her system had in fact reduced significantly - as Mr Berry pointed out, by 2,095? That is what the figures would have been indicating. Indeed, Mrs Carnell stood up in this house and said that it was Mr Berry raising this figure of 2,095 fewer operations under the Carnell Government which motivated her to ask her chief executive, "What is the truth? What is going on?". Finally, some significant time later, some action is taken.

As an aside, I mention that there are a couple of questions that have yet to be answered. I would hope that within the next few days, certainly within this sitting period, Mrs Carnell will explain to the Assembly, first of all, how the mistake was made. Did an ASO3 count incorrectly, or what happened?

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**Mr Humphries:** He was the Minister.

**MR MOORE:** I realise that he was the Minister.

**Mr Berry:** I will take over if you like and I will find out for you.

**MR MOORE:** Thank you for your kind offer, Mr Berry. One would presume that a Minister would be trying to find out how a mistake happened, so that it could not possibly happen again. The second matter that I think Mrs Carnell ought to explain to the Assembly is why this did not come out in the Booz Allen report, and a series of other inquiries into the health system on which we spent millions of dollars. There are important questions coming out of this issue that need to be answered.

Mr Speaker, when I sat down in the Assembly this morning, there was the smell of a censure motion around the place. The smell of a censure motion always does the heart and soul of crossbenchers a power of good.

**Mr Osborne:** Especially when Mr Berry is censured.

**MR MOORE:** As Mr Osborne mentions to me, when it is Mr Berry the temptation is absolutely huge. It is sheer joy being able to censure Mr Berry if there is something substantial in it. Mr Speaker, if Mr Berry has responsibility in this area and Mrs Carnell has effectively sat on this information for the same sort of period, then the censure should go both ways.

I have listened to and considered the contributions of all speakers - other than Mr De Domenico, whose contribution was really only to try to criticise Mr Wood. Although Mr De Domenico speaks eloquently, he just does not make any valid points. It seems to me that a substantial enough case has not been made for me to support a censure motion against either person. I think that that emphasises for us why, when allegations are raised, it is important to bring them to the Assembly and deal with them as quickly as possible. I think the real lesson for us in dealing with this issue today is that when allegations are made at question time - - -

**Mrs Carnell:** But you are not suggesting that the allegations are not right.

**MR MOORE:** Mrs Carnell says that the allegations were not made.

**Mrs Carnell:** No. I said that you are not suggesting that the allegations are not right. You are not suggesting that there was not double-counting.

**MR MOORE:** I do not suggest that there was not double-counting. I can see where Mrs Carnell is coming from. The question is not so much whether there was double-counting as whether the Minister should have known, as we expected her to know in the case of the VMOs, when we censured her for not knowing that the model she used was wrong. I think the two cases are substantially different. They are at entirely different levels. Whilst I can see her perspective and why she would like to see them converge

and be considered the same, I do not accept that they are the same. I do not accept that the responsibility was at the same level. That is what always makes these sorts of issues difficult. They are never simple matters of black and white. There is not a simple polarity; there is always a range of areas in between. I believe that a case has not been made to censure either Mr Berry or Mrs Carnell. I shall be voting against the amendment and against the motion.

**MR HUMPHRIES** (Attorney-General) (1.09): I must say that I am disappointed with the position of those on the crossbenches on this matter. The Government moved this motion in the first place - and I make it clear - because what in the past would have been inappropriate to censure someone for, we felt, we ought to censure Mr Berry for on this occasion because of the standards that we saw the Assembly itself set in this matter in recent days. In the past I have made points about how often the Assembly has moved censure motions.

**Mr Moore:** And the number of times they have been knocked off, too.

**MR HUMPHRIES:** They have been passed fairly regularly, Mr Speaker.

**Mr Moore:** They have been knocked off, too.

**MR HUMPHRIES:** Not as far as the Ministers in this Government are concerned. I cannot recall them having been knocked off very often in this Assembly, under this Government. They have been pretty comfortable and they have always been passed.

**Mr Moore:** What about in the middle of the union strike?

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** The point is that we framed this motion to coincide exactly with the standards that the Assembly had set. In the motion on the VMOs in March of this year the Assembly said that, if a Minister presented information which was inaccurate or relied upon such information, that Minister was responsible for having misled the Assembly, even if they did not know what was going on. On that basis, this motion ought to be acceded to.

Ms Tucker made the point that censure motions are being devalued in this place. That may be, but that has already occurred. To decide after two or three successful censure motions against the Government that such motions have gone too far and we should draw the line now, when the Opposition is the subject of a censure motion, is really a bit rich, to be perfectly frank.

**Ms Tucker:** Mrs Carnell is going to be censured if Mr Berry is.

**MR HUMPHRIES:** By the Opposition. Mr Speaker, I think that is most unsatisfactory. The kernel of this matter is whose figures were used. The suggestion was made that these are actually Mrs Carnell's figures. They are not Mrs Carnell's figures. Mrs Carnell asked for them and obtained them - - -

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**Mr Whitecross:** She tabled them. They were hers when she brought them in here.

**MR HUMPHRIES:** Mr Speaker, I heard Mr Wood and the last few speakers on the other side in silence. I would ask for a bit of courtesy. I am summing up. The fact is that Mrs Carnell did not produce the figures. Mrs Carnell asked for the figures herself while she was in opposition and obtained some of them from Mr Berry's department. We did not create these figures. They were already in existence at the time that Mr Berry was in office. They were produced by Mr Berry's department while the former Government was in office. The fact is that those figures were produced. We on this side of the chamber used them. We thought that they were accurate. We were surprised by the figures in some ways. We believed that if they had been produced by the department they must be true - and they were not true.

The suggestion was made by Mr Moore and by Ms Tucker that Mrs Carnell had also published inaccurate figures and she must have known that they were inaccurate. Mrs Carnell was the first Minister to ask how the figures could be accurate. She went to the department and said, "These figures do not seem to make much sense. Can you check them, please?". They were checked and she discovered the error. She brought the error to the attention of the Assembly. She discovered the error in the figures that Mr Berry had produced. To say that Mrs Carnell has perpetuated the misleading is untrue. Mrs Carnell was the first Minister to ask how those figures came about and to have them checked and to discover that they were inaccurate.

Mr Speaker, this Assembly seems to be applying the principle that the Government should meet a higher standard of accuracy in information provision than the Opposition. That is most unfair. If this place believes that all governments, past or present, deserve to meet a certain standard, then it should accept that Ministers who do not meet that standard should be censured, whether or not they are in government or opposition at the time. To censure Ministers in this Government when in precisely the same circumstances those opposite do not face the same sanction is to set a different standard for each side of the chamber.

We made allegations yesterday about cooking the books. We have not repeated them today, because we give Mr Berry the benefit of the doubt that he may not have known about the figures in his department. He has still come to this place and not conceded that the figures are accurate, despite hearing Dr Hughes this morning on the radio. He still will not concede that the figures, as tabled by the Chief Minister, are accurate. I suspect that he never will in this place. His colleagues are prepared to half-apologise on his behalf.

Those people opposite and the press gallery can testify that Mr Berry ran around for two weeks in this place saying, "Kate Carnell is a liar. We have got her on toast on this matter. Kate Carnell made false allegations. She is cooking the books. We can prove that". He was producing figures and urging people to make those sorts of claims in the media - as some of them did, to their discredit. He ran around doing that for several weeks. Where is the apology for having misled the public? Where is the apology for that?

**Mr Whitecross:** Using Mrs Carnell's figures.

**MR HUMPHRIES:** They were your figures, Mr Berry. They were produced under you. We relied upon those figures. They were your figures. You can see now that they are wrong. Why do you not make a statement in the press to apologise to Mrs Carnell for having said that she was misleading the people? Will you make that statement? Mr Speaker, it is clear that there is one standard for those opposite when they are in opposition and a different standard for them when they are in government and there is a different standard for members of this side of the chamber. Frankly, it leaves this Government thinking that censure motions are not of any particular value at all in this place.

Amendment negatived.

Question put:

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

The Assembly voted -

*AYES, 6*

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

*NOES, 9*

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

Question so resolved in the negative.

**Sitting suspended from 1.19 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Electricity Prices

**MR SPEAKER:** Mr De Domenico, I understand that you want to clarify something from yesterday.

**MR DE DOMENICO:** Yes, thank you, Mr Speaker. I thank the Assembly, too. Yesterday, in answer to a question asked by Mr Osborne, I might have given the impression that the Government has consulted with the ACT independent pricing commissioner. We could not have done that because he has not been appointed yet.

**Mr Wood:** He is not there yet, is he?

**MR DE DOMENICO:** That is right. That is why I wanted to stand up and clarify it.

**Mr Wood:** It was your usual bit of wind, wasn't it?

**MR DE DOMENICO:** No, it was not, Mr Wood. If you would sit back and be as patient as you normally are, you would know that it was not just the "usual bit of wind". What I was saying was that the independent pricing and regulatory tribunal of New South Wales - I did not use the words "of New South Wales", Mr Wood - the body, by the way, to be accessed by way of Mr Osborne's amendment, had been consulted and on 28 May that body advised that it had no problems with the new ACTEW prices, which, as I said yesterday, equate in real terms with a decrease in prices. I thought I would clarify that, Mr Speaker.

### Carnell Government - Strategy Meeting

**MR WHITECROSS:** Mr Speaker, my question without notice is to the Chief Minister. Chief Minister, the *Canberra Times* on Saturday, 15 June, carried a front-page story which reported a meeting last December at Eagle Hawk Hill of Ministers, staff and department heads. The article claimed that the minutes of this meeting included a range of measures that would form a key part of the Carnell Government's strategy for the next two years. Mr Speaker, the Opposition has received a copy of these minutes and related documents, the front page of which is a fax cover sheet from the Chief Minister's Department to Mrs Carnell's chief of staff, and the handwritten note on the cover sheet reads in part:

Ian,

Following is the material I transcribed from the notes taken at the Ministerial Retreat.

I therefore assume, Mr Speaker, that the information reported in the documents is essentially accurate in all key respects. Mr Speaker, the big issues include some very imaginative ideas. Among them is bombing the buildings on Acton Peninsula and educating the public not to bother Ministers with their problems. Chief Minister, why was this meeting not held in government premises which would involve the least cost to the Canberra taxpayers? If this was not an option, why did you not make use of one of the numerous hotels, motels and reception centres in the ACT? Why, instead, did you take business to New South Wales?

**MRS CARNELL:** This is an amazing question, Mr Speaker. I was absolutely confident, as the question progressed, that I would be asked about one of the very innovative ideas, and I thank Mr Whitecross for that because there were some very innovative ideas. There were some fairly outlandish ideas, too, I might say. I think it is really important for everybody to know the basis for the meeting. We took Ministers plus our senior public servants away for a weekend to get them away from the office and for us to put on paper the sorts of things they saw for their particular area, the sorts of things they wanted to achieve, and we put on the table the sorts of things we wanted to achieve over the next 2½ years, at that stage. We attempted to bring those together in a way that would achieve a consistent strategy between our public sector and the Government. We perceived that to be a very sensible idea and I think it has paid dividends a million times.

As for holding it at Eagle Hawk, Mr Speaker, contrary to those opposite, we actually view Canberra as a region. We think it is very important to encourage businesses generally in the region. I think Mr Whitecross might find that a very large percentage of the people employed at that establishment live in Canberra.

**MR WHITECROSS:** I have a supplementary question. Can Mrs Carnell inform the Assembly of what the total cost of the meeting to the ACT taxpayers was?

**Mr De Domenico:** Surprise, surprise!

**MR SPEAKER:** Order!

**MR WHITECROSS:** Thank you, Mr Speaker. Will you table, in detail, an itemised account of the expenditure, including travel allowances and room hire, et cetera?

**MRS CARNELL:** Mr Speaker, my view is that we all paid for ourselves, but I will check that that was the case.

**Mr De Domenico:** No; hold on. He owes me a beer.

**MRS CARNELL:** Oh, that is right. I will check that that is the case within the public sector, but certainly - - -

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**Mr Berry:** Travel allowances.

**MRS CARNELL:** There were no travel allowances. Mr Speaker, certainly, from the perspective of the Ministers, we all paid for our own rooms and our own meals. There were no travel allowances. There were no overnight allowances. Certainly, the Ministers all paid for their own rooms and meals. I will check what happened within the public sector, but I suspect that that might have been the case there too. I will certainly get the information.

### **Tourism Commercial**

**MR HIRD:** Mr Speaker, my question is to Mr De Domenico in his capacity as Minister for Tourism in the ACT. Can the Minister inform the parliament about the bold new Canberra Tourism TV commercial which has been prepared and is currently airing in three States, I understand? This is a commercial which will be seen soon in cinemas throughout the Sydney metropolitan area. What is the situation?

**Mr Moore:** Are you going to fund them out of a bed tax?

**MR DE DOMENICO:** May I answer the interjection? The answer is no. I am sure that even Mr Moore would not be supportive of a GST, which is what a bed tax would be.

**Mr Moore:** Oh, you never know - as the Minister's swan song.

**MR DE DOMENICO:** He might support it, though; I do not know. In response to Mr Hird's question, I thank him for it. I am very excited, as we all should be, about Canberra Tourism's latest commercial, which wonderfully promotes the national capital as a premier tourist destination within the southern New South Wales region, which is also a magnificent region. We would be quite happy to go and see some other place in the region, should Mrs Carnell and our colleagues and public servants seek to get together for a weekend at another time.

Mr Speaker, the TV advertisement is currently enjoying a wide audience, with airing on Capital Television in northern and central Victoria, in south-east Queensland and on the New South Wales south coast. The ad is also being used as a filler on the Capital Television regional network where there is unsold advertising space. In addition, a major promotional campaign will see the commercial run in selected cinemas in the Sydney metropolitan area. A number of free opportunities have also presented themselves for exposure of the commercial, including a three-week run on SBS television nationwide at the beginning of February.



The Government is particularly keen to have the commercial aired on regional television stations throughout New South Wales. Funding has been allocated in the 1996-97 budget for that purpose. Canberra Tourism has worked tirelessly to put this fantastic commercial together. Without it, Canberra would surely have missed out on vital national exposure. Mr Speaker, the commercial is not limited to television. It is also being used extensively by Canberra Tourism at a variety of important functions, including consumer shows, trade fairs, shopping centre promotions and industry presentations, and at point of sale opportunities in Canberra travel embassies located at Countrylink travel centres. The success of the commercial and promotional video is furthermore assured, given their availability to cooperative marketing partners from all sectors of the ACT tourism industry for use in their marketing and promotional campaigns.

But, Mr Speaker, effective promotion does not end with television and video presentation. Print can be just as powerful, as a lot of members of this Assembly tend to think from time to time. I refer to a special Australian supplement published only last week in the *Washington Times* newspaper. It consisted of an eight-page lift-out under the headline "Australia: One hundred days of Change", which was all about our recent change of government and its effect on the nation. Not only did the article explore the rest of the nation; it also featured a half-page spread on Canberra. The piece focused on Canberra's diverse and attractive way of life under the headings, "A great place to live", "A great place to visit", "A great place to do business", and "Environmental management". Mr Speaker, this is a most exciting development for Canberra Tourism, one that adds weight to our interest in entering the lucrative American tourism market.

**MR HIRD:** I have a supplementary question, Mr Speaker. Can the Minister inform the house as to whether the Government is using this as a platform so that it can boost the opportunities for job creation within that industry?

**MR DE DOMENICO:** The short answer to Mr Hird's unrehearsed supplementary is yes, of course it is.

**Mr Berry:** But it is not working very well. There are a lot of unemployed people out there.

**MR DE DOMENICO:** I am glad that Mr Berry interjects, because it gives me another opportunity to speak. The question asked by Mr Hird gives you an idea of the difference between those opposite and people on this side of the house. When those opposite want to do things they use Bankcard, borrow money and spend it. We on this side of the house work closely with the private sector. Here we have commercials being aired all over the south-eastern seaboard of Australia, free of charge. We are not paying for them. We are working closely with the private sector. All future jobs in the ACT, as we know, will have to come, or will come predominantly, from the private sector. They will come because we in this Government work very closely with the private sector - unlike the ones opposite, who would not even know what a private person looked like.

### Kingston Bowling Club Site

**MR MOORE:** Mr Speaker, my question is to Mr Humphries as Minister for the Environment, Land and Planning. In fact, I intended to ask this question yesterday, Mr Speaker, and I gave Mr Humphries notice a few hours before yesterday's question time. It refers to blocks 32 and 33, section 26, Kingston. I gave some notice of the question because it is quite specific. On 15 November 1995 Justice Stein published his report on leasehold. On 20 November 1995, five days later, a lease was issued for the Kingston bowling club site and the remission allowed was 50 per cent. Paragraph 184(b) of the Land Act requires you to exercise a lease variation only when proper betterment has been paid of "an amount determined by the Executive as prescribed in respect of the increase in the value". The prescribed amount, under the Land Act regulations, for a concessional lease of this age was 100 per cent betterment, not 50 per cent. Even if it were a non-concessional lease, the remission should have been 17 per cent, given the age of the lease. Was your decision to allow the issue of this lease contrary to the Land Act, in spite of having the benefit of the Stein report only a few days previously? Further, is it true that, with respect to this lease, a refund of betterment was provided in February 1996, following receipt of a letter of demand, without getting any further legal advice?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Moore for the question and for giving notice of the question. There are some ironies in this answer after this morning's proceedings in the Assembly. First of all, Mr Speaker, Mr Moore asks whether my decision to allow the issue of a lease was contrary to the Land Act. I should say to him that the decision was not mine; it was made under me, which, of course, exonerates me completely in that respect. Even so, Mr Speaker, I would like to put some information on the record.

Members will recall that the development proposed for the Kingston Women's Bowling Club site was discussed in the Stein report. An application for redevelopment of this site was submitted initially in August 1989, prior to the revised betterment policy being introduced in February 1990 and before the commencement of the Land (Planning and Environment) Act in April 1992. On 16 December 1991 the lessee was given an undertaking that any application for redevelopment and change of purpose would attract a 50 per cent betterment charge in accordance with the then policies and legislation. Mr Moore will note that we were not in government on 16 December 1991. The decision presumably was made by Mr Wood, or under Mr Wood - there is a very important difference there, of course - and this Government has carried through the commitments and undertakings given and, in fact, substantially implemented under the previous Government. The information about the policies and legislation was given at the request of the applicant to clarify the financial implications attached to the development. It was based on the fact that the original crown lease was granted in 1967, and the concessional component of the lease was removed in 1983 when a new 99-year lease, with a more general commercial purpose clause, was granted. The application qualified for processing under the former legislation. However, as the lease variation also required a Territory Plan variation, the applicant was advised that the lease variation could not proceed until the Territory Plan was varied. The variation of the plan was not gazetted until 18 June 1993.

By that time an application under the Land Act was necessary and, as the applicant was aware of this requirement, the application was lodged on the same date as the gazettal. The lease variation was approved on 5 May 1994, again under the previous Government, and the betterment determined on 15 July 1994. An appeal was made to the Land and Planning Appeals Board by some residents at Kingston. I think we are all aware of that. The approval was later amended, under the provisions of section 148 of the Land Act, to reflect the reduction in the number of units that could be constructed on the site. This meant that the maximum gross floor area was reduced.

Members should note that all the decisions on this application were made long before the Stein inquiry was given its terms of reference in July 1995. Indeed, it was one of those matters that were extensively discussed by the Stein inquiry. The particular case was highlighted in the report of the Stein inquiry, and the Government's proposed response to the report addresses those issues. The club lease was also subject to a recent FOI request by the Save Our City Coalition. The lease was issued on 23 November 1995, but that is only the administrative instrument that gives effect to the approval granted on 5 May 1994.

Mr Moore also asked about the refund of betterment that was made in February this year. There was a letter of demand for a refund of betterment. That amount was for \$52,161. The reason it was refunded without any further legal advice was that the Land and Planning Appeals Board had decreased the amount of space that was able to be built on on this site from 5,310 square metres to 5,002 square metres. The Australian Valuation Office said that that would reduce the amount of value that was attracting betterment, and the difference between those two amounts was \$52,161. It seemed pointless to get any further legal advice on that subject, since there was a clear entitlement to have that money refunded, and it was refunded.

### **Community Health Centres**

**MR BERRY:** My question is directed to the Chief Minister in her capacity as Health Minister. Chief Minister, on 6 December last year you assured the Assembly, and Mr Osborne in particular, that you would ensure that 100 per cent bulk-billing was available when you undid the salaried doctors in our health centres. Indeed, that was a direction of the Assembly. Chief Minister, will you now explain to us why, 10 days later, at your strategy weekend called to determine the future strategy of your Government, your policy had changed to a complete sell-off of public health centres and no requirement - no requirement, Mr Speaker - for 100 per cent bulk-billing doctors in the centres? Chief Minister, in February this year, in spite of your secret conclusion at Eagle Hawk Hill, you came back into the Assembly and said that you were still trying to arrange 100 per cent bulk-billing. Chief Minister, which of these statements is untrue?

**MRS CARNELL:** Mr Speaker, the document that exists is not, by the way, the minutes of the meeting on that weekend. It is, as was outlined on the cover sheet, I think, a breakdown of all of the things that were brought up by everybody on bits of butchers paper. For those who do not know how these sorts of events work, what happens is that

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everybody sits around. There were people up at the front who wrote down everybody's ideas - the ideas of the public servants, our ideas, the sorts of things that might work and the sorts of things that would not. Everything is written down. How these things work is that absolutely everything is written down. As I said in answer to Mr Whitecross's questions, there were some fairly outlandish ideas as well, things that were right off the planet, things that are not, and never will be, ACT Liberal Party policy. What happened was that they were all put down. They were all on the transcript, the butchers paper that we are talking about here.

That is not ACT Liberal policy. It is not Government policy at all. It was obviously one of the very many things that were brought up at that - - -

**Mr Berry:** Mr Speaker, I raise a point of order. It might help the Chief Minister to an earlier answer to the question. Which of the statements is untrue?

**MR SPEAKER:** There is no point of order.

**MRS CARNELL:** That is fine, Mr Speaker. I have no problems at all with that. As I just said, the issues that were on the butchers paper at that meeting have no basis in Liberal Party policy or Government policy. That is quite clear.

### **Canberra Institute of Technology - English Language Courses**

**MS TUCKER:** Mr Speaker, my question is for Mr Stefaniak as Minister for Education. Minister, I am sure you would be aware that lack of English language skills is a cause of great disadvantage for many migrants, particularly when it comes to securing employment. In an increasingly competitive labour market, written and spoken communication skills are extremely important. I wonder whether the Minister is aware that the Federal Liberal Government has frozen funds for the CIT special intervention programs which provide language classes for non-English-speaking people. Over 300 students who felt that they needed this course have just been told that they will not be able to re-enrol in July. My question is: What is your Government going to do to ensure that local residents are not disadvantaged because of the short-sighted policy of your Federal counterparts?

**MR STEFANIAK:** Mr Speaker, I thank the member for the question. She is referring to some Federal Department of Education, Employment, Training and Youth Affairs courses that were run by the Canberra Institute of Technology. My understanding, Ms Tucker, is that DEETYA has not officially advised the CIT of any funding cuts at this time, but this matter is being actively pursued with the Commonwealth agency. The CIT is taking it up with DEETYA. The CIT has a contract to offer a minimum level of activity on DEETYA's behalf, as specified in the 1995 to 1998 special intervention contract. The ACT CES, I understand, has ceased recommending DEETYA clients to future courses and this has led to speculation that classes will be cut back or discontinued. In the ACT the demand for English language programs has largely been met by Commonwealth funding. The CIT management is currently pursuing with DEETYA what its plans are for future CES courses.

**MS TUCKER:** I have a supplementary question, Mr Speaker. My question was: What will you do to lobby your Federal counterparts, and what will you do on the local scale if we do find that there are cuts to these sorts of courses? I assume that you are aware of the Migrant Resource Centre and similar local organisations. So could you please answer the question?

**MR STEFANIAK:** Yes. Firstly, I will see what they are talking about, Mr Speaker. The last part of your supplementary question, Ms Tucker, is really hypothetical because we simply will not know until the budget. I am advised that the CIT management at present is taking this matter up with DEETYA. I certainly am happy to see how they are going there and, if need be, to take the matter up myself with the relevant Minister, as I have done on a couple of other issues in recent weeks.

### **Carnell Government - Strategy Meeting**

**MS FOLLETT:** Mr Speaker, I direct a question to the Chief Minister and I refer also to the now infamous Eagle Hawk love-in. I have before me a document which is one of the documents produced at that meeting. Contrary to what the Chief Minister has said, it is not on butchers paper. In fact, it appears to be the output from a photocopying whiteboard. We have another whiteboard Minister over here. Mr Speaker, the document is headed "Exec Board". It states that the size of the exec board is to be a maximum of 10 people, and it is to meet weekly or fortnightly, "back-to-back with Cabinet". There is a column under "How formal". It says, "Papers. Danger! Gets life of its own. Same documents as Cabinet". I ask the Chief Minister whether she would care to enlighten the Assembly as to the purpose of this board, what its role will be, why there is a danger of it getting a life of its own, and what is that danger?

**MRS CARNELL:** I do not know who sorted out the questions here, but I can state again that the document that those opposite are quoting from is simply a whole list of ideas. They did not come from me, they did not come from Tony; they came from everybody.

**Ms McRae:** So you go away to just light up ideas. Fantastic! What a way to run the show!

**MR SPEAKER:** Order!

**MRS CARNELL:** It is interesting that Ms McRae makes that comment. I think it shows the difference between their Government and ours. Our approach was that we did need a strategy, we did need a direction, we did need to operate closely - - -

**Mr Berry:** Under Labor there will be no love-ins with public servants.

**MR SPEAKER:** I am not surprised. Order!

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**MRS CARNELL:** I am confident that they would have said that they would not have gone, Mr Speaker, even if they had been asked. We believe strongly, particularly in a small government like the ACT's, that if we do not work closely with our bureaucracy we simply will not get the maximum results.

**Ms McRae:** What a lot of twaddle!

**MRS CARNELL:** I am sorry, Ms McRae; it is not rubbish. It is absolutely important. Part of that - - -

**Ms McRae:** You have just said that it is rubbish. You have just said that it was just on butchers paper and total rubbish.

**MR SPEAKER:** Order! The Chief Minister is answering the question.

**Mr Humphries:** Cockatoo time.

**MRS CARNELL:** It is a bit screechy. Mr Speaker, I am very happy to answer Ms Follett's question about the proposed executive board. The proposed executive board has not been set up. What we do have is a ministerial advisory board, which was sort of about mark 4000 of the executive board, which came up as an idea. We then looked at the benefits of that and the downsides of that. Now we have a situation where, approximately once a month, the heads of the various agencies meet before Cabinet meets to discuss issues that - - -

**Ms McRae:** Yes, it has come to something. It was not just an idea that was off the planet.

**MRS CARNELL:** I am sorry; that was the question, I understood, Mr Speaker. Now we have something we call the ministerial advisory board, where we can get together the various agency heads of all departments to discuss, particularly, issues of direction that are across particular agencies. We believe that it is appropriate to get the input of all of our senior public servants on issues of great concern, or strategic or directional issues. Mr Speaker, for the interest of all those here, it is working extraordinarily well. It means that our agency heads and, for that matter, all members of Cabinet are very much part of directions that affect them in their particular departments, rather than ending up just latching on after the event. It has worked well from a management perspective, and I suppose that the first seeds of that idea came out of the weekend at Eagle Hawk.

**MS FOLLETT:** I have a supplementary question, Mr Speaker. Now that Mrs Carnell has actually admitted to having a Cabinet alternative, a kitchen Cabinet, if you like, I ask Mrs Carnell: Does this represent a total vote of no confidence in your existing Ministry and/or a backdoor method of expanding that Ministry to 10 people?

**MRS CARNELL:** I think, Mr Speaker, it is extremely unwise for Ms Follett to have made that comment. We believe that we should bring as many of our senior people together for decision-making as is possible. It is part of consultation; it is about bringing your people with you. The difference between us and the previous Government is that our senior executives actually meet with us. Under Ms Follett they met over there on Friday morning to determine what Cabinet would decide. The kitchen Cabinet existed but was not part of the structure at all.

### **Woden Valley Hospital - Adolescent Area**

**MR KAINE:** Mr Speaker, I have a question to ask the Chief Minister and Minister for Health and Community Care. Minister, there have been various commitments made over a long period of years to providing an adolescent wing at the Woden Valley Hospital. Can you tell the Assembly when an adolescent ward will finally open at that hospital?

**MRS CARNELL:** Thank you very much, Mr Kaine. I am very pleased that you are actually interested in the future of health in this city, as, of course, the Government is.

**Mr Kaine:** Yes. I am not interested in dreaming about it, Minister.

**MRS CARNELL:** That is true. Mr Speaker, senior staff at Woden Valley Hospital have informed me that the area that will house the adolescent ward is due to be vacated in mid-July. I am also advised that six beds will become available for the adolescent area at the end of the next month. Promises of adolescent wards have been made in this place since self-government, since 1989; and what happened? Absolutely nothing, Mr Speaker. The hospital intends to closely monitor the utilisation of these beds to determine whether there will be a need for additional beds. If there is a need for additional beds, they will certainly be made available. Nursing staff in the new area will have expertise - - -

**Mr Berry:** What about Dr Tharion? Whom are you going to replace him with?

**MRS CARNELL:** Mr Speaker, I am disappointed that Mr Berry does not believe that this is an important issue, because it is something that he promised on many, many occasions. Mr Speaker, the nursing staff in the new area will have expertise in adolescent health care and will be examining the possibility of improvements to the fit-out of the unit, to make it more user friendly for patients, if you like. I think it is really important with an adolescent area to have it not looking like the rest of the hospital, but looking like adolescents want it to look like.

**Mr Berry:** How does our major trauma centre go without a thoracic surgeon?

**MR SPEAKER:** Order!

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**Mr Hird:** Mr Speaker, I take a point of order. The question that the Chief Minister is answering is of some concern to members within this chamber and also to the community at large. Mr Berry may not wish to hear the answer. Mr Speaker, the people opposite in this chamber would be well advised to adhere to standing order 61.

**MR SPEAKER:** I uphold the point of order. Continue, Chief Minister.

**MRS CARNELL:** Thank you very much. Mr Speaker, the creation of an adolescent area at Woden Valley Hospital was an election promise of this Government, and we will deliver it in a few weeks' time. But we are not the only government to have promised such a service to better look after younger Canberrans who are unlucky enough to find themselves needing hospital care at some stage. You can read the Labor Party's 1992 election platform where it says that an ALP government will open an adolescent ward at Woden Valley Hospital to cater for the special needs of young people and to provide them with support and company of their own age. Mr Speaker, we all know that it never happened.

In September 1992 the then Health Minister - wait for it - Mr Berry, no responsibility Mr Berry, supported a motion by Ms Szuty for the establishment of an adolescent area. What happened, Mr Speaker? Nothing. A big fat nothing. In September 1993 Ms Szuty asked Mr Berry whether there had been any progress made. Mr Berry replied:

We have, on reflection, had discussions with an interest group concerned with that particular issue. I understand that discussions have proceeded on the basis that at some point in the redevelopment project further provision will be made within the project for that sort of service.

Remember those words "further provision will be made". Time after time Mr Berry came in here and said basically, "We will get around to it". Mr Speaker, they never got around to it. Five years after Mr Berry started to talk about it, we on this side are actually going to do it.

Mr Speaker, I think one of the things that it is important to do when answering this question is to acknowledge the input that Ms Szuty made to this project. Ms Szuty was a member of the last Assembly and I certainly plan, if I can, to get in contact with her over the next few weeks - Mr Moore might be able to help me there - because I think she really should play some part in the opening of the adolescent area. She was quite dogged when it came to this issue and really did push it along. Unfortunately, she could not push it fast enough or hard enough for anything serious to be done. Mr Speaker, I am delighted that at least six beds dedicated to adolescents will become available at Woden shortly, because there is definitely a need for this service. It is long overdue. It was promised and promised by the previous Government and absolutely nothing happened. You only have to look across the chamber to see why nothing happened.



## Liquor Trading Hours

**MR OSBORNE:** I would like to thank Mr De Domenico for finally answering the question I asked yesterday. I take it from what he said that the answer is no, the ACT tribunal was not consulted. My question today is to the Attorney-General, Mr Speaker. Minister, could you inform this Assembly of the current status of the trial of the restricted liquor trading hours?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Osborne for the question. Members will recall that in March of this year the Assembly voted to amend the Liquor Act to give me the power to authorise a limit on trading hours for licensed premises in the ACT. Mr Osborne was enthusiastic about closing hours at that stage. I am not sure that he is enthusiastic in other contexts, but we will not go into that at the moment. Mr Speaker, I can advise members that an evaluation process will be put in place in conjunction with the time limit trial that will be used over the coming year to determine whether limiting trading hours is a successful way of reducing some of the problems associated with alcohol abuse at licensed premises and outside them.

I have approved the tendering for a three-stage evaluation process to be undertaken by independent consultants with skills in criminological research. Stage one will be a literature review and a scoping study; stage two will be the collection of baseline data to see what we are testing this against; and stage three will consist of the evaluation of the effect that restricted liquor trading hours have on antisocial behaviour. Stage one is due to be completed by the middle of July. Under stage two we will collect that baseline data, and that should be completed by the middle of August.

At that point stage three should be able to begin - that is the commencement of the trial itself - and it will run for approximately six months from the end of August 1996. This will allow us a period covering the warmer months of the year when most of the problems occur, or a significant number of problems occur, with licensed premises, and we will be able to experience how those premises react to the closing hours. The closed hours will be from 4.00 am until 7.00 am. Premises trading in the ACT will need to close their doors at 4.00 am, or discontinue the sale of alcohol from that time, and they will be able to reopen, if they wish to, at 7.00 am. Stage three will evaluate the effect of the restriction of liquor trading hours on alcohol-related antisocial behaviour. I think we will have a good chance of being able to determine how successful that trial is as a result of that process.

**MR OSBORNE:** My supplementary question, Minister, is on the same topic. As you are probably aware, a well-known nightspot is appealing against a 12-hour ban placed on them by the Liquor Licensing Board. Could you also inform this Assembly of the current status of that appeal and when that appeal will be heard?

**MR HUMPHRIES:** As it happens, Mr Speaker, I know that that appeal was heard recently and a decision was handed down this morning by the Administrative Appeals Tribunal. The appeal was against the decision of the Liquor Licensing Board to suspend this particular premise, La Grange at Manuka, for a period of 12 hours this coming Thursday.

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**Mr Moore:** La Grange at Manuka?

**MR HUMPHRIES:** La Grange at Manuka, yes. A 12-hour suspension of their licence was imposed for this coming Thursday night, and that was upheld by the Administrative Appeals Tribunal. I must say, Mr Speaker, that in one sense it is pleasing to see that this has happened, without commenting on the particular facts of this case. It is very important that we impart a message to licensed premises in this Territory that the Liquor Act is not like a drivers licence, in respect of which you can collect a number of demerit points before you get a cancellation. This Liquor Act is meant to be enforced all the time. Licensed premises will be expected to comply with bans on serving intoxicated people and bans on serving those under the age of 18, and to respect their limits on occupancy levels and all those sorts of things. The decision by the AAT, I think, sends a strong signal that we will be enforcing those provisions of the Liquor Act, and so will the Liquor Licensing Board and the Administrative Appeals Tribunal.

### **Carnell Government - Strategy Meeting**

**MS McRAE:** Mr Speaker, my question is to the Chief Minister and it refers to the weekend strategy meeting, which, of course, involved the most senior and most well-paid public servants in the ACT, the foremost senior decision-makers in the Territory, who, Mrs Carnell tells us, were sitting around putting up wild ideas on butchers paper. Could Mrs Carnell please explain why the minutes of that strategy meeting included, as one of the big issues to be faced in the remaining two years of this Government, "the bombing of the Acton Peninsula site", on the grounds that the buildings act as "a living reminder of the closure of the Royal Canberra Hospital and the sentimental baggage which that carries"? Is not the truth that it is the only thing that is a living reminder of the incompetence of the Liberals over many years in their management of the health portfolio, and, in particular, the Royal Canberra Hospital, whose death warrant was signed by Mr Humphries?

**MRS CARNELL:** Ms McRae obviously was not here then. She forgot that it was Mr Berry who closed the hospital. It was not signed by Mr Humphries at all. It was Mr Berry who did that. In fact, no, it was - - -

**Mr Berry:** Humphries signed the death warrant.

**Ms McRae:** You wish, Mrs Carnell. Put that up on the butchers paper.

**MR SPEAKER:** Order! The Chief Minister is answering the question.

**MRS CARNELL:** It is important to make sure that the things that are said in this place are factual, Mr Speaker. The reality is that the person who actually closed down Canberra Hospital was Mr Berry. With regard to the comments about Acton Peninsula that were on the butchers paper or the electronic whiteboard or whatever it was, that meant that one of the quite large number of people who were at that meeting said that, so it was written up on the board. That is exactly what happened.

With regard to Acton Peninsula, though, it is no secret that those on this side of the house believe that the buildings should be demolished. Mr Berry agrees with us, on the record, that they are eyesores and believes that they are extraordinarily unattractive buildings, but we do not back away from it, Mr Speaker. We believe that that particular site should be used for something of national significance. We believe that having somewhat ageing old hospital buildings that would cost, I think, at the last quote, about \$40m or so to refurbish is simply a very bad use of a very important site to Canberra. Certainly, in terms of policy, if that is what those opposite are asking for, although I suspect that it might be out of order if they did, our policy for the site is: Yes, the buildings should be demolished and, yes, it should be used for a site of national significance. We should do that as soon as possible, and we have attempted, against all odds, to do that ever since we came to power.

**MS McRAE:** I have a supplementary question. Can you explain to this Assembly exactly what is meant by the words, "the buildings should be bombed" because of the "sentimental baggage" associated with the memories of the hospital? Can you confirm that you have absolutely no regard for the people's feelings in regard to that hospital?

**MRS CARNELL:** Mr Speaker, I did not express those opinions that went up on the whiteboard, and I do not think any of my colleagues did; but that is not the issue. We have a very strong policy on this. Yes, we believe that the buildings on Acton Peninsula should be demolished. Yes, we believe that the site should be used for something of national significance. Yes, we understand that some people feel very attached to those buildings. But we believe strongly that that site is a very important site for Canberra. I think leaving it there with ageing hospital buildings, virtually not used at all now, is probably more tragic for the people who felt wedded to an operating hospital - a hospital that was allowed to run down over many years, and a hospital that was closed under the stewardship of Mr Berry.

### **Traffic Management - North Belconnen**

**MS HORODNY:** My question is to the Minister for Urban Services. Mr De Domenico, I have received a number of representations from residents in Owen Dixon Drive in North Belconnen who are greatly concerned about the growing volume and high speed of the traffic in their street. Drivers are using the street as an alternative to the Barton Highway. The residents have put forward a number of complaints to your department and have suggested various traffic management measures to reduce the problem, but have had a very poor and uncaring response from your department. I, therefore, put it to you directly. What are you doing to address the traffic problems faced by residents in Owen Dixon Drive, and generally by residents in North Belconnen, because drivers are using their once quiet streets as back routes from the Barton Highway and Gungahlin?

**MR DE DOMENICO:** Thank you, Ms Horodny, for your question. I am not aware, personally, of all those letters sent to my department from the people you mention. I have not had any representations come to me from anyone talking about Owen Dixon Drive. Ms Horodny would know that there are local area planning committees all over the place in the ACT.

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**Ms Horodny:** Not in Belconnen.

**Ms McRae:** You should get a brief on this, Tony. There has been a public meeting. You should find out what you are talking about.

**MR SPEAKER:** Order! The Minister is answering the question.

**MR DE DOMENICO:** I am aware that there has been a public meeting, Ms McRae. Ms Horodny, if any of those people have those concerns and want to express them to me, my door is always open. I welcome any submissions that they may make to me. On reading those submissions, the Government will make a decision on what it can do.

**MS HORODNY:** There have been a number of letters, Minister, and they have come through us as well. My supplementary question is this: What forward planning is being done by your department to develop traffic management plans for that area to address increasing traffic from Gungahlin before it occurs, given that Gungahlin is expanding to the west and closer to North Belconnen and that Clarrie Hermes Drive will eventually be built to link Gungahlin with Kuringa Drive and subsequently with North Belconnen? What forward planning is being done?

**MR DE DOMENICO:** Ms Horodny, in terms of the details of exactly what forward planning has been done, I cannot tell you that here today. However, if you want a full briefing on what forward planning the Government intends to do, I am quite happy to give you a full briefing as well.

### **Carnell Government - Strategy Meeting**

**MR WOOD:** My question is to the Chief Minister. Chief Minister, among the many decisions reached at your recent meeting, the one that has been focused on today, was one which read, "Build an international airport at Goulburn" - not Canberra, but Goulburn. Nowhere in any of these documents is there even a mention of building an international airport at Canberra. In your earlier answers you said that this was a long list of ideas; but there was not even an idea, a suggestion or a proposal for an airport at Canberra. Chief Minister, if your secret agenda is to push for an airport at Goulburn and not Canberra, why have you persistently deceived the Canberra community by assuring them that a major priority is to have an international airport here in Canberra, not Goulburn?

**MRS CARNELL:** Mr Speaker, the very clear reason for that is that having an international airport here in Canberra is Liberal Party policy. It is there on paper. It was there at the last election. There was absolutely no need to make it Liberal Party policy. That is policy passed by a policy convention. The Liberal Party, of course, has a very democratic approach to policy. It actually has to pass through the rank and file of the party. In fact, a lot of it comes from the party itself. As we have a policy that the Canberra Airport should have international capacity, there was no need to list it.

As many people know - well, maybe those opposite do not know, which I think is a bit worrying - we as a government have been looking at the capacity for an international airport in Canberra, and, of course, in the region as well, because, unlike the previous Government, we think regionally, which is the reason why we have our leaders forum where the mayors of 17 jurisdictions get together. One of the issues that we have spoken about in that forum is where an international airport should go in the region. The ACT has suggested that Canberra Airport might be an option, depending, of course, on environmental impact studies; but there might be other options, too. Goulburn has put forward the option of the Goulburn site. There have been other sites mentioned as well. My understanding is that the Goulburn site has been ruled out by the current Transport Minister, Mr Sharp. I understand that he prefers the Canberra option at this stage.

Those opposite may not know - they do not seem to know anything much today, or ever, really - that we recently had a meeting with Mr Sharp with regard to the international airport capacity for Canberra. He has agreed, in principle, anyway, to look at funding an environmental impact study for the Canberra Airport as an international terminal. I have written to him along those lines, and I have an assurance from Mr Sharp that he will put that forward in the budget context. It seems that we do have a degree of support anyway from the Federal Minister, which I think is a great breakthrough. Mr Speaker, it is a pity that those opposite cannot get excited about anything that is good for Canberra. It really is a pity. Goulburn was put forward as a possible site for the second Sydney airport. In terms of the discussions that happened over that weekend, we were talking about the Badgerys Creek proposal and whether it could be relocated to Goulburn. Even then it was very obvious that the Badgerys Creek proposal was throwing up a number of very real problems. I do not believe that Canberra Airport will ever be perceived to be the second airport for Sydney. Heaven help us all if it was. We are not looking at that at all. What we have looked at for Canberra, and did at that meeting, as well, I am sure, is the possibility of an international freight terminal for Canberra. I understand that that was looked at under the previous Government as well. It is interesting that, all of a sudden, they do not seem to like it when it comes from us.

**MR WOOD:** I have a supplementary question, Chief Minister. Today you quite clearly suggested an international airport for Canberra and one in the region. Do you really think that we can have two international airports? Should you not be pursuing the Canberra option, if that is your policy?

**MRS CARNELL:** Mr Wood, if I can push for anything in our region, I will do so. I think the chances of having Badgerys Creek relocated to Goulburn and having a Canberra international airport would be somewhat unlikely, Mr Wood; but we will be out there pushing for the region, under whatever circumstances and in whatever forums we have an opportunity to do so. I think the days when we could look at Canberra as having some sort of moat or wall around it have gone. Our future is in the region. That is the approach that we will be taking. No, we do not perceive that Badgerys Creek could be relocated to Goulburn as a full-scale international airport and that Canberra could be a full-scale international airport. Mr Speaker, I wonder whether Mr Wood is suggesting that Canberra should be Sydney's second airport. I must admit, from this side of the house, that we have extreme concern about that.

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

### **Carnell Government - Strategy Meeting**

**MRS CARNELL:** Mr Speaker, I have further information in answer to a question in question time today. I was asked what was the full cost of the Executive retreat from 15 to 17 December. My understanding is that the full cost was approximately \$5,000. That includes venue hire and everything else. It was funded out of the Executive budget, Mr Speaker - an Executive budget that is currently coming in on track, unlike the \$200,000-plus overrun of the previous Government.

### **Methane Gas**

**MR DE DOMENICO:** Mr Speaker, yesterday Ms Tucker asked me a question in which she alleged that ACTEW had refused to take the methane energy from Canberra tips. I stated that I would give her a response as soon as possible. That response, Mr Speaker, is that the Government last year called tenders to collect landfill gas from Mugga Lane and Belconnen for electricity generation. The preferred tenderer cannot finalise a contract until a purchase price for the power has been agreed, quite obviously. The tenderer is continuing negotiations with ACTEW Corporation to agree on an appropriate price. This has been a complex task, quite obviously, Mr Speaker, and circumstances have been changing with the establishment of the national electricity market and substantial restructuring of electricity industries in each State, particularly New South Wales. ACTEW is also pursuing a number of options to ensure that there are willing purchasers of this green energy, as it will indeed attract a premium. Potential purchasers are also unwilling to commit themselves to long-term contracts, as they are also holding back in anticipation that the national electricity market and industry restructure will deliver lower electricity prices, as we have seen it has already in the ACT. In answer to Ms Tucker's question, ACTEW have not refused to take part in that thing. They are continuing negotiations.

### **Electricity Prices**

**MR DE DOMENICO:** Mr Speaker, Mr Osborne stood up before - I am sorry that he is not here - and said that the answer to the question that he had asked me yesterday was no. Once again, for Mr Osborne's information - I want to make this quite clear to Mr Osborne - the tribunal will be accessed by his own amendment, which he was comfortable with, by the way, in his briefing, as it was the most cost-effective means of controlling prices. He wanted this method. In fact, he was consulted prior to the interim prices being announced.

### Literacy and Numeracy Courses

**MR STEFANIAK:** Mr Speaker, on 23 May Mr Moore asked me a question relating to the charging of fees for basic literacy and numeracy courses. I took the question on notice. I have subsequently provided Mr Moore with an answer in writing. I now seek leave to have this answer incorporated in *Hansard*.

Leave granted.

*Answer incorporated at Appendix I.*

### ANSWERS TO QUESTIONS ON NOTICE

**MR MOORE:** Mr Speaker, under standing order 118A, I would like to ask Mr Humphries why he has not answered my question No. 231, asked on 15 May 1996, which refers to a lease of the ABC site in Dickson for commercial offices?

**MR HUMPHRIES:** Mr Speaker, I am afraid that I cannot tell Mr Moore why that answer has not been provided yet. I think that all the answers on my desk have been dealt with. I will undertake to find out and give Mr Moore an answer today as to why that information is not available.

### PERSONAL EXPLANATIONS

**MR SPEAKER:** Mr Wood, I understand that you wish to make a personal explanation under standing order 46.

**MR WOOD:** Indeed, Mr Speaker. Yesterday, in answer to a question, or a non-answer to a question, the Chief Minister misinterpreted, I think deliberately, what I said. I asked her what the Prime Minister said. In response to my points of order, three times she said that I had asked her what she said. Let me repeat that question, or part of the question:

Did the Prime Minister acknowledge the devastating effect on the ACT of his Public Service job cuts? Did the Prime Minister express any compassion for the ACT families who will lose their jobs? What did he say to you?

That is as recorded in *Hansard*. So, I was right. Mr Speaker, the Chief Minister generally chooses not to answer a question, but she should not go to the improper length of substituting a question that she prefers.

**Mrs Carnell:** Mr Speaker, if I misinterpreted Mr Wood's question, I am very happy to say that I am sorry.

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**MR BERRY:** Mr Speaker, I seek leave to make a statement.

**MR SPEAKER:** Under standing order 46?

**MR BERRY:** Indeed, Mr Speaker.

**MR SPEAKER:** Proceed.

**MR BERRY:** During question time, Mr Speaker, Mrs Carnell attempted to create the impression that Labor, and I in particular, did not care about what was going on in relation to the promised adolescent ward at Woden Valley Hospital. Mrs Carnell obviously forgot a question which I asked on 18 April about all of the details in relation to that and which was subsequently answered. Mrs Carnell conveniently forgot as well that the provision for an adolescent ward was always going to happen in the course of the redevelopment of Woden Valley Hospital. It was always one of Labor's plans.

Furthermore, Mr Speaker, Mrs Carnell tried to create the impression - in fact she claimed - that I was on the record as supporting that the Government knock down the buildings at Acton Peninsula. Mrs Carnell must have conveniently forgotten just for a moment the long fight I had with her about the siting of the hospice in a building at Acton Peninsula and therefore retaining the building on that site.

## **PAPERS**

**MR WHITECROSS** (Leader of the Opposition): Mr Speaker, I seek leave to table some documents, referred to in question time, about Mrs Carnell's strategy weekend last year.

Leave granted.

**MR WHITECROSS:** Mr Speaker, I table a cover sheet, a list of attendees at the conference, which indicates that they included Ministers, senior political advisers and chief executives - they were the group of people who came up with these ideas that Mrs Carnell is now disowning - and the record of their ideas. Mrs Carnell cannot seem to find any she agrees with now.

## **KIPPAX COMMUNITY WORKSHOP Consultation and Action Report and Government Response**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, I present the Kippax Community Workshop Consultation and Action Report and the Government response to it.



**PRIVATE MEMBERS BUSINESS - PRECEDENCE**  
**Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent private members business having precedence over all other business for 2 hours and that it be called on forthwith.

**TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1996**

**MS TUCKER** (3.29): I present the Territory Owned Corporations (Amendment) Bill 1996.

Title read by Clerk.

**MS TUCKER**: I move:

That this Bill be agreed to in principle.

Mr Speaker, the Bill I present today is to amend the Territory Owned Corporations Act. The first amendment we are proposing is to add to the principal objectives of Territory-owned corporations two additional objectives - namely, a requirement that Territory-owned corporations display a sense of social responsibility by having regard to the interests of the community in which they operate; and, where their activities affect the environment, a requirement that they conduct their operations in compliance with the principles of ecologically sustainable development. These principles are also set out in the amendment before us.

There is increasing community interest in governments demonstrating that social and environmental factors have been taken into consideration in decision-making. The Greens believe that it is important that the objectives of Territory-owned corporations reflect the broad range of community concerns.

**MR SPEAKER**: Order! There is far too much audible conversation. Ms Tucker has the floor.

**MS TUCKER**: No-one seems even vaguely interested, but that is typical.

**Mr Moore**: Come on!

**MS TUCKER**: Not you, Mr Moore.

Just because a government body is to be run on a commercial basis does not lessen this expectation. In fact, I believe that it makes it all the more important that these broader objectives be spelt out quite clearly in legislation. In a climate where performance measures are increasingly used as a basis for evaluation, it is all the more important that an organisation have explicit objectives against which it should report and be evaluated.

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It is often a difficult task to balance competing commercial and social or environmental objectives, but this is a task we must tackle head-on. It is important that these principles be enshrined in legislation wherever possible. Yesterday we were looking at the issue of housing in the ACT. When I noted that energy efficiency was not mentioned in the Act, Mr Stefaniak assured us that this sort of thing will be looked after; but this needs to be enshrined in legislation because it is an indication of the importance in which the Government holds these matters. We do not hear of financial or economic responsibility being assumed in such a way.

The second amendment I present today is a requirement for each Territory-owned corporation to include a director to represent the interests of consumers and also a director to represent the interests of employees. In the case of ACTEW and Totalcare, the board must also include a director with environmental expertise. The amendment also sets out a selection process. This process we have modelled on the New South Wales Water Board, which was quite recently corporatised. The Public Accounts Committee recently recommended that the appointments of boards of directors of Territory-owned corporations be referred to the relevant standing committee for consideration. I understand that Ms Follett is putting forward legislation to this effect. The Greens will be supporting this.

However, we are proposing an extension to this process because we think it is appropriate that there be some outside expertise and involvement in the nomination and selection of appropriate directors. What we are proposing is the involvement of a relevant peak organisation. The relevant organisation will put forward three nominations. A selection committee will then be established which involves not only the voting shareholders but also the peak organisation and the chairperson of the board in question. Mr Speaker, if we wish to open up government processes, this amendment makes very good sense. We believe that it is consistent with principles of industrial democracy to have the interests of workers represented on the board. There is a growing realisation that involving workers in the highest level of decision-making can reduce industrial disputes and can increase productivity. The Liberal Government sometimes appears to understand industrial democracy to mean only the offering of individual contracts - arguably, not at all in the interests of industrial democracy, considering the very unequal power relationship between an individual employee and the employer.

A Commonwealth discussion paper on industrial democracy and employee participation released in 1986 discusses some of the practices that have been adopted overseas. These include information sharing. Many western European countries have legislation requiring disclosure and financial participation and many countries have legislation requiring boards of directors to include a staff representative. Having more involvement from workers and consumers at the highest level of decision-making is seen by many countries as an economic necessity, as is consideration of environmental costs. There seems to be a fear of this amongst present members of some boards. They seem to be frightened that their financial decisions will be negatively affected by the presence of broader interests on the board. However, through our selection process, we have made it quite possible to have on the board people with financial expertise as well as people with an understanding of other very important aspects of any business activity, such as the environment, worker interests and consumer interests.

At the time of corporatising ACTEW we put forward amendments calling for these representatives to be on the board. At the time, Mr Osborne opposed the amendment because the Government agreed to have on the board someone representing social justice interests. This commitment was made informally, however. We hope that Mr Osborne may now be aware of the benefits of having this much more formally enshrined, and we hope to have his support for these amendments. The commencement date for these amendments is flexible and is to be fixed by the Minister. We appreciate that the Assembly may prefer that they come into effect with some lead time so as not to cause unnecessary disruption to the activities of the existing boards. I commend these amendments to the Assembly.

Debate (on motion by **Mr De Domenico**) adjourned.

### EDUCATION DISPUTE

**MR BERRY** (3.37): I move:

That this Assembly expresses its regret at the recent attempt by Mr Stefaniak, the Minister for Education and Training, to pit sports workers and volunteers against teachers in the long running education dispute.

Furthermore the Assembly expresses its concern over the inability of Mr Stefaniak to settle his dispute with the Australian Education Union with all its impacts on the school community in the ACT.

Mr Speaker, this motion, which is about to be debated rather later than we first expected, is one of serious consequence to the community in the ACT. It is a matter of great regret that we have to get to this point, particularly in education. Somebody amongst the Liberals earlier raised their eyebrows or made some negative remarks about the fact that I was moving this motion. There is clearly a serious industrial dispute, and I have no difficulty in dealing with this matter as the Labor Party's spokesperson on industrial relations.

Mr Speaker, Mr Stefaniak would have to go down in history as the most unsuccessful Minister for Education that self-government has seen.

**Mr Wood**: I do not know. He is knocking off Gary for that title; is that what you mean?

**MR BERRY**: Mr Humphries was quite often seen doing something wrong. Mr Stefaniak is not seen doing anything. There is a distinct difference in the modus operandi of the two Ministers. Mr Speaker, there is nothing which will ensure that an industrial dispute is persisted with more than involving oneself in strike-breaking activities, especially at a point when there should be negotiation and consultation and a working through of the issues.

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I was horrified to read that the Minister, Mr Stefaniak, had approached people in sporting organisations to do some of the work which was the subject of teachers' bans. Those good people who are interested in their sporting activities would be keen to ensure that their sports were promoted out there in the schools. I would urge them to resist the temptation, because it could lead to a festering sore which may be a blight on education if and when this dispute is ever resolved.

Mr Stefaniak does not seem to have an understanding of these issues, but very clearly part of the Australian ethos in relation to industrial relations is that strike-breaking activities are one of the most inflammatory actions that can be taken in the course of an industrial dispute. Mr Stefaniak, from his perspective in the Liberal Party, might think it is smart to do that sort of stuff; but the Labor Party, on the other hand, is most concerned because the conflict that it may well create between sporting organisations and teachers could have long-lasting effects on the education of our children.

I read one teacher's comments from a report in the *Canberra Times*:

... the Government's moves to encourage ban-breaking activities were "abusing the close working relationship that has existed between the various sports associations and teachers in the schools".

"As a teacher who has had a heavy involvement in the administration of ACT school sport, I would ask you to think very carefully before agreeing to assist the Minister and his staff in circumventing the bans imposed by teachers," he said. "I know of a number of teachers who are very upset that development officers or other coaches from several sports have already taken ACT Secondary School Sports Association teams away".

Individual sports could be affected for a long time into the future, and sports activities in the education system could be set back years and years if the Minister persists with this approach. I think it is to be regretted, and I ask that Assembly members support an expression of regret in relation to that move by Mr Stefaniak. I hope that he does not persist with it. The end result could be a motion of some stronger consequence if Mr Stefaniak were to create a long-lasting blight on our education system as a result of inappropriate management of this industrial dispute.

Mr Speaker, if members want to be reminded of how long the taste in the mouth lasts in relation to strike-breaking attempts in an industrial dispute, I suggest that they pop into the hotel across the road from the Barcaldine railway station. I was in there a few years ago and - - -

**Mr Stefaniak:** Where?

**MR BERRY:** Barcaldine.

**Mr Humphries:** Is that in Cuba?

**MR BERRY:** No, it is the heart of Labor Party country in Queensland, Mr Humphries, if you have not heard. When I was in the hotel there a few years ago, much of the feeling about these issues was brought home to me by the proprietor. I was discussing some of the history of the place and he complained about the fact that some of the residents in the town still would not drink in his pub because scabs had drunk there in 1891. These people were not even alive at the time that the scabs had been looked after in the pub, but the feeling in the town was so strong that they still would not have a beer in there. I know that the feeling there might be stronger - - -

**Mr Humphries:** You were obviously drinking there, weren't you?

**MR BERRY:** Mr Humphries, had I been fully aware of the situation, I may not have gone in there - but I was not prepared to tip the beer out.

**Mr Humphries:** You did not realise? We have heard that excuse once already today.

**MR BERRY:** I was not prepared to tip the beer out. Mr Speaker, it is a serious issue for the workplace. I am not suggesting that the feeling of all teachers is the same, but I raise that by way of an example of how bad things can go in an industrial dispute if you get involved in that sort of nonsense. It does not help. It certainly does not help in the public sector and it certainly would not help in a well-organised union like the Australian Education Union. It would just be disastrous. For the sports business in the ACT, if I can call it that, which I have a particular soft spot for, I think it would be an appalling result because it would affect sport and the attitude to sport of many of our young people because of the conflict that would be created between sport and the education system.

I move on to the way the industrial dispute has been managed generally. Mr Speaker, this is an industrial dispute which should have been over a long time ago, but the Government has mismanaged it from the word go. Mrs Carnell's activities in the early part of the dispute show how you should never approach industrial relations. Mrs Carnell made a star performance at every opportunity, tearing into workers and their unions to ensure that the temperature was elevated. The end result was that the ACT community, according to Mrs Carnell's figures, lost about five million bucks through mismanagement and that a lasting nasty taste has been left in the mouths of trade unionists in public employment here in the Territory.

That flowed over into the teachers dispute. Mr Stefaniak, though not in full flight as Mrs Carnell was, from time to time cannot help himself as he rips into the Australian Education Union publicly, instead of busying himself with trying to find the correct formula to ensure that the industrial dispute in the education system settles down. I know that he will leap up here and say, "Mr Berry, you should go to your colleagues in the Australian Education Union and urge them to take on arbitration". You are kidding yourself. What I am saying to you is that you have cornered yourself in relation to this industrial dispute, to a point where it seems from the outside that you cannot stand to be in the same room as each other.

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**Mr Humphries:** But they are. They meet all the time.

**MR BERRY:** If you look at the public presentation of it, it looks as though you cannot stand to be in the same room as each other. I have to say that most of that would have to come again - - -

**Mr Humphries:** That is a perception you are creating.

**MR BERRY:** It is a perception, I agree, because I see only the media's presentation of the issues. Mr Stefaniak's niggling at the Australian Education Union has done nothing to profit the education system. In fact, each day he happens to be associated with the education portfolio, I fear that our education system is being set back.

I am sure that Ms McRae will say more about that in due course, but I would like to say to the Minister that it is the formula for a solution that you have to find, not the victory. If you persist in your pursuit of the victory, you will never resolve the situation. Even if some or all of the bans were lifted and you had a victory, you would still end up with a great deal of dissatisfaction within the education system and that would flow over into the education of young people in the Territory.

**Mrs Carnell:** What would you do - just give them 12 per cent?

**MR BERRY:** Mrs Carnell conveniently asks me the question, "What would you do?". I would not have handled it the way you did.

**Mrs Carnell:** Yes, but tell us what you would do.

**MR BERRY:** You can rest assured that I would not have handled it the way you did, and I would not have been out there boring it up trade unionists at every opportunity. That is principally the problem. Mrs Carnell created - - -

**Mr Humphries:** What would you do, Wayne? Tell us.

**MR BERRY:** I can assure you that I would have worked very hard to develop a consultative environment which encouraged the development of a formula for a solution to the problem, not taken every opportunity to provoke anti-union feeling out there in the community or to use the media to the fullest extent possible to bore it up trade unionists and their unions. If you think you are ever going to settle a dispute like that, take Mrs Carnell's example. She has thrown \$5m of taxpayers' money down the gurgler. That and all her failed attempts in the Industrial Relations Commission should demonstrate to you how not to do it.

**Mrs Carnell:** But what would you do - give them 12 per cent?

**MR BERRY:** Mrs Carnell again asks the simplistic question, "What would you do?". The damage that you have done so far will be very expensive in the long term and hard to fix. I need say no more about that, but if we all had our druthers - - -

**Mrs Carnell:** New South Wales Labor are making the same mistakes, are they?

**MR BERRY:** This is not New South Wales; this is the ACT.

**Mrs Carnell:** It is the same problem.

**MR BERRY:** Stop that nonsense. You cannot argue an industrial dispute like that. There you go again. If you go out in the community and through the media start using examples in New South Wales, South Australia, Western Australia and Queensland and all that sort of rubbish and nonsense, all you do is aggravate the situation. Industrial arrangements have their origins in the historic region. ACT industrial history has been developed that way. That is the sort of stuff you do not do. You have to create a situation which has as an aim a settlement, not a victory. The trouble with you lot is that you look through the old eyes of CRA. You have to crunch them all the time. You have to win. You announce your position and go out and flog people round the head. It has not worked for you. You have tried it once. Give up.

**Mrs Carnell:** Fourteen out of 15 unions is not bad.

**MR BERRY:** Give up. It has been a dreadful loss to the Territory. Services were affected. The relationship between the Government and its employees has been irreparably damaged. That will not be repaired until Labor returns to office. Of course, there is \$5m out of the ACT's purse, which joins the other dollar casualties that Mrs Carnell has imposed on us.

Mr Speaker, we have in Mr Stefaniak's handling of this dispute a demonstrated inability to deal with the issue. I will say in his defence that Mrs Carnell created a terrible industrial scene for him to operate in. I say no more about that, except that that is a problem he had to deal with and it would be a pretty difficult one to fix, but his own activities in relation to the matter have not helped either. I sense that he has used many of the same sorts of tactics in the media, though not as much as Mrs Carnell is prone to do. His approach through the media has been confrontationalist and obviously aimed to aggravate rather than to settle. I plead with the Assembly to support this motion to send a strong message to Mr Stefaniak and to the Government that the Assembly is upset about the way this matter is going, and I plead with you, Mr Stefaniak, to come to your senses in relation to the issue and try to find a reasonable solution and settle this dispute, which is damaging to the future of our young people.

**MR STEFANIAK** (Minister for Education and Training) (3.53): Mr Berry talked about flogging people around the head. I found that amazing and hardly conducive to creating an atmosphere for congenial discussions on industrial relations. Wayne, I seem to recall that you did not adopt that tactic with the Fire Brigade or indeed in quite a lot of industrial matters you were associated with.

Mr Berry also had a shot at Mr Humphries and me. I remind him of a number of things which this Government has done and I as Minister have done but which unfortunately are largely on hold as a result of bans. First and foremost, given that there was a sports component in this motion, I mention the Government's policy in relation to physical

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activity in schools, which was implemented after a lot of consultation. That was a very good proposal which the former chief executive officer of the department actually referred to as brilliant and which a large number of people, including Ms McRae and Ms Tucker, were involved in. That, of course, is largely on hold as a result of the bans.

We have recognised the fact that so many people in our system need vocational education and training, which is becoming part of a nationwide push. Significant improvements were made in that area last year, but the bans on work experience are causing problems. I cannot recall the previous Government doing things like giving schools a large number of computers. In the middle of these bans, 180 computers have been supplied to schools. I think you are way off target, Mr Berry. Mr Berry also needs to realise that the action in the ACT is part and parcel of a priority one national campaign. I will say a bit more about that later.

This is a very strange motion from Mr Berry. What useful purpose can it serve? All he has come up with so far is really a lot of hot air which will only make life even more difficult for our young people trying to achieve - this is relevant to the first part of the motion - excellence in sport. I do not think what he is saying is in the least bit helpful in settling the current industrial dispute between the Education Union and the Government. There certainly have been a lot of meetings between the Government and the union and between the department and the union, and they will continue. The picture is not quite as Mr Berry paints it.

Mr Berry's motion uses the word "regret". If Mr Berry has anything to regret, it really should be his activities in the past as Minister for Health. He regrets what he sees as my actions in pitting sports workers and volunteers against teachers. I think that is quite spurious. Quite clearly, nothing that either the Government or I have done has attempted to do so. I cannot recall having instructed any teachers to do anything, either in sport or in any other way, in relation to the bans. A number of sporting groups, especially those involved at the interstate level, have been very concerned about the bans and have been keen to see kids go away. Mr Berry, you might realise that a number of teachers in fact have taken kids away already for interstate sport. I remind you that the Government has a duty to the children of this Territory, in both government and non-government schools, to provide a proper education and to provide a full education. We would be failing in our duty if we did not do everything we possibly could to assist in that regard, irrespective of whether there was industrial action in the system.

Interstate sport is quite different from the other sporting areas which are very badly affected by the bans. In fact, interschool sport has effectively ceased. Mr Berry might like to note that there has been no action by the Government on that. No-one is accusing the Government of trying to circumvent the bans in that area. With interstate sport, we are not dealing with just school students in the government system. We are dealing with students in the private system as well. That system is not affected by these bans, or is not meant to be. Teachers in the private system are not taking industrial action. Those kids have a right to expect that their education will not be affected by disputes going on in another system. Indeed, kids in the government system, who often have only one chance of going away, deserve, if at all possible, to be given that chance. That is what the voluntary sporting groups have been bringing about in a number of instances. Mr Berry, I think you need to take note of that.



Mr Berry used some rather twisted logic. Teachers themselves have claimed in this industrial action that a lot of activity they undertake is voluntary. I will come to that later. Supporting interstate sporting teams is a voluntary act on their part. The AEU are loud in their claims that they are banning voluntary activity. Only someone with a twisted sense of logic would see a problem with sports associations and other volunteers undertaking, in a temporary capacity, activities which teachers themselves say are voluntary. What justifiable cause could anyone have to pit one lot of voluntary workers against another, particularly when they are working in the service of our children? I have had a number of talks with a number of very strong members of the AEU who are also very keen sportspeople. They indicate that there are in fact two lots of bans. In the first lot they did not see any problem with children participating in interstate sport. In another lot imposed at the end of March they took a different stand. So, taking that at its highest, there even seems to have been some difference in the bans at different periods of time during this industrial action.

Let us be very clear as to just who is missing out as a result of teachers' bans on voluntary support for interschool and interstate sport, and indeed for all other areas. It is the students, Mr Speaker. I am led to believe that there are very many teachers in our system who regret the teaching union bans and miss the opportunity to take teams interstate. It is the students, however, who are the real losers, not the teachers, certainly not any of Mr Berry's comrades and not the Government either.

I am at a loss to understand the position of teachers in this instance. If teachers are truly convinced that the activities in the area of sports coaching and management that they have imposed bans on are voluntary, then what possible difficulty could they have with other volunteers filling the gap that some of our students have found themselves stranded in? The Government has a duty. It is not our duty to do nothing, to sit on our hands or say, "Yes, those bans are in place. We must accept them, honour them, be part of them". I doubt very much whether the people opposite would be doing that if they were in the same situation. Their track record in government, when one looks back at it, would indicate that.

Mr Speaker, the students want us to act and assist where possible. I think the sad thing is that the ability of the Government to assist where possible is not very great. One area where there is actually no activity whatsoever as a result of the bans is interschool sport. A lot of kids in our system, for various reasons, do not get a chance to play sport on the weekends. It varies from school to school, but there are some schools where, I am told, for a number of reasons, 60 or 70 per cent of the kids who play interschool sport do not get the opportunity to play sport on the weekends. That is especially so in some of the schools where there are socioeconomic problems. I am told that there are a couple of schools in that category. The kids who really need those activities and really like them are missing out.

Of course, it is not just sport that is affected. There are students who spend countless hours training to represent the Territory in such things as mathematics competitions or music. Parents have invested a lot of time, money and, most importantly, emotional support in their children's activities. These people are missing out.

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**Mr Moore:** Do you think teachers do not recognise that, Bill?

**MR STEFANIAK:** Mr Moore, I think a lot of teachers do recognise that, and there is obviously a lot of angst in our teaching profession about these bans. What the ACT branch of the AEU is doing wrong in this dispute is imposing the bans. Let us have a look at what is happening in other parts of the country. New South Wales has had two one-day stoppages and several part-day stoppages, but there are no bans there. They have gone about it in a different way. Sure, stoppages affect the system, but what affects the kids worse? That is really something that I think the union needs to consider. It is quite clear that these bans are affecting the students. The concerning thing is that there seem to be a number of people who do not mind if the bans continue indefinitely. They seem to accept that this is something that, if needs be, should go for a year or more than a year. I think that is very worrying. That also makes it very difficult to come up with solutions to the problem.

Mr Speaker, there has never been a suggestion that teachers and sporting associations would ever be pitted against each other. In fact, the recent meeting at ACT Sports House, which has been referred to by Mr Berry, provided an opportunity for some AEU teachers and sporting organisations to hear each other's views and to make informed decisions about further involvement. There has been no suggestion that there is, or should be, any organised backlash against sporting organisations which choose to assist student teams - no suggestion, that is, other than that drummed up by Mr Berry. For anyone to push that line is really tantamount to a kind of blackmail. Mr Speaker, I would like to make it abundantly clear that sporting organisations will continue to be welcomed in ACT schools. They have provided a lot. Recognition of that by a lot of teachers who welcome their involvement has been recorded. We certainly will continue to work with both groups to foster greater communication and cooperation at all levels of school sports.

Rather than considering Mr Berry's motion, it is probably more appropriate that this Assembly consider a motion that will assist our students. Therefore, I move the following amendment to the motion:

Omit all words after "regret" and substitute "and concern at the impact on the school community in the ACT of the bans on certain activities put in place by the Australian Education Union and calls on the Australian Education Union to lift the bans immediately".

**Mr Moore:** Ha, ha!

**MR STEFANIAK:** Mr Moore laughs. It is interesting, Mr Moore, that the P and C, who has been very supportive of the demands and claims of the teachers for greater recognition and for financial recognition - and that has been recognised - now wants to be involved in the Industrial Relations Commission. We certainly do not have any problem with that. They have also stated in their press release that it is in the public interest as well as in the interest of students and parents that bans such as those which are affecting work placement and experience, interschool sports, parent-teacher nights and some student social activities be lifted and the dispute resolved.

**Mr Moore:** Hear, hear!

**MR STEFANIAK:** Mr Moore says, "Hear hear!". That is exactly what the Government is keen to do. Mr Speaker, this Government has made a number of offers. Mr Moore was part of this process initially. The first offer, which Michael Moore was well and truly part of and which he assisted with, was actually rejected by the AEU, in part because they did not want to break ranks with the rest of their Public Service colleagues. The rest of their Public Service colleagues have all accepted agreements with the Government. Those agreements are based to varying degrees on 7.1 per cent Government funded over 30 months and some productivity. Mr Speaker, it is interesting to note that in New South Wales the Government has offered to fully fund 7.1 per cent. They are also after productivity gains. They are talking about 2½ to 3 per cent productivity gains. They are also at loggerheads with the teachers union. The situation there is very similar in many respects.

Mr Speaker, quite clearly, the Government is keen to have the dispute resolved. If the Government was not keen to have it resolved, we would not have attempted to get into the Industrial Relations Commission. That at least gives an indication of some light at the end of the tunnel. That is not to indicate that an agreement cannot be reached before then. Discussions are still continuing. I certainly hope that those discussions prove fruitful. If we can come to some arrangement - and the Government is certainly trying, Mr Moore; that is for sure - then the dispute can end. The dispute has gone on for far too long. The only people suffering are our students.

Mr Berry talked in very stern terms about any type of strike breaking, about scabs and about people remembering back to 1891; but I note that some banned activities are still going on in schools. So the bans are not being totally effective, but they are certainly - - -

**Mr Moore:** Why is that?

**MR STEFANIAK:** Because some teachers, Mr Moore, obviously feel that their kids come first, and they are actually prepared to go against the bans in some instances. We need to consider all the types of activities that these bans are affecting. These bans prevent kids in primary schools from enjoying camps, interschool sport, extension programs such as Tournament of the Minds, excursions and socials. In high schools and colleges excursions, camps - including peer support camps - sporting trips, drama productions, rock eisteddfods, Duke of Edinburgh Award activities, socials and, probably even more damaging than the interstate sport singled out by Mr Berry, work experience placements, including Australian vocational training scheme courses, are affected.

I think the union should lift the ban on work experience placements. The P and C seem particularly concerned about that because it affects kids' chances of getting jobs as well as their chances for training and accreditation. That is a very serious ban. I really think members should take note of what the P and C says. I think that is terribly important. They want all bans that affect students lifted. (*Extension of time granted*) Quite clearly, the P and C want bans that affect students and parents lifted in the public interest.

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We are at a stage in this dispute where discussions are continuing. We are seeking to get into the Industrial Relations Commission. I think the union's submission has to be in by the end of this week. There is to be a hearing on 10 July. I certainly hope that all sides want this dispute finished as soon as possible. It is a serious dispute. It has been going on for too long. The fact is that we are in the Industrial Relations Commission and we are talking, but there are bans that are hurting kids. What would be wrong with the Australian Education Union lifting these bans and the industrial processes continuing? At the end of the day, whatever happens, our teachers are going to get a pay rise. That is going to happen. The dispute will end.

**Mrs Carnell:** They could have had one three months ago.

**MR STEFANIAK:** As the Chief Minister says, they could have had one three months ago. At the end of the day they are going to get a pay rise, and no-one is begrudging them that. As Education Minister, Mr Moore, I certainly do not begrudge them that. Teachers in our system do a hell of a lot of work, and it is valued by all of us in this Assembly. We live in very difficult times. That seems to have been accepted to an extent by all the other unions. The AEU has to realise the extent of the difficulties faced by this Government. Despite that fact, however, no-one is disputing that their members will in fact be getting a pay rise.

My understanding is that, in the last couple of weeks, the union has finally accepted that there are a number of things on the productivity side which are actually worth looking at and which they could actually do. We may well be starting to get somewhere. There is no valid reason why the AEU should not lift the bans that affect our kids. It is not going to affect the final outcome one way or the other. There will be a final outcome, be it an arbitrated one or an agreed one. The dispute will finish. All these bans do is affect our students. Most people involved have had enough. I think the best thing this Assembly can do is not pass Mr Berry's motion but pass my amendment and accept my suggestion that the bans be lifted. If that occurred, it would be of great assistance in ending this dispute.

Much has been made of the term "voluntary work". Teachers' annual salaries, of course, cover work performed outside the core teaching hours. Mr Berry quoted from a letter to the editor. I would simply quote from a former teacher who, whilst very supportive of her colleagues getting a pay rise - and she makes a number of interesting points in relation to that - also says in the last few sentences:

I do not argue with their right to take such action. However, I believe it would be more effective to replace "voluntary" by "out-of-class", reflecting a more professional approach.

I think that is a pretty valid comment. Mr Speaker, contrary to what Mr Berry might think, the Government is certainly doing what it can to bring this dispute to an end. I would hope that there can be quicker progress in making that happen. If we cannot get anywhere with the union, we will be doing all we can to ensure that the commission deals with this matter as quickly as is possible. The action by the P and C can only help in that regard. I again urge members to vote for the amendment.

I also mention something I mentioned to Mr Haggar and members of his union when I last saw them. Teachers say that their salaries have dropped in real terms. The figure Clive Haggar uses is 25 per cent over 20 years. Sadly, a lot of other jobs and professions in Australia have also suffered significant losses in real terms. That is an unfortunate fact of life in Australia. Indeed, I mentioned to Mr Haggar that it now takes 1.6 people to earn the same income as it took one person to earn back in 1970. That is a fairly sad reflection on the way our economy has gone. It reinforces the fact that we live in difficult financial times. Every other union has come to the party. Although the AEU knocked back the first offer which Mr Moore was involved in because of solidarity with the movement, they are now the only ones who have not accepted an agreement with the Government. That is certainly having a bad effect on our children. I would urge members to reject Mr Berry's motion and vote for the amendment.

**MR MOORE (4.15):** Mr Speaker, I will be speaking to both the amendment and the motion. The very sad part about the Minister's speech was that it showed again and again that this Minister just does not understand why teachers are keeping their bans in place and why they refuse to accept the Government's offer. Mr Stefaniak has said that the teachers can have a pay rise. Indeed, Mrs Carnell has said that they can have as much as they want, provided that it comes from productivity gains and provided that it comes out of the education budget. Mrs Carnell acknowledges that at the moment. So, why do the teachers not say, "Right; we are going to take 20 per cent and catch up to where we were back in 1970."? In fact, it will have to be a bit more than 20 per cent; it will have to be closer to 25 per cent. The reason why they do not say that is very simple, Mr Speaker. They know that there is only one way to achieve that, and that is to have fewer teachers, which means bigger class sizes.

**Mrs Carnell:** It is not even on the agenda.

**MR MOORE:** Once again Mrs Carnell shakes her head and says, "No, that is not true. There are other things". She says again and again, "They can find productivity gains. They can give away pupil-free days. They can do their professional development in the holidays". Yes, Mrs Carnell, they are going to do that. They are happy to leave that on the table. They have agreed to do that. That comes to about 2 per cent. They can find productivity gains of about 2 per cent. It may well be that they can even find productivity gains of 3 per cent. To do that they may be prepared to do a whole range of other things. One of the options they have, instead of just cutting class sizes, is to say, "All right; we will work for the whole time we are in the school. We will not have any preparation hours or marking hours". How is that going to benefit pupils? It is not going to benefit them at all. So, what are the productivity outcomes going to be as far as the kids are concerned? The productivity outcomes as far as the kids are concerned, Minister - if you could only get this through your head - are going to be that they miss out. Teachers will not take the pay rise that other unions have taken and they will not go for the productivity gains that other unions have gone for because it is going to have a much worse effect on the kids than these bans. It is the only way they have to make you listen, short of going on an indefinite strike. That would make you listen. If they went on an indefinite strike, during the first week people would be very cross at them. But see how quickly parents who are trying to manage their kids, including many people in this chamber, would be getting cross at you in those circumstances.

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There are lots of reasons why teachers will not do that. Indeed, that was one of the things I suggested to teachers - along with this misconception that you now like to present about when I sat down and tried to assist you in making an offer to the teachers. Why did I try to assist you in making an offer to the teachers, and what was it about? The first thing I said to you as we sat down around the table with the CEO from Education, the Chief Minister and perhaps another officer from Education, was that these are not necessarily things I agree with but you should put them to the union. I do not mind saying that I thought this matter should go to the union, although I believed that the union had incorrectly aligned itself with all the other unions and with the TLC movement. I have told them that.

I have made it very public that I thought that that was a poor move on the part of the Australian Education Union. Why? Because the rest of the unions were able to make productivity gains without them having this secondary effect on other people. The teachers union was never able to do that. That is why teachers can never have the level of productivity trade-off that we are talking about. They have looked for productivity trade-offs and they are prepared to put them on the table. We are looking at a level of about 2 per cent, not the sorts of levels you are talking about. The failure of this Minister and the Chief Minister to understand this, to recognise this and to include it in their budget is the reason why I have made it very clear and very public, as I stated in this house, that, unless there is a settlement with the teachers, when it comes around to budget time I will be voting against the education line in the budget. I am not moving from that position at all. I have made that position firm, and I am making it even stronger by saying it in this house today.

Then the Minister tried to misrepresent the P and C Council's media release. The P and C Council's media release very clearly pointed the finger at both the Government and the AEU. Mr Stefaniak tried to create the impression in this house - it was just an impression, although I think I said "misrepresented" - that the P and C Council was telling the union to act in a certain way, which is consistent perhaps with this amendment that he has moved. But, in fact, that is not what the P and C Council said at all. It said:

The current standoff, in which the Government is refusing to improve its budget-funded offer and the Union is refusing to discuss any productivity tradeoffs, is untenable.

The current position is untenable. Then it went on to say that the dispute should be resolved. It said:

We strongly urge the Government to improve the budget-funded component of its pay offer -

that is what the P and C Council is telling you to do because it knows the impact that it has on the teachers -

and the Union to agree that any further increases beyond this should be based on productivity improvements.

The union is already making the productivity improvements, Minister. The P and C Council's media release is mainly directed at you. It continues, dealing with the involvement of parents in the current dispute:

... the Government is seeking Union commitment to such things as implementation of school based management and development of new curriculum reporting processes. It would be unacceptable for parents to be locked out of decisions on these issues.

It talks about teachers, parents, students and the Government as partners in education and - something I disagree with - it urges you to go to arbitration. I do not mind whether you go to arbitration or not. If you go to arbitration, no matter what is the outcome of that, if it assists you to settle the dispute, I think that is great. But I am saying to you that, if you have not settled it by the time the education budget vote comes in here, I will not be supporting the vote on the education line in the budget. That is my position, and I do not intend to move from it.

Built into this whole issue is the way this Minister and the Chief Minister deal with education, which is to create a whole series of misperceptions. It is done quite deliberately. They say that our teachers are the highest paid in Australia. That is constantly reiterated by both the Minister and the Chief Minister. ACT teachers are only marginally better off than government teachers in New South Wales, who have a 24 per cent pay claim in. We already know that private school teachers in New South Wales - for example, teachers in the Christian Brothers schools - if my memory serves me correctly, have been granted, as of 1 June, a pay rise of about 6 per cent, which makes them more highly paid than teachers in the Australian Capital Territory. That is just one example. By the way, there are others. Certainly, there are other examples within the Australian Capital Territory of where non-government teachers are paid more than government teachers.

Mrs Carnell creates the perception that ACT teachers are going for double what the other unions have got. They are not. If she says that in this house, we will see how long she lasts. It is not true. What did nurses get? They got 11 per cent. If she is saying that teachers are seeking double the budget funding component, then she might actually be telling the truth. But that is simply not the case. The maximum proposal, on my understanding, is for a 12 per cent pay rise over two years for teachers, which simply restores teachers' salary levels, on a comparative basis, to the levels of January 1995. Mrs Carnell says that teachers can have their pay rise by trading off pupil-free days and doing professional development in their holidays. I dealt with that earlier. That accounts for a couple of per cent, at the most. Yet Mrs Carnell creates the perception in the community that that is all that is needed in order for the teachers to be able to lift their bans and get the pay rises they seek. It is not true. She creates the perception that this will cost the community \$12m. That is simply not the case. It might cost \$12m overall. If you did a full examination of the nurses' costs, you probably would find a similar figure. I do not know what those figures are. But you have already offered 7.1 per cent, which is approximately \$9m. So a fully funded 10 per cent would probably cost about \$12m altogether. What you are talking about is the difference between what you have offered and what the teachers seek, which is something like \$3m to \$3.5m. (*Extension of time granted*)

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Mrs Carnell added at one stage that, if I challenge the education budget - as I have just done again - it will bring down the Government. If you want to take that position, then the choice is yours. But there are a myriad of positions in between the one you have taken and the one I have taken. You can negotiate appropriately and settle with the teachers, and you will find that your budget goes through.

Then there was the statement, "Michael Moore only wants to put money in teachers' pockets". Indeed, the statement that appeared in the *Canberra Times* went further than that. I know that there has been a personal apology made about that; nevertheless, it appeared in the *Canberra Times*. It implied that I would be putting money in my own pocket because my wife is a part-time teacher. That is the most disgusting type of politicking that I have ever been involved with. The reality is that it is not true.

I hear an interjection back there coming from Mr De Domenico, the Bantam of the Opera, who likes to sing his songs. He ought to come into the chamber if he wants to make interjections, Mr Speaker. In that way he will be the Bantam of the Opera in here.

Mr Speaker, let me say, first of all, that since before I was elected in 1989 my wife has not worked in a school. She does work as a relief teacher. But, even for a relief teacher, part of the trade-off that the Carnell Government has been talking about would leave a teacher with my wife's qualifications much worse off. So, the implication that in some way that was going to bring money back into my own pocket was an appalling and disgusting comment that ought to have been publicly withdrawn. It has yet to be publicly withdrawn, although, as I acknowledged when I began speaking on this issue, Mrs Carnell did phone me personally to apologise.

**Mrs Carnell:** Who made it? It was not a quote, was it?

**MR MOORE:** She interjects now that it was not a quote; but then one wonders exactly how it got into the paper.

**Mr Humphries:** How does it ever get in there?

**MR MOORE:** Mr Humphries interjects to ask how it ever gets into the paper. We know how these things get into the paper. They may not be direct quotes, but we certainly have ways of ensuring that concepts and perceptions get into the paper.

It offends me. Even yesterday, somebody raised this issue with me. People continue to raise the issue with me. I take telephone calls from people saying, "You have a conflict of interest. Why do you not butt out of this issue?". They probably come from Liberal Party types. However, let me also say that they are incredibly outnumbered - probably by about 10, 15 or 20 to one - by people who say, "Hang in there. It is about time our teachers got the pay rise". If you ask, "Are you a teacher?", some of them say, "Yes, sure, I am". The vast majority say, "No, I am not".



Teachers could easily gain 25 per cent or more by a productivity trade-off, but only by damaging their students. They know the damage that increased class sizes cause. Mr Speaker, I have taught classes of 45 and more. The last time was with Year 11 students when I was teaching in Canada. I can tell you that you can get a class like that through, but you cannot look after the bottom end of that class in a fair and ethical way. You simply cannot give those students the attention that they deserve and meet their needs. That is more true the younger those students are.

Mr Speaker, the disappointing thing about Mr Stefaniak's speech was that it reflected again and again the fact that he just does not understand the issues that are driving the teachers to keep these bans in place. Until he makes a real attempt to understand exactly what the issues are and to understand teachers' concerns, he does not have Buckley's chance of resolving this issue. But the ultimatum is out there. I hope, Mr Stefaniak, that you will get a message from it. I hope that you get this other message: When you lose your amendment - that this Assembly expresses its concern at the impact on the school community in the ACT of the bans on certain activities put in place by the Australian Education Union and calls on the Australian Education Union to lift the bans immediately - it should send a message to you that we are not pointing the finger at the AEU; we are pointing the finger at you - the Government - to resolve this issue. This Assembly believes that the problem is not the AEU; it is you. It is you who do not understand the damage that you are doing to children. Get off your butts and do something about it.

**MS McRAE (4.31):** The point of this motion, and why it was put under Mr Berry's name, is that it refers to the management of this issue as an industrial relations issue. There are several points I want to make around that. To begin with, the reason why there is so much disquiet is that false promises were made. The impression was given from the very beginning that this Government was going to maintain education funding in real terms. Then we found out in the budget last year that promises by this Government do not mean very much. Ever since then, a deal of bad blood has been established between the education fraternity and the current Government.

What is of major concern at the moment, though, is Mr Stefaniak's intervention, which is setting different sectors of the community against the teachers. I realise that this is very tempting. I realise that this is a very nasty dispute that is taking a long time to resolve. But the inclusion of other groups in it is what makes this now a very bad move by the Minister in terms of industrial relations management. To ask other groups to come and assist in areas that teachers have clearly demarcated as their own areas of responsibility is to divide the community. The consequences of this are far more serious than what will be the inevitable outcome. As Mr Stefaniak rightly said, some sort of solution will be brokered in this. But the question of major concern at the moment is: At what cost? For the Minister to choose to be concerned about the sporting community, interstate matches and particular areas for which the teachers did or did not take responsibility marks a gross level of insensitivity to the consequences of his approach for the longer-term good of the community, where some community sporting groups are going to line up with the children and some of them are not. They are being drawn into a dispute which is not of their making and not of their concern. The Minister would have been well advised to stay far away from that.

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The real issues that he has to face are how he is going to maintain harmony within the parent-teacher community and within the community at large, not how he is going to exacerbate those tensions and make the breakdown between those two groups so strong that the long-term consequences are going to take far longer to repair than it will take to resolve the immediate gains or non-gains of the teachers within the strike. The relationship between the parents and the teachers has been very gingerly managed by the teachers and parents. For the most part, the parents have shown a remarkable tolerance of, and interest in, the teachers' struggle. That should send a message to the Minister that most parents seem to be at least sympathetic to, if not on side with, the teachers' claims. What this shows, if the Minister genuinely claims that there is a problem with the budget - which, of course, we dispute - is that he has not sufficiently explained to the parents and the teachers or to the community at large why this money should be denied to the teachers, why the money was ever denied in the first place when the budget was set, and why this Government is so defiant in the light of clear messages from the entire Assembly.

When Labor was faced with the same pressure, Labor acquiesced. This Government thumbs its nose at the Assembly and says, "No, we could not possibly do what the Assembly says". It then runs around saying, "Shock, horror! What would you do if you were in charge?". We sent a clear message as to what we wanted done and what the majority of the Assembly members wanted done. As a result of the Estimates Committee report, it was quite clear - - -

**Mrs Carnell:** That \$3.8m has nothing to do with the teachers.

**MS McRAE:** It has everything to do with it. From the very beginning, that is where the faith of the education sector in this Government broke down. From the very beginning, that set extremely bad relationships between the education sector, the parents and the Government. There was an act of bad faith from the very beginning, which was enacted again after the Estimates Committee report came out, which set the tone for what this Government considers to be the inconsequence and the lack of importance of both the Assembly's views and the general community's views.

**Mrs Carnell:** You do believe that the Government is responsible for its own budget.

**MS McRAE:** Mrs Carnell, of course I believe that the Government is responsible for its own budget; but you have set the standards on that. You have led the way in saying all the time that you believe in the supremacy of the Assembly. We saw how hollow those words were. You have been guided and directed; there have been motions from this Assembly giving a clear indication of where the community views are; and it was up to you to accept those messages.

Of course it is your budget, and that is why we do not seek to intervene in this dispute. It is your budget. You know exactly how much money is there. You know exactly what sorts of trade-offs you need. You know exactly what you can do. What we are talking about today is the management of this dispute, which is showing very dangerous signs, when Mr Stefaniak is taking sides with various groups and urging them to intervene.

The first step in that was with the sporting community. The second step was today with the parents. I do not think it is good for the education sector or for the community at large to have a Minister supporting one side over the other - for a Minister now to be calling for education bans to be lifted.

**Mr Stefaniak:** We are all sick of it, Roberta. The parents are sick of it, too, and I am sure that most teachers are. The teachers I have talked to certainly are.

**MS McRAE:** Whether the parents are sick of it or not, you are the Minister and you are responsible for the long-term good of this community. What is of the utmost importance here is that you now take the lead and talk about the issues that desperately matter. Why is it that the teachers have this amazing workload of voluntary hours? Why do we not have a better sorting out of what is and what is not appropriate? What is it that you are asking of teachers? What is it that parents are asking of teachers? Why can this dispute not be settled? Why can you not come up with an offer of good faith? Why can you not talk the issue through?

**Mrs Carnell:** Why can New South Wales, South Australia, Tasmania or the Northern Territory not do that?

**MS McRAE:** It is absolutely no use talking about anywhere else in Australia. One has to talk about what is happening here. One has to engage the entire community to find out what the community wants from its education sector, what the parents want, what the sporting communities want and what the teachers want. Setting one group against the other does no good either in solving the immediate dispute or in guaranteeing long-term harmony for the education sector in the ACT.

**MR WOOD (4.38):** Mr Speaker, when the report card for this year is written, it will show that the current Minister, Mr Stefaniak, has taught in a year that has been very bad for education in the Territory. I cannot think of any other year in my experience - and I first taught here in 1978 - when the education outcomes have been so poor. They will be poor because the full job has not been done, due to the industrial bans that this Government cannot fix. Those bans, in Mr Stefaniak's one-eyed mind, would appear to relate to sporting issues. I do not think he sees education as anything but sporting activity; but let me tell him the range of areas that are detrimentally affected by these bans.

It is not just sporting teams. That is only one thing. Think about the bands, the musical activity, the school presentations and the plays that are not proceeding because of this. I did not see Mr Stefaniak singling those out as also causing difficulty. What about the parent-teacher nights? What about the teachers who really do want to communicate with the parents and the parents who want to know how their children are going? What about curriculum development? School-based curriculum development, which has long been part of ACT education, is now faltering because of the bans. What about the Duke of Edinburgh Award scheme? That is an important part of what happens in our schools.

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It is not only students and parents who are being affected by this; teachers are being affected by it also. They have respected the call of their union, as they ought to do; but they know that, in so doing, the job they do is having to suffer because they are not performing that full range of duties that have traditionally been part of what teachers do. So, all in all, school education this year has been very bad as a direct result of these bans. I see no evidence on the part of the Government that it really wants to get down and solve these bans.

The dispute has gone on now for a very long time. I do not see Mr Stefaniak sitting down - perhaps he has done it - and, as he ought to be doing, harassing the union every day, encouraging them, appealing to them, saying, "Let us get together. How far can we go?". He seems to be stalling. The fact is, as other speakers from this side of the house have said, that the Government has a responsibility. It cannot simply stand up there at all times and blame the teachers or blame the teachers union. You have a responsibility. You are the particular Minister, and you ought to be doing a great deal more than you have done to get our schools back to the situation where parents and teachers can get together, where teachers can work with those kids across a full range of activities, as they always have done, and where the educational outcomes for our schools are as high as they have been in the past and not in the pits, as they are now.

**MR HUMPHRIES** (Attorney-General) (4.42): Mr Speaker, I do not want to speak for long on this matter. Ms Tucker can have a go in a minute. But let me just say that I have no doubt that the outcome of this particular motion was determined well before the motion was ever put on the floor of the Assembly. Mr Moore's position is well known. Mr Berry, of course, has moved the motion.

**Mrs Carnell:** He is not here, and has not been for the whole debate.

**MR HUMPHRIES:** That is a point worth noting. Mr Berry has not been here for almost the entire debate on the motion that he moved. He claims to be, as the industrial relations spokesman, interested in this issue. We have not actually seen him here on the floor of the chamber for this industrial relations debate. I do not think he is interested in education, except to use it as an opportunity to kick the Government in the head.

Mr Speaker, I must say that, if this motion had been moved by Mr Moore, it would have had a little more weight than one moved by Mr Berry. Why? Because the Labor Party itself has absolutely no basis on which to come into this place, point to anybody else and make accusations about their performance in respect of industrial relations in the education field, or anywhere else, for that matter. Their own record in this area is quite appalling. Members only need to cast their minds back about three years to see what was happening under Mr Wood, who has come up and lectured us today. Mr Wood pointed a finger at Mr Stefaniak, saying, "You do not realise what is going on. We do not think you understand what education is all about". Mr Wood had a very severe industrial problem on his hands a few years ago when he had the problem of trying to cut 90 teachers out of the system.

**Mr Moore:** Eighty.

**MR HUMPHRIES:** I beg your pardon; it was 80 teachers. Now he is joining forces to talk about the terrible damage to class sizes by having to accept this claim and so on. Mr Speaker, if those opposite in the Labor Party are serious about this matter, let them tell us what they would do in this position.

**Ms McRae:** You will find out in November.

**MR HUMPHRIES:** Yes. They will not tell us now. They will not tell the community now. Let them tell the community how they would solve this problem. Their right to come into this place and say, "We condemn the Government; we will force the Government to change its education policy by rejecting it; we will do this, that and the other because we are not satisfied with their approach", fails to offer an alternative to people, which they are entitled to have. Mr Speaker, if Mr Moore carries through his threat in this place to vote down the Government's education budget and if it has the effect of tipping out this minority Liberal Government in favour of a minority Labor government, people are entitled to know exactly what this alternative government is going to do about the education problem, and about the claim of the Australian Education Union in particular, before it comes into office.

Mr Speaker, if that is an issue - and Mr Moore has made it an issue right now - why can we not see now what their position is on this subject? My stomach nearly turned when Mr Berry rocked down here for his brief appearance in this debate and told us that the solution to the problem was that we had to produce a more conciliatory environment in which to be conducting these negotiations. Mr Berry telling this Assembly that we need a more conciliatory environment! Perhaps the environment he generated for the former Fire Commissioner was the sort of conciliatory environment he was talking about.

Mr Speaker, I have a few helpful clippings here. One of them is from the *Canberra Times*. The subheadline is "ACT Government 'on thin ice' over enterprise agreement". You might think that is a comment about the present or recent industrial problems of the present ACT Government. No. The main heading is "Berry not helpful: union". It quotes the then TLC acting secretary, Maureen Sheehan, talking about how unhelpful the discussions with Mr Berry had been as Minister for Industrial Relations; how the unions were "really angry" and "felt a meeting with Industrial Relations Minister Wayne Berry yesterday had 'gone backwards' ". The article reads:

According to Ms Sheehan, Mr Berry had said pay increases must be paid for out of savings in work practices.

Does that sound familiar - savings in work practices? It continues:

He had wanted these savings quantified. But Ms Sheehan said the unions could not put dollar-value on all the productivity savings.

There had been no provisions made in the Budget for the wage increases, she said.

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Referring to Mr Heaney, from the Automotive, Metals and Engineering Union, the article continued:

He complained that Mr Berry did not have the power to make budgetary decisions, and “showed a poor understanding of current state of negotiations”.

We have heard that sort of refrain from Mr Moore as well. Mr Berry is back. Congratulations, Mr Berry! It is nice to see you. I am glad that you could join us for the debate that you got started. It is nice to see him here, is it not?

**Ms McRae:** You are so nice, Mr Humphries!

**MR HUMPHRIES:** I know. People tell me that.

**Ms McRae:** You win the award. Gee, your party must love you; you are so sweet!

**MR HUMPHRIES:** People tell me that I am very nice. People tell me that all the time. Mr Speaker, I am glad that Mr Berry is here, because he can hear a bit more about what his own record in industrial relations was all about. According to the *Canberra Times* of 16 December 1993:

The Transport Workers' Union has voted to disrupt Canberra's bus network by a rolling campaign of unspecified wildcat industrial action.

Guess who was Industrial Relations Minister at the time. It said:

The ACT branch secretary of the TWU, Peter Schultz, said it -

that is, the industrial action -

would continue until Mr Berry changed his mind and talked to the union.

Is that the conciliatory environment you are talking about that Mr Stefaniak should adopt? Mr Stefaniak has been talking to the union. He has had plenty of discussions with the Australian Education Union. When were you talking to the Transport Workers Union in this particular case? The article continued:

He -

that is, Mr Schultz -

said the office of the Minister for Urban Services, Terry Connolly, was not opposed to the TWU package but the agreement was being stymied by Mr Berry for “political reasons”. He declined to elaborate.

Mr Speaker, I think anybody in this place who has a short memory - I accept that the Greens might be in that position because they were not here in the last Assembly - might not think that our record was much to crow about; but they certainly should not be accepting any motion handed down from those opposite in the environment of their own appalling industrial relations record. I do not know whether any work has been done in recent days to compare the industrial relations record of the former Government with that of this Government; but I do recall that an assessment was done in 1990 comparing the record of days lost in industrial action under the Alliance Government with that under the former Follett minority Government of 1989. It showed that the then Alliance Government had achieved a much better industrial record in terms of days lost than had the former Labor Government. Mr Speaker, I think that probably still stands. However, that is all ancient history; let us put it to one side.

I have to say on behalf of Mr Stefaniak that I resent the constant allegations made in this matter - particularly by Mr Moore in this respect - that, if Mr Stefaniak in particular does not agree with the line that Mr Moore is pushing, Mr Stefaniak does not understand what is happening and what the problems are in education. Mr Speaker, I have heard that line time and time again from Mr Moore and also from those opposite. I reject the assertion - and I am sure that Mr Stefaniak does too - that, merely because someone does not agree with the point of view you are putting forward, therefore they cannot understand what the issues are. That is a very poor logical argument to put forward in this matter.

Mr Stefaniak has spent considerable effort in talking to the union - more than some opposite have done in previous disputes - trying to understand what is going on; talking to the Council of Parents and Citizens Associations; and discussing with individual schools, school boards, principals, officers of the Education Department and many others what it is that is making this dispute carry forward and what we can do to try to bring this dispute to a head. The answers, frankly, are not simple. If the answers were simple, presumably Mr Berry and his colleagues would be able to tell us what the answers are to resolve this dispute; but they cannot. All they can suggest is a conciliatory environment - whatever that is - to settle this dispute. Apparently, it does not involve talking to the union, because that is not what Mr Berry used to do when he was Minister.

**Mrs Carnell:** The CFMEU would get really cross with him.

**MR HUMPHRIES:** The CFMEU used to call the tune in those days, and still does, obviously. Mr Temporary Deputy Speaker, this rubbish we are hearing from those opposite is really too much to grasp. There is a dispute going on between the Australian Education Union and the Government. (*Extension of time granted*) The motion says, not surprisingly - presumably, the Greens support this - that it must be the Government's fault that there is a dispute of that kind.

**Ms McRae:** Of course it is.

**MR HUMPHRIES:** "Of course it is", says Ms McRae. She is showing her true colours: Do not ask any questions; do not probe behind this; if there is a dispute between a Liberal government and a union, it must be the Liberal government's fault. I note that all the disputes that we were peppered with in the former Assembly were the unions' fault,

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because there was a Labor government dealing with them at that stage. But I just do not believe it. I do not accept that it is Mr Stefaniak who is solely responsible for the continuation of this dispute. I would say to Mr Berry and the others who put this motion forward that, if the union is really serious about settling the dispute, it will use the accepted mechanism for doing so, which is arbitration or conciliation in the Industrial Relations Commission. That is the most acceptable way of resolving this matter.

Mr Temporary Deputy Speaker, I think most of us know that this is an acceptable way of dealing with this matter; but, obviously, it is not good enough for the Australian Education Union. It is not good enough either for the people in this place who have already decided to do Mr Stefaniak over on this motion. I am sure that he is going to be very upset about it! I am sure that he is going to be really cut up about having to face another motion of effective censure on this place! It does not really have much effect, I have to say; but we take this as it comes. We will continue our course of action. We will continue to try to talk to the union. But we are not going to drop the bundle on this matter. We cannot offer more than we have reasonably given to other unions in this matter, and we will stick to our guns in that respect.

**MS TUCKER (4.54):** Mr Temporary Deputy Speaker, Mr Stefaniak expressed concern that students are the real losers as a result of this ban. I noticed other members in the Liberal Party shaking their heads with deep sympathy as well. I think that what we need to do in this discussion is recognise the basic facts of a budget decision made by the Liberal Government, which is to come out in the black at the end of three years - a prediction that is based on economic growth, which seems less and less likely to occur. Therefore, the only means by which this Government will end up in the black will be by making further cuts to services.

We already have one of the least well funded education systems of all OECD countries. As Australians, we do not value the importance of education. We are also one of the lowest taxed of the OECD countries; but neither Labor nor Liberal will talk about that issue. We have highly paid consultants, engaged by Liberal governments, coming out and saying about various essential social services, "We have to ration this service because there is not enough money". Apparently, we are all supposed to accept that that will not change. We do not dare speak about taxes. What we dare to speak about is how we will ration our services. So, now we are talking about rationing education. The pity of it is that a rationed education service will obviously result in social impacts. We see Liberal governments coming out with crisis management policies, saying "Let us get more move-on powers for the police. Let us shut the drinking outlets. Let us put cameras in Civic. We have a social problem". When they are asked to take long-term strategies and look at the reasons for this, they say, "Oh, no; it costs too much money".

We have just had a whole inquiry in this place by the Standing Committee on Social Policy, looking at education. We know that what Mr Moore said is right. We know that the kids at the bottom end of the class are not going to be looked after. They are not being looked after now. We have a shrinking resource. We are not only shrinking the wages of the teachers but also shrinking the resources of the schools.



We are introducing school-based management. We are dependent on voluntary school contributions. We have a growing gap between the rich and the poor in Australia. The big loss here is equity. I thought that most Australians - Liberal Party people as well - had a commitment to equity. I thought that they had a commitment to a public school system.

**Mrs Carnell:** So, why will paying teachers make a difference to that?

**MS TUCKER:** You obviously have not listened to any of the previous speakers, Mrs Carnell. What you have just said shows that. You are saying, "What difference will it make if we pay teachers?". You are asking for productivity gains. There is going to be a loss of jobs eventually, because ultimately no productivity gain will be able to be found. We have larger classes. We have high levels of stress in teachers. It is interesting to note that there has been less stress leave taken during these bans. I wonder whether that has something to do with the workload that you are now putting on teachers.

To deny the connection between the workload on teachers and what happens to kids in schools is naive. Mr Humphries says that Mr Stefaniak understands. I doubt that he does. I doubt that he understands the very serious implications in the long term. It is an insult for people to sit there, shake their heads and say, "These bans are hurting students". We have students hurting seriously and, when they enter society, they hurt more. They hurt more and they cost more to look after because we have not been able to support these people when they were young.

The need for early intervention has come out of every single inquiry that has looked at societal problems - whether it be for assault or counselling for assault; whether it be for helping people who have parenting problems; whether it be for helping people who have learning problems. The solutions are there. They are quite clear. Basically, this Government says, "We are going to end up in the black in three years' time and we do not care how we do it". What we have here is bans, which are certainly causing inconvenience to people. My own children have suffered as a result of those bans. But, if you have any understanding of the long-term implications of continuing this trend to reduce education and if you understand the implications for equity in Australian society, you know that you have to take those measures.

We have just had an increase given to teachers in the non-government system, which was 6.5 per cent fully funded. That puts them at about 10 per cent over the public school teachers now.

**Mrs Carnell:** No, it is not fully funded. It just means that the fees go up.

**MS TUCKER:** The fees go up. So, once again it is a matter of who can pay. I forgot. Last week Lyneham High School sent out a note, asking, "Who can pay?". That is where it all sits with the Liberals. I forgot. If you cannot pay your subject levies, it is okay; your kid can still do the subject, as long as they provide the material. That is right. That is the market model. I forgot. Everyone ends up being really happy as a result of the market model.

Debate interrupted.

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## ADJOURNMENT

**MR TEMPORARY DEPUTY SPEAKER** (Mr Wood): Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

**Mrs Carnell:** I require the question to be put forthwith without debate.

Question resolved in the negative.

## EDUCATION DISPUTE

**MS TUCKER:** I am not saying that Labor did a brilliant job. We have talked about that. What I am saying is that you are now in government. You have a responsibility to show that you do care about students now and in the long term. Do not shake your heads about the ban; shake your heads about students now and in the future and appropriately fund education.

To conclude, this is a budget decision by this Government. It shows where their priorities are. Their priorities are in saying, "Are we not great financial managers?". But the costs of that - the long-term economic costs and the immediate and long-term social costs - are all too obvious to those who are dealing with people in this community now who are struggling. Forget user pays. The well-off are fine at the moment; but the problems are there and the problems are building up. We do not want to end up with a society like that in the United States, where you have more and more knee-jerk reactions from people like you, who say, "The solution is law and order. The solution is controlling these people who are disturbing our society". Why do we not start looking at these things with some compassion?

**MRS CARNELL** (Chief Minister) (5.03): Mr Speaker, it was very interesting listening to this debate. I think it is important just to clarify a few issues that obviously have been misunderstood by a number of people. Ms McRae laughs; but I think these things are very important, particularly for Ms Tucker and to some extent for Mr Moore, although I think he knew exactly what he was talking about in this area and he knew that he was, shall we say, skipping over a few of the facts. Let me deal with the details of productivity components that have been offered to the teachers at this stage. Some of them have been accepted, I agree. Ms Tucker has indicated that somehow these are going to cause bigger class sizes. Mr Moore said that too, and I think those opposite did as well. It is important to go through them just to determine what is actually on paper.

**Ms McRae:** We did not say that.

**MRS CARNELL:** I am sorry; Ms Tucker did, and so on.

**Ms Tucker:** In the long term, we said - ongoing productivity.

**MRS CARNELL:** No; even in the long term. The productivity matters that are on the table include having developmental activities in stand-down time. That means that, in the six weeks' paid time every year, teachers are required to do at least five days of their developmental activity.

**Ms Tucker:** They said that they will look at that.

**MRS CARNELL:** I am sorry; I am going through every one of them because you made the comment. The five days' developmental activities are in paid stand-down time. For the life of me, I cannot see how that is going to affect class sizes or teacher numbers. The next one is for casual relief rates - the rates that we pay casual relief teachers, particularly casual relief teachers that do very little amounts of work - to be brought down to the same sort of level as in New South Wales. It is very hard for me to see how that can make any difference to teacher numbers or class sizes. The next is supervision of student teachers - teachers in departments to undertake supervision of student teachers as part of their duties. Actually, I do not think the teachers union has a problem with that. Again, it is very hard to work out how that means fewer teachers and larger class sizes.

There was an item for outcomes and reporting - implement measures consistent with the ACT curriculum frameworks to provide reporting of student outcomes on a system-wide basis for two year levels in the primary sector in 1997 and two year levels in the secondary school sector in 1998. It is very hard to see how that can do anything except improve the situation. School-based management is, again, an item that the teachers union is actually discussing with us at this stage; but there are no views on cutting teacher numbers and those sorts of things. The next one is sale of departmental assets. That was the sale of Charnwood High, and some of the money from that was going back into the education budget. Those are the items that were in one of the offers that were knocked back. To my knowledge, absolutely definitely, not one of those items could have produced a bigger class size or fewer teacher numbers.

Other items have subsequently been put onto the table - things like a review of the current level 1 teachers salary scale. Again, that could not produce fewer teachers or bigger class sizes. Another item was introduction of a graduate teacher classification to assist the lower age profile, reduce the salary payments and structures required for the employment of young teachers, to try to get more young teachers into our teaching service. Again, that could not, in any way, produce a larger class size or fewer teachers. So, I think it is very important, when we debate these issues, that we actually do debate them on the facts.

**Mr Moore:** Stick with the facts, then. What per cent will that deliver?

**MRS CARNELL:** That was actually an offer that would deliver the full 3 per cent. So, it would deliver 10.1 per cent, the same as for other - - -

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**Mr Moore:** Along with the others?

**MRS CARNELL:** No. I am sorry. That was an offer that delivered 10.1 per cent, the same as for all other unions, and had only developmental activities, casual teacher rates, supervision of student teachers, outcomes and reporting, school-based management, using some - - -

**Mr Moore:** And how much is that for casual teachers?

**MRS CARNELL:** Down to the level of New South Wales.

**Mr Moore:** You actually cut people's salaries - \$80 out of them - yes.

**MRS CARNELL:** No, not at all, Mr Moore. You know that that is not the case at all. But for all of that - *c'est la vie* - there are other issues we have put on the table as well. But those issues alone will produce the 3 per cent, which will give teachers the same increase as other people, right across the board in the ACT Government, have been willing to accept. So, we are not talking here about any draconian measures at all. Certainly, there have been some discussions about an increase of one hour in face-to-face teaching hours at high schools and colleges. We have no view about primary schools, because we perceive that the 22 hours that they do is sufficient now, even though the number of face-to-face teaching hours right across the board in the ACT is lower than that in the other States; but we understand that our system is somewhat different.

So, all of those issues need to be taken into account when we look at this issue. Look at the facts, as they stand. The ACT Government has put on the table a number of offers now - permutations and combinations of all of the above - which produce an increase of 10.1 per cent or above, depending on which of those issues you put down. We are continuing to talk. In fact, I had a meeting with the teachers union last week. We discussed a number of issues. Mr Moore indicates that we achieved nothing at that meeting. I am disappointed that that is the view of the teachers union.

**Mr Moore:** No, I did not say "nothing".

**MRS CARNELL:** He said "very little" or "almost nothing" - whatever it was; something like that.

**Mr Moore:** "Micro" was the word I used.

**MRS CARNELL:** "Micro", I am sorry; it was a very tiny, weeny bit. There might even be meetings today with the teachers union. So, meetings are continuing. We are attempting to come up with a result. Obviously, if we cannot reach any solution by using the meetings and all the things that are happening now and have happened over the last six months, then arbitration is the obvious answer. That is the appropriate approach when all else has failed, when it is simply impossible to progress the issue via discussions. Mr Berry said, "Rubbish!". The reality is that that is exactly the system he has always supported in the past. When disputes get to a stage where you simply cannot progress them at the negotiation stage, you go to an independent  
arbitrator.

We perceive that that is the appropriate approach now, although we are always willing to strike an agreement, as I made clear to the teachers last week, outside the arbitration commission, and we still hope that we can.

We have discussed the whole issue of the teachers dispute at length in this particular debate. I think the first part of the motion is the concerning part, Mr Speaker. I would be very surprised if Mr Moore in particular could bring himself to support that part of the motion.

**Mr Moore:** I have no problem at all about it. I support it very strongly.

**MRS CARNELL:** The reason I thought he would have trouble with it is that I think it was Mr Moore who put on the table and had passed an amendment to our anti-discrimination law which suggested that it was illegal to discriminate on the basis of union membership or, for that matter, non-union membership.

**Mr Moore:** That has nothing to do with this.

**MRS CARNELL:** I will show why it has something to do with it. What we have is a situation where teachers, in particular, are basically being told that they cannot do what they want to do. If some teachers want to look after choirs, conduct sporting events or whatever, they are being told that they cannot. But worse than that, Mr Speaker, they are not just being told that they cannot. I was pretty disturbed to see in the latest *ACT Teacher*, "Stopwork Bans Breached", an article which said:

April 26 Stopwork Meeting directed the Senior Officers of the Union to write to any members found breaching the bans and where such breaches were confirmed, to publish the names of such members.

Whilst several letters have been written, confirmation of an actual breach of the bans has only been received in relation to one member ...

This member, from Narrabundah College, whose name was published there, has committed the absolutely insidious crime of running an out-of-hours film night at the college. What a dreadful human being this poor person is! He had his name published there. Personally, I think that is discrimination. Personally, I think that is an unacceptable approach for any group to take. Publishing somebody's name simply because they happen to be a union member and choose to have an out-of-hours film night at the college is a horrible deal. I think that is a dreadful thing to do. Maybe others here do not. I think it is shocking to take somebody to task simply because they do the right thing by the students. Obviously, others do not believe that. If there are teachers who are happy to work with volunteers and sporting people to take their students to sporting events on interstate trips, I do not really think that this Assembly should pass a motion suggesting that that is inappropriate. I think it would be very inappropriate if we, as a government - - - (*Extension of time granted*)

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**Mr Moore:** It is the Minister trying to get scab labour going. It is not them volunteering. He is motivating it. That is where the problem is.

**MR SPEAKER:** Order! Mr Moore, you have already spoken.

**MRS CARNELL:** If Mr Stefaniak was directing people to take students away on trips, if Mr Stefaniak was saying to the sporting community, "You get in and take those kids away", I would support the motion, because that would be inappropriate. The fact is that that is not what Mr Stefaniak has done at all. He has not directed anybody to get in and take school students away. What he has not done is stop people who have wanted to do it.

I, like many others here, have been to events around Canberra over the last few months where there have been school choirs and other people performing, with teachers there. Obviously, these people are nasty strikebreakers and certainly should not be doing what they are doing. But why should we stop them if that is what they want to do? Why should we, as an Assembly, get in the way of what volunteers or, for that matter, teachers want to do in after-hours and out-of-hours school activities? Personally, I do not think that is appropriate for this Assembly. Mr Stefaniak made it very clear that he was not ordering or directing them; all he was doing was not stopping them if that is what they wanted to do. I think that is a very appropriate approach. I am interested that this Assembly seems to believe that, when a group of volunteers want to take a group of schoolchildren away, Mr Stefaniak should be saying to them, "You cannot, because it is not acceptable for you to do the right thing by those students. So just get back in your box, you nasty group of volunteers or sports officials or, for that matter, teachers". I will tell you what - this side of the house will not be doing that.

**MR BERRY (5.16):** Mr Speaker, there are plenty of pickings around the place here. I think the biggest problem with this whole industrial dispute is the way it developed in the first place. I am pleased that Mrs Carnell spoke on the issue, because she became involved in the management of the industrial dispute early in the piece. I know that I mentioned this earlier to some degree. A posse of cowboys came into town. We had Mr Houlihan and all the CRA baggage. All of a sudden, we had memos being sent to all public sector staff, warning them that they would be locked out if they got involved in industrial action. It was just full-on confrontation, threatening on the radio and on television, and Mrs Carnell going for them. This is the whole sequence of events which occurred in relation to the industrial dispute.

Certainly, Mr Houlihan was engaged to give them advice. Trade union leaders are no fools. They have seen the sort of advice that Mr Houlihan has given in the past and the sorts of industrial relations disasters that it has led to. They know that Mr Houlihan is a founding member of the right-wing H.R. Nicholls Society. It was a deliberate act of provocation just to employ him. So, Mr Speaker, if you start off on that sort of footing, you are in trouble from the beginning. It is no wonder that the unions then, being confronted with a government that was pretty interested in industrial confrontation, went off and lodged section 170 material. They knew that they were in for it,

because Mr Houlihan was on site. It does not take long for people to work out what is the best course of action to defend their members. That has put them in a situation pursuant to the Industrial Relations Act where negotiation is the key. You made the mess and you created the environment. You have to wear the responsibility for it. Your Minister is going to wear part of the responsibility for that this evening, I suspect, and so he ought to, because this Assembly cannot stand idly by and allow this damage to the education system and to the future industrial relations with our teachers to continue. This sort of - dare I say it? - incompetence has to be prevented, and the Minister has to be urged into action towards a response which will resolve the situation. So far, all we have seen is the ground laid that will ensure that the dispute continues and that education is damaged. I urge members to support the motion.

Question put:

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

The Assembly voted -

*AYES, 6*

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

*NOES, 9*

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

Question so resolved in the negative.

Original question resolved in the affirmative.

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

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

That leave of absence for 19 and 20 June 1996 be given to Ms Reilly.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### Honorifics - Use of Ms

**MS McRAE** (5.23): Mr Speaker, this morning we had an unpleasant situation when somebody called me Mrs, and I replied, by way of interjection, that I was not very happy with that title. I thought I would take this opportunity to read an article which puts the case probably a little less heatedly than I would in relation to the use of Ms. It was in the *Canberra Times* - Mr Humphries may have read it - on 15 June, but I will just read it through because it makes the points very well about why we find it so insulting to not be called what we choose to be called. Under the heading "The point of Ms still being missed", the article states:

Do you have a man, did you have a man, have you ever had a man?

Each time you use Miss or Mrs you give out this type of information - that's why some women choose to use the supposedly neutral title of Ms.

Ms is defined as "a title prefixed to the name of a woman, used to avoid reference to marital status", or to put it more plainly so people don't know whether a woman has a man, had a man or never had a man. But in its attempt to avoid reference to marital status it seems to have accrued some rather unintended meanings and inferences about its users.

A senior lecturer in women's studies at Murdoch University in Perth, Dr Bev Thiele, says Ms can identify women in a radical political way. "People often react negatively -

as we have noticed -

to the use of Ms. There's often a kind of connotation to it and misunderstanding around the meaning".

About the early 1970s there was discussion about whether Mrs and Miss were appropriate ways of indicating women's status.

"Women thought, 'Damn it, we need another way of labelling ourselves' and Ms was a natural contraction of Miss and Mrs and the equivalent of Mr," Thiele says. "There was no equivalent terminology for men so why was there for women? Were women less intelligent - did they lose their brains when they married? Miss and Mrs indicated whether a woman was sexually available or another man owned her, so hands off."



The point of the honorific Ms was to give women the option of using a title which was as neutral and uninformative as the Mr used by men. But responses to a recent survey on the question, "What does Ms mean to you?" included, "It's used by feminists, insecure bitches, dried-up old maids and divorcees."

One wonders what kind of information we're giving out when we choose Ms as an option when signing forms, applying for jobs, handing over our credit card. How many people have assumed I was a feisty feminist, a divorcee, a lesbian, or all three, simply because I used Ms.

Ms was first used in 1952 by the National Office Management Association in Philadelphia when it was announced "this modern style solves an age-old problem" -

this was back in 1952 -

but, in reality, it may have caused more confusion and discrimination.

In some environments, such as universities, there may be a common understanding and usage of Ms. As Thiele says, "In my context at university it is standard for all female students to be addressed as Ms unless requested otherwise."

But this clarity of usage isn't necessarily mirrored throughout the community.

When, during his speech for International Women's Day in 1975, the then South Australian Premier Don Dunstan announced his government's plan to use the title Ms in correspondence with women, it incited fiery debate.

His female staff were overwhelmed by phone calls objecting to the plan and accusing them of being lesbians, man-haters and women's libbers.

Newspapers were inundated with letters either strongly objecting or supporting the use of Ms. Responses to Dunstan's plan as reported in an article in the *Adelaide Advertiser* on March 12, 1975, included, "I have worked hard to become a Mrs"; "I married to become a wife, not a mistress"; ...

And so the article goes on. I will pick it up a bit later, where it says:

Perhaps the radical feminist tag attached to Ms has been strengthened by *Ms* magazine. Gloria Steinem and Patricia Carbine brought out the first issue of *Ms*, a magazine attempting to speak to and for women's liberation, in 1972 - it's still in publication 24 years later.

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Thiele says it's far more common for people to just give their name. "I'd like to think both Mr and Ms will eventually be dropped."

Septuagenarian Barbara Buick describes herself as a feminist, daughter of a feminist and mother of a feminist. A former librarian and publisher's editor, she has served on the Women's Electoral Lobby and National Federation of Women. She supports the use of Ms because she believes it has neutral sexual connotation.

"If you think being a married woman is the be all and end all in life you'd prefer to be referred to as Mrs. But I like to think women have an independent life - a life of their own.

"More and more females and males are preferring to drop all honorifics and just use their first names and surnames. Maybe it will evolve so we will all drop appellations. And, if we're going to use titles, we only use ones that mean something such as professor, reverend, doctor, which are related to work, rather than gender," she says.

But if all titles are dropped the quandary is how in the English language do we confer respect to our elders or betters. European languages have formal and informal means of address which confer different levels of respect without being gender specific. It remains to be seen whether we all enter the next century on a first-name basis.

I ask that I retain my honorific of Ms until they are dropped, with the specific intent of picking up the very point that I think women have the right to not be referred to simply by a title which denotes whether they are married or not married.

### **Honorifics - Use of Ms**

**MS FOLLETT (5.28):** Mr Speaker, I would like to follow up very briefly on the comments made by Ms McRae. The first thing that I want to say is that all titles, whether they are Mr, Mrs, Miss or whatever, are courtesy titles in our current society. I therefore very firmly believe that people ought to be addressed by the courtesy title which they prefer. For my own part, I prefer to have no courtesy title whatsoever, but I realise that it is not always convenient, particularly in debate in this place, for that preference to be honoured.

I did want to take issue in the gentlest possible way with my old friend and colleague Mr Hird, who on many an occasion, if not every occasion, has made an absolute meal of using my courtesy title, namely "Ms", which Mr Hird continues to pronounce "Mez", in heavily ironic tones. For Mr Hird's edification, I would like to inform him that the

correct pronunciation of that courtesy title is “Ms” not “Mez”. If it is for reasons of ideology or perhaps literacy that he has not been able to master it so far, I would encourage him to do so in the future. If, however, Mr Hird is not able to master that term, then I am perfectly happy for him to call me Miss Follett.

**Mr Moore:** Did you say “master the term”?

**MS FOLLETT:** I did, indeed. As a divorced woman who uses her maiden name, I believe that “Miss” is reasonably accurate in all the circumstances. That is an alternative that I offer to Mr Hird. If he is not able, however, to use any courtesy title with a degree of courtesy, then he can expect me to start referring to him as “Dame Harold” and to others across there as “Master Gary” and so on. But I repeat that these are courtesy titles; they should be used with courtesy, and with due regard to the preference of the person so addressed.

**MR SPEAKER:** Order! It being 5.30 pm, under standing order 34, I must interrupt the debate. Under standing order 34(f) a Minister may extend the debate by 10 minutes to enable Ministers to speak in reply to matters raised in the preceding adjournment debate. However, at 5.40 pm I will automatically adjourn the Assembly. If the Minister does not wish to respond to any matters raised in the debate, then I will adjourn the Assembly forthwith.

**Mr Stefaniak:** Andrew, you wanted to say something, did you?

**Mr Whitecross:** I cannot, under the standing order.

**MR SPEAKER:** Mr Whitecross, unfortunately, cannot, under standing order 34.

**Mr Stefaniak:** Who else wants to talk in the adjournment debate?

**MR SPEAKER:** I am sorry, Mr Minister, I am not able to allow that. You are the only person who can speak.

**Mr Stefaniak:** I am the only person who can speak.

**MR SPEAKER:** Under standing order 34(f). Otherwise, we just adjourn the Assembly.

**Mr Stefaniak:** I am quite happy to seek leave for Mr Whitecross to speak. I take it that no-one else wants to speak.

Leave granted.

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### **Sharps Unit - Collection of Hypodermic Syringes**

**MR WHITECROSS** (Leader of the Opposition) (5.32): Maybe we should review the standing order. I am not sure that it is working terribly well.

**MR SPEAKER:** That certainly is a point. We rarely come across this problem.

**MR WHITECROSS:** This is true. I just wanted to raise this evening in the adjournment debate a matter which is of concern to me and ought to be of concern to a lot of people because it is symptomatic of the kind of way that this city is being run at the moment. I am advised that this morning the management of the Civic Youth Centre telephoned the Sharps Unit of the Department of Urban Services - and I am sorry that Mr De Domenico is not here to hear this - which has responsibility for frequently collecting contaminated hypodermic syringes and needles in the city. The centre asked the Sharps Unit to pick up three hypodermic syringes which had been found. It is a service which has been provided by the unit for years. I am sure that members will agree that it is an important service. Apart from the danger of people accidentally pricking themselves, which can literally have fatal consequences, there is the temptation for children who find them to play with them; and for addicts to reuse them, which, itself, is quite dangerous.

To the great concern of the staff of the youth centre, they were told that the Sharps Unit would no longer collect any syringes found at the centre. When they pressed for an explanation, what they were told was that because the youth centre rents its premises from the Government it is technically not a public place and therefore its sharps will not be collected.

There are no prizes for working out why the Sharps Unit has to make savings. It does so in the most shoddy and disgraceful way. It knowingly permits a highly dangerous - indeed, it is not hyperbole to describe it as a deadly situation - where sharps must either be picked up by people with no expertise and training in handling them and no means of having them disposed of or, alternatively, left lying on the ground. It also calls into question the nature of the Government's customer service obligations if we have a situation where there is no alternative being offered to the Civic Youth Centre to address what I would have thought was an urgent and important public health matter.

I hope that the Minister will have this matter drawn to his attention and will do something about it, because, in my opinion, this is quite serious and, as I said at the beginning, symptomatic of the way that this city is being run down at the moment, with penny-pinching savings which compromise the welfare of the city at a time when, today, we have been hearing about a \$5,000 strategy weekend at which apparently you had a lot of ideas, all of which have been disowned by the Government. It is a concern that the Government sees it as necessary to make savings in this way.

**Assembly adjourned at 5.35 pm**