



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 November 1992

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.31): Madam Speaker, I present the Canberra Institute of Technology (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: Madam Speaker, I move:

That this Bill be agreed to in principle.

The main purpose of this Bill is to rename the ACT Institute of Technical and Further Education as the Canberra Institute of Technology and to make the resultant changes to the institute's advisory arrangements. This is the Assembly's first opportunity to address the provisions of the original Commonwealth ordinance which, in 1988, unified TAFE in the ACT as a single educational institute. Since then, the transformation has been comprehensive in scope and smooth in process and has led to an enhanced performance. This Bill represents a further advance by authorising a new image for the institute which more accurately reflects the true nature and quality of the courses and graduates today. It will thus strengthen the public standing generally of postschool and tertiary education in Canberra, and so enhance the social, educational and employment prospects of the ACT region.

The institute has cultivated strong links with industry, business and other educational institutions. It is an institute of which Canberra can be proud. The educational performance and employment patterns of its students extend far beyond the traditional notion of "tech". For example, in addition to the historically recognised engineering and construction courses, the institute now has most students in business, science, design and community service fields. However, recent research has shown that this reality is not generally recognised in Canberra and elsewhere.

As a consequence, both students and employers may be making poor decisions on their source of education and training. Changing these out-of-date perceptions will require much work by the institute, but these amendments are crucial to the marketing challenges the institute is facing. More importantly, they allow the institute to take full advantage of the tide of opportunity expected on the technological and educational fronts through and beyond this decade. This tide will also acknowledge the institute's growing emphasis on advanced technological skilling, and active fostering of critical thinking, strategic planning and effective communication.

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The institute's current title is firmly associated in the public mind with manual or "tech" courses, with an implicit assumption that these do not provide advanced or important skills. Such misconceptions can be economically and educationally damaging and place obstacles in the way of institute students and graduates. The institute is already working to sustain and extend trade courses and to emphasise the importance of further or continuing education. Those endeavours will be further enhanced by an institute of technology which is committed to the traditional TAFE role and the continuing developing of skills across the whole continuum of vocational education.

The image of the institute is even more critical, particularly in export markets. Offshore, where the acronym "TAFE" is unknown or not well received, the term "Institute of Technology" is more easily recognised and better understood. Similarly, the acronym "ACT" is not well understood, particularly internationally. However, "Canberra" is well recognised, both offshore and onshore, as the name of the national capital. Therefore, the institute and the ACT region will be much better served by using "Canberra" in its title.

The second aim of this Bill concerns the structure and title of the institute advisory committee. Currently, the committee consists of seven members, representing unions, employers, students and staff. Since the institute is moving to achieve international standards of best corporate management practice, the Government believes that it is essential that the institute be guided by recognised expertise in fields such as export development, financial, legal and property management. As an associated change, the amendments will include the chair of the ACT Vocational Training Authority as a formal, ex officio, member of the institute advisory committee. Although the VTA chair has, with the concurrence of successive Ministers, participated in past meetings, it is desirable to recognise this membership formally in the legislation. Consequently, the Bill provides for an increase in the committee's membership by four, and changes its name to the Canberra Institute of Technology Advisory Council. Consultation has shown that the proposed changes have broad support from institute advisers and stakeholders. These changes will have no impact upon the budget of the ACT; in fact, they create significant potential for increase in commercial revenue and, thus, employment and development prospects for Canberra.

The Bill includes two minor supplementary changes: Firstly, the removal from the Act of several outdated sections relating to the transitional arrangements for establishing the institute in 1988 and to financial reporting and audit immediately following the introduction of self-government. The second change will increase, from \$100,000 to \$250,000, the limit on the value of contracts which may be entered into by the institute without ministerial approval. This new limit will modestly streamline the institute's operational processes while maintaining ministerial approval for major contracts. It is considered appropriate to the institute's scale of operations, as well as the limits applicable to other comparable ACT agencies. The Government intends that all these changes will take effect from 1 January 1993.

This Bill recognises the high standards of this Canberra tertiary institution. It will ensure that students receive better recognition for their achievements and will enhance the ACT's already national reputation for quality education. I present the explanatory memorandum for the Bill.

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

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE
Report on Renewable Energy**

MR MOORE (10.39): I present the report of the Standing Committee on Conservation, Heritage and Environment on "Renewable Energy - The Case for Energy Efficiency in the ACT", together with a copy of the minutes of proceedings. I move:

That the report be noted.

Madam Speaker, in presenting this report to the Assembly today we have the opportunity either to cocoon ourselves in the present or to consider not only our future but also our children's future and their children's future. The basic concept behind this report is not new. It is a notion of sustainability; the notion that we should be relying on renewable energy sources and that we should be moving towards renewable energy sources.

Madam Speaker, at this point I would like to offer the thanks of the committee and my personal thanks to Mr Bill Symington, the secretary of the committee, for his constant support and hard work; to members of the public who gave their time and presented submissions to us; and in particular in this case to the public servants and those from ACTEW who gave us a tremendous insight into what they are already doing and into how open they are to debate and discussion on these issues.

I think it was very refreshing for members of the committee to realise that the public servants were very keen to work with us, and for us to work with them in trying to put into the public arena a series of ideas that need to be considered and discussed. Those ideas have been presented in this report as both medium-term concepts and long-term concepts. One might well ask why we do not have anything to do right now. I guess the answer to that is that we are not going to solve any of the problems tomorrow. Things that can be done right now are being done by ACTEW. I think that is a quite positive comment on that organisation and it is appropriate that it should be made now.

I would also like to thank the deputy chair of the committee, Annette Ellis, and Lou Westende for their contribution and efforts in putting this together. It would be remiss of me not to refer also to the original solar energy and solar cogeneration of electricity discussion paper which probably should be read in conjunction with this final report of the committee on this issue. In doing so, I thank the members of the committee that put that discussion paper together. It includes current members - Mr Humphries and Mrs Grassby - and previous Assembly members - Mr Jensen and Mr Collaery.

The recommendations, divided into long-term and medium-term, can be found quite early in the report, and I think that they speak for themselves. I would like this morning, Madam Speaker, to run through some of the issues that we have dealt with in terms of possible renewable resources as far as electricity goes. The first and most important is one that exists at the moment, hydro-electricity. The ACT gets a fair proportion of its electricity from this source. Along with hydro-electricity, we have dealt with the concept of cogeneration of electricity,

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particularly in terms of hydro. The notion is that, where we have water coming into the ACT through natural gravity feed, this has the potential for us to provide energy as a renewable resource. This concept of cogeneration of electricity is a particularly important one. That notion also goes further. Where we are using heat, for example, it can be used to generate electricity. The paper deals with that in a series of ways.

Of particular interest to me was the notion of using solar energy. We already use solar energy, of course, to provide hot water in housing, and I think that is something that we must not lose sight of. But our report also deals with the notion of photovoltaic electricity and solar thermal electricity - particularly solar thermal electricity which can be combined with a natural gas system. We are very fortunate in the ACT to have a world leader in solar thermal electricity at the Australian National University.

More importantly, what are the costs? When we are looking at energy and renewable energy sources for the future, it is important to try to get a handle on what it is likely to cost this community. What will the community be prepared to pay for it? ACTEW does not generate any of its own electricity at the moment; it is all purchased from outside the ACT. In 1990 coal electricity could be purchased for around 3.5c to 6c per kilowatt hour; gas combined cycle, 3.5c to 6c; and gas turbine, 4.5c to 5.5c. They are all in the same sort of range. Small hydro-electricity could be purchased for in the order of 2.5c to 6c. The prices of these forms of electricity all fell within that range.

When we look at the cost of other renewable forms of electricity in 1990, the price rises significantly. Wind energy started at the top of the range of the others, at 6c to 12c per kilowatt hour. Solar thermal electric, which I have mentioned before and which Professor Kaneff deals with and is still experimenting with at the Australian National University, in 1990 was 7.5c to 26c per kilowatt hour. We could talk also about municipal waste, which is not an issue in the ACT; but solar photovoltaic was particularly expensive in 1990 at 20c to 55c per kilowatt hour, and it has a particular role in areas where it would be very expensive to run electricity grid lines. One example of that, of course, is the telephones that are used in the outback which have solar photovoltaic production of electricity to run their systems.

If we project to the year 2000 the likely cost of these renewable energy resources, we find that wind farm electricity is likely to come down to between 4.5c and 9c per kilowatt hour; solar thermal electric to between 5.5c and 15c; and solar photovoltaic to between 19c and 30c. Researchers on solar photovoltaic at the university pointed out that it is quite possible that at some time in the next 30 years there will be a major breakthrough in the way they do solar photovoltaic. At the moment the chip upon which the system is based means that it will be very difficult to get the price any lower than it is. The breakthrough would have to come through in the construction of that chip.

Madam Speaker, renewable resources, and solar and wind energy, in particular, face the major barrier of any new notion, and that major barrier is the economic one. The economic barrier is going to have to be balanced against how important we see the role of energy and carbon dioxide in its impact on the ozone layer. The Rio conference indicated worldwide concern on this issue. I think it is a concern that the public generally is going to have to continue to debate. We are going to have to come up with some solutions and it seems to me that those

solutions are likely to have to come down to a question of what we are prepared to spend for future generations at this stage. It is possible for the ACT to purchase its electricity from wherever it likes at the moment. We are in the process - it is a confusing factor in some ways - of looking at a national grid, and that national grid has yet to have an impact on the ACT that we can only start to guess at.

I think it is important, Madam Speaker, for us also to look at not just how we can provide renewable energy resources but also how we can conserve energy. This is an issue that I know that Mr Wood has been working on, particularly with reference to housing. It is an issue that this report of the committee reiterates. I believe that it complements the work done by Mr Wood and his department in terms of their energy strategies for housing. We must also remember, when we are looking at energy strategies, that transport is one of our major users of energy. Forms of transport will require more work in the future, and our report has dealt with that as well.

Madam Speaker, in dealing with the depletion of the earth's ozone layer, it is - - -

Mrs Carnell: Where is Dennis?

MR MOORE: Yes, I notice that Mr Stevenson is not here at the moment. No doubt he will read the report and will have his opportunity to comment on the earth's ozone layer and say that we do not have any problems. We will be interested to hear what he has to suggest on that.

There was one suggestion that governments consider the notion of a carbon tax, which favours, of course, carbon dioxide control. There was considerable debate in the committee on that issue. There is a series of very broad recommendations about that in the committee report. The concern is that if a carbon tax is introduced now the effect on costs of production and goods and services for consumers could be crippling. Because our committee did not have the resources to deal with that range of issues, we have recommended that this matter be pursued further so that the notion of a carbon tax can be considered.

Madam Speaker, one of the things that I feel very proud about is that our committee was able to present this report without dissent. This reflects the style of work that is done in these committees. Members are prepared to listen and to discuss, and to ensure that they deliver the best possible report they can in the interests of the people of Canberra, and in this case, I think, in the interests of the people of Australia. It is important that the debate continue. I think there are some ideas in this report that will challenge people in the future.

MS ELLIS (10.52): Madam Speaker, it is with pleasure that I rise to speak to the report by the Standing Committee on Conservation, Heritage and Environment on the case for energy efficiency in the ACT. This report, Madam Speaker, and the investigative work involved, was most valuable and informative for me, and hopefully the report will serve as a useful guide for the ACT community. I have spoken before in this chamber about the efforts and innovations in the ACT to conserve energy. Our levels of awareness and education are increasing. However, Madam Speaker, as a society and as individuals we use far too much energy for everyday living. Sixty per cent of our energy use comes from water heating, cooking, refrigeration, home heating and cooling, lights and other appliances. We can reduce this drastically if we design our houses more efficiently and if we start to use alternative energy sources.

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So far, Madam Speaker, our community, our urban designers and our governments have not taken up many of the marvellous opportunities that are available in alternative, cheap and environmentally less damaging energy to the extent that they can and should. Thank goodness we are making headway. The days have long gone when a person espousing concern for the environment would be labelled a fringe-dwelling hippy. Environmental concerns are becoming a necessity in government. I use as an example ACTION buses which are now experimenting with alternative fuels. In fact, I and many in this chamber will probably be attending the launch of "Diesohol - Future Fuel" next Tuesday, 1 December. ACT Electricity and Water are also running a strong education campaign for water and electricity saving.

It is true, Madam Speaker, that conducting this inquiry was an education for me, and I think for the other members of the committee. I strongly believe that education is our most important and urgent need in the area of energy efficiency. Without knowing what is possible, and what is becoming necessary, consumers cannot demand certain conditions which accommodate renewable energy, and providers cannot know how to provide the service.

As a government and law-makers, Madam Speaker, it is our responsibility to assist in the provision of that education. We have started with this inquiry and with other valuable initiatives in government, and I trust that we will keep going and continue to improve our options and our awareness. Mr Moore mentioned the Rio conference, and that, in itself, I think, epitomises the problems that we are looking at. Governments and communities can have views as to what we now require in terms of energy efficiency and environmental awareness. At the same time, business has its right, at the moment, to espouse its views on the viability of business. But at some point we must be forced to reach a stage of sustainability and to allow both to be accommodated. That, I think, is one of the most urgent parts of this debate.

Madam Speaker, as consumers it is our responsibility to accept the education process and to understand the facts concerning energy consumption and use. We must realise the consequences if we ignore that question. There are a variety of options available and we must have a go at developing them. It is all too easy to say, "Why should I? I am all right now"; but we are not all right and it is our responsibility. However, Madam Speaker, the processes we go through, the demands we put on ourselves and the targets we set must be realistic. Part of the problem can be targets which are too ambitious and therefore easily ignored, deferred or just forgotten. I believe that the report by the committee has done justice to this requirement for realism, and therefore I believe that it will have a very positive effect on our community.

Madam Speaker, the design and siting of houses is a perfect example of how easily we can achieve energy savings; yet how slow and unresponsive we are. Our community education is not yet sophisticated enough to ensure that such simple alternatives are the norm. I am aware that Mr Wood, over the past 12 months, has made mention of some of the less visionary environmental designs of houses in the new areas of Canberra, and I agree. For one, I find Gungahlin disappointing. We have a great opportunity to move ahead with some of the more progressive and energy efficient initiatives, but the response to date is not, shall we say, overwhelming.

It should not cost any more to take heed of some of the simple rules of energy efficiency, such as siting a house climatically correctly. In the long run we all know that it is cheaper in monetary cost and in environmental cost. The materials we build our homes with are also simple but important aspects of energy efficiency. Even if it may - I repeat may - cost slightly more to build in certain materials, we probably do not have the educational mechanisms to explain to the consumer the reality of what can be gained. What can we do, for instance, to encourage the use of double-glazed windows in this Canberra climate? Sure, it is initially more expensive, but the money it can save the consumer in the long term is dramatic. The consumer may not be aware, Madam Speaker, and therefore does not demand, and the provider therefore does not supply. Governments need more education, the consumers need more education and the suppliers need more education. I am hopeful, Madam Speaker, that this report will go a long way in educating both the community and government as well as stimulating that educative process.

I would like to thank the other members of the committee - presiding member Michael Moore and Lou Westende. I would also like to thank the committee secretary, Bill Symington, and all those individuals and organisations who made submissions to the inquiry. It has been a pleasure to be involved in the inquiry. My awareness levels have certainly increased and I am sure that the report that we have put together will assist our community in a most positive way. I sincerely hope that others gain as much from it as I have.

MR WESTENDE (10.59): Madam Speaker, the question of renewable energy, or should I say the quest for renewable energy, is not a new one. It has been on the agenda of various governments and has been discussed in a serious way in the boardrooms of major companies throughout Australia for well over a decade now. The subject, of course, has been around a lot longer than that. The Dutch were using windmills two centuries ago to pump water from so-called polders - areas of land which are below sea level. It was interesting to see, in the beginning of this century, windmills as we know them, the typical Dutch windmills, slowly disappearing. In the last ten years we have seen the creation of wind farms all over northern parts of Europe, especially in Scandinavia, Germany and Holland. Those people are very much aware of alternative sources of energy.

A tremendous amount of research has been undertaken by a great many organisations, not only in this country - although some very advanced work has been done here - but also, as I said, in other parts of the world. There is much greater awareness now, I believe, not only that it is important for us to pursue greater efficiencies in our energy use but also that it is fundamental to our survival and for the well-being of our planet. Probably one of the greatest advances in our thinking these days is that the question of our environment is a global issue, and that as much as we, as humans, have contributed to the great and serious environmental problems of the day, we clearly have the capacity to turn this around. Success in this respect ultimately will depend on how effectively the challenge reaches the consciousness of each and every person.

Governments can play their part. They can legislate to regulate. They can set new directions. Industry can make modifications and rearrange budgets to incorporate energy savings and prepare to shift to alternative sources when it is viable to do so. However, the most practical step that can be taken now in terms of energy conservation and the development of renewable energy resources is the

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contribution that ordinary people can make in the process of normal daily living. I believe that the report by the Standing Committee on Conservation, Heritage and Environment has made some very positive proposals in this regard. I have been very pleased to be a party to it.

There are many aspects of renewable energy that are still not viable economically to implement commercially, such as the replacement of fuel for motor vehicles and commercial volumes of renewable electricity generation. However, there are some quite viable technologies now available that provide for a mix of renewable sources of energy with conventional sources. This not only will improve efficiencies in an economic sense but also provides for some exciting improvement in pollution reduction and waste management.

Of course, any merging of renewable and alternative energy resources with conventional energy now ultimately makes for a more viable transition to total use of alternatives in the future. Bearing in mind the long lead times for gearing up to alternatives, these gradual processes make a lot of sense. There are also the exciting possibilities of combining alternative energy resources such as wind and solar. I had the fortune of seeing at first hand some very promising developments in the use of windmills in Europe. As I said before, my former homeland, the Netherlands, probably was one of the early countries to use windmills. With those few comments I support the report and commend it to the Assembly. I was very pleased to be part of the team.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Statement by Presiding Member

MR KAINE (Leader of the Opposition): I seek leave to make a statement concerning the consideration by the Standing Committee on Public Accounts of the Auditor-General's Report No. 3 of 1992.

Leave granted.

MR KAINE: Under the terms of the resolution establishing the Public Accounts Committee, the committee is required to examine all reports of the Auditor-General that are laid before the Assembly. On 8 September, Madam Speaker, you presented to the Assembly the Auditor-General's Report No. 3 for 1992, which is the Auditor-General's annual management report for the year ended 30 June 1992. The committee has agreed that I, as presiding member, should simply make a statement on the committee's examination of this report.

Audit Report No. 3 is the annual report of the Government Audit Office and it includes a general report on each efficiency audit conducted during the year to 30 June 1992, showing the cost of the audit and the benefits that the Auditor-General believes have been derived from that audit.

The committee has examined the Auditor-General's report and notes the matters that he has raised, particularly that negotiations have commenced to move to a system whereby all auditees will pay audit fees for their regularity audits, and that he has proposed that the office's financial arrangements should operate through a trust account. The committee is of the view that no further investigation of the matters raised in that report is warranted.

MUTUAL RECOGNITION (AUSTRALIAN CAPITAL TERRITORY) BILL 1992

Debate resumed from 15 October 1992, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR KAINE (Leader of the Opposition) (11.05): The Liberal Party supports the Government's Bill to introduce mutual recognition of goods and services. The Chief Minister referred in her tabling speech to the national scheme for mutual recognition of regulatory standards for goods and occupations as a major step forward in the achievement of micro-economic reform. She said that the Bill involves recognition by all governments that the creation of a national market is timely and that it ends a century of parochialism. I cannot agree more with those observations.

Micro-economic reform was essential in 1990 to transform the divided national economy, with all its inherent economic inefficiencies, into a single free trading, freely accessible market. I supported the mutual recognition proposal at the Brisbane Special Premiers Conference to pursue that end. It is consistent with Liberal Party policy. The national economy needed then, and still needs, uniform business legislation to reduce the costs associated with doing business throughout Australia. Reform of the disunities between the States retains its potential to stimulate the growth of business and employment. It should encourage an expansion of business activity as small regional businesses take advantage of the opportunities that a larger uniform national market would provide.

Unfortunately, the micro-economic reforms that held out so much promise in 1990 have been too long delayed. The recession produced by the policies of the Federal Labor Government has undermined the benefits that could have flowed from those reforms over the past two years. But those reforms, gradually being put into place, will eventually bring about the anticipated rewards. The mutual recognition of goods and services regulations will encourage businesses to look outside their own regions to secure tradeable stocks and to offer their services. In the long term that flexibility, greater choice, potential business growth and more cost competitive goods and services will benefit the regional economy and people living in the ACT. But it will do that only if local businesses and professionals look to competing on a national level. Locally, the business of promoting the Canberra region will take on a greater importance as local producers compete to maintain or improve their local market shares.

Madam Speaker, while I am in favour of this legislation and the micro-economic reform agenda, I am surprised that the context in which this reform was originally raised appears to have either fallen by the wayside or taken a much lower profile than was desirable. I refer to the development of a system of uniform standards for goods and services as the preferred option, with mutual recognition being an interim stage in achieving that approach, and, in the long term, a facility available to take care of minor issues not requiring attention in uniform national standards. The timetable for introducing mutual recognition has been adhered to, but the wider, more permanent and more desirable national uniform standards have not been progressed at the same pace.

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Madam Speaker, this legislation must not become a second-rate response to micro-economic reform. It must not be a "near enough is good enough" approach. The Government, together with all State, Territory and Federal governments, must press on beyond this useful legislation to establish those uniform standards. This must be seen, therefore, as a solid first step but no more than that.

Having spoken about the context of the Bill, I would like to sound a warning as we open our market to goods and services from other States. The quality and safety standards we expect of goods and services in the ACT will not now automatically apply unless there is a danger to the health or safety of individuals. In other words, we are in danger of adopting a lowest common denominator approach to standards until we do something about establishing national standards.

In 1990 there was optimism that the legislation would not produce this lowest common denominator effect. That optimism was based on the expectation that national uniform standards would be vigorously pursued as a sensible part of micro-economic reform, and that States and Territories would introduce local high standards where uniform standards were absent. Uniform standards have been introduced for most aspects of goods, labelling, quality, distribution, packaging, et cetera, but in respect of occupations there are still a number of areas where licensing and standards are inadequate or only partially adequate. There is concern about credit providers and motor dealers, licensed everywhere except in Tasmania. State consumer bureaus are increasingly concerned that there are issues emerging in response to the legislation that appear to have been overlooked. New South Wales and Victoria both have reservations about legislating too quickly.

I think there are some warnings here, Madam Speaker, that the Government needs to have regard for, and I am sure that they have them in mind; but we should not forget them over the coming months. I welcome the sunset clause inherent in the legislation and I hope that this will be replicated in all future legislation brought forward. In this case, of course, it happens to be a recognition of the intent, at the Commonwealth level, to produce legislation that will override ours. I think that a sunset clause is a good clause in almost any legislation.

I have a final comment, Madam Speaker, and it is in connection with subclause 2(3). The Government must look at the implementation of the legislation only in harmony with the States. To be fully committed to implementation without the equal commitment of all other jurisdictions could leave the ACT unnecessarily exposed, where we are the only player and the States and the Northern Territory have not proceeded at the same pace as we have to introduce this kind of legislation. We should keep our implementation open until we are satisfied that we are moving in concert with the other players. I am suggesting that subclause 2(3), which says that the Bill becomes effective six months after the Chief Minister signs it into law, is something that we should look at carefully to make sure that we are not getting too far out of synchronisation with what is happening elsewhere.

With those comments, Madam Speaker, I reaffirm that the Liberal Party supports this legislation as being valuable and useful legislation.

MRS CARNELL (11.12): I agree totally with Mr Kaine's comments, but I want to bring up a couple of fairly minor concerns that could become major if not addressed. I am sure that the Chief Minister would be aware that some concerns have been raised in some quarters. One of the major ones that I would like to bring up today relates to Part 3 of the Schedule, which deals with occupations. That is an area in which I have some background from being part of a professional board for a long time.

This part does not allow a second State to put any extra requirement in front of an applicant for registration. That means that a professional who has been registered in his or her State of origin for a number of years, but has not practised, say, as a doctor or whatever for a number of years, must be registered in a second State and the second State may not impose any additional requirements. That means that the second State cannot ask that person to undergo a course or to do any particular extra training. Therefore, a State, like the ACT, may be in a position of having to register somebody who has not practised for a prolonged period. That could cause some real problems in terms of protecting the public. Really, that, I expect, is what we are all about.

The other area of some concern that has been raised, I know, by a number of professional boards around the country is that the legislation currently is very insufficient in terms of identity. That means that professional boards in one State are not allowed to seek more information than is suggested in the legislation, which is fairly minor. A number of the boards' State registering authorities have suggested that there really is insufficient information there. Let us be fair. Local registering authorities exist to protect the public and this, of course, means establishing the identity of incoming professionals and their competency. This Bill makes it very difficult to guarantee these important principles.

That leads me to the real problem with the Bill, and that is what it does with regard to both goods and occupations. It really creates a lowest common denominator. It means that the State with the lowest requirements becomes the norm. In fact, it actually says that a second authority cannot impose any conditions that are harsher than those in the first State. This, as I said, also occurs with goods. The legislation states that goods that can lawfully be imported or produced in one State may be sold in a second State. In fact, except in certain circumstances, the goods must be allowed to be sold in a second State.

That leads me to the point of this very short speech, and that is the really urgent need for uniform standards to be put into place between States as a matter of urgency. The mutual recognition Bills were always envisaged with the idea that uniform standards would be in place prior to the Bills being enacted. This does not seem to have occurred. That also runs to uniform codes of practice for professionals and uniform competency levels between occupations and, of course, between professions. Again, all of these have not come to pass - not in all professions or in all areas. I urge the ACT and all other States to put these into place as soon as is possible, for this legislation, this very important legislation, to be able to become workable.

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MS FOLLETT (Chief Minister and Treasurer) (11.16), in reply: Madam Speaker, I thank members for their comments and for their contribution to this debate. I am very pleased to see that the speakers have recognised that the introduction of arrangements for mutual recognition for goods and occupations is, as I believe, one of the most important reforms since Federation. The arrangements recognise that the time has well and truly come for Australia to create a national market. What the legislation does is remove the needless artificial barriers to interstate trade in goods and the mobility of labour that are caused by regulatory differences among Australian States and Territories. Madam Speaker, there is, as other speakers have acknowledged, an almost universal criticism of governments for the imposition of regulatory and legislative burdens on business and on the wider community, and I think I can speak for my counterparts throughout Australia in saying that this is one piece of legislation that should very genuinely be welcomed.

Mr Kaine commented that he hoped that we were not getting too much in advance of the general movement on this legislation. I can advise the Assembly that New South Wales has already passed its legislation and, as a result, the Commonwealth has introduced its Bill. That occurred on 3 November 1992 in accordance with the timeframe that had been envisaged by heads of government. The ACT will be the second jurisdiction to pass this historic legislation - I am assuming that it will be passed today - and I very much welcome the bipartisan support that the legislation has.

I would like to turn very briefly to some of the issues raised by Mr Kaine and Mrs Carnell, and in particular to their comments in relation to what they have described as lowest common denominator standards. I can understand their concern over this matter, Madam Speaker, and I would address it by saying that I think the mutual recognition legislation does already work on the assumption that there are some differences in standards between States and Territories but that those differences are not great. There are already numerous areas, in fact, where regulations have been brought into harmony. That is particularly the case between the ACT and New South Wales. It is a matter that we continue to work on.

I believe that that work and the fact that the differences are not great will prevent the risk of a kind of downward spiralling of standards from occurring. Furthermore, the mutual recognition scheme itself does have inbuilt safeguards with temporary exemptions for goods and temporary declarations of non-equivalents for occupations to ensure that standards are aimed at protecting health and safety and preventing environmental pollution; that standards are kept at an acceptable level. I think that in some cases, Madam Speaker, the result may be an elevation of standards. I certainly hope that that is the case.

Mr Kaine also referred to the ultimate goal of development of uniform standards rather than what he saw as the interim step of mutual recognition of standards. Indeed, Mr Kaine is right on that matter. I believe, however, that the mutual recognition legislation does facilitate the development of uniform standards, and it does that in a couple of ways. First of all, a State or a Territory can challenge the standard of another State or Territory in relation to a particular good by

declaring that good to be exempt from mutual recognition for up to 12 months if genuine health, safety or environmental pollution grounds exist. This will trigger consideration of the standard applying to that good by the relevant ministerial council, and the result at the end of 12 months will be either a uniform standard, a permanent exemption or the full operation of mutual recognition.

Consideration of the requirements for registration of a particular occupation by the relevant ministerial council can also be triggered by mutual recognition. This, I think, addresses Mrs Carnell's difficulty. All decisions of local registration authorities in relation to the operation of mutual recognition of occupations are appealable to the Commonwealth Administrative Appeals Tribunal. The AAT can make temporary declarations that occupations are not equivalent on the basis of health, safety or environmental pollution considerations.

I think that, clearly, the example Mrs Carnell raised would fall into that category. Like the temporary exemptions for goods, these declarations have effect for 12 months, during which time mutual recognition will not operate, and the ministerial council having responsibility for that occupation is required to determine whether or not to develop uniform registration requirements for that occupation.

The intergovernmental agreement to which we are a party also enables jurisdictions to refer the question of standards applying to particular goods or occupations even if these temporary exemptions or declarations are not involved. Heads of government have agreed to apply majority voting rules to decisions of relevant ministerial councils on uniformity which are made as a result of mutual recognition. I think that is an important commitment by jurisdictions in the interests of the nation as a whole.

Madam Speaker, the prospect of mutual recognition has, in fact, accelerated work towards uniformity which is already under way in many areas. An example of this in the goods area includes national food standards, occupational health and safety standards, therapeutic goods, and agricultural and veterinary chemicals. In the occupations area, the most notable developments have occurred in relation to doctors and other health professionals.

Madam Speaker, I hope that that has addressed the issues raised by other speakers on this Bill. I welcome the bipartisan support and I think that we can be proud that we are but the second jurisdiction to be addressing this legislation. I foreshadow that at a later stage in the consideration of the Bill I will be moving an amendment which I did refer to in introducing it. I alert members to the fact that that amendment has been circulated.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS FOLLETT (Chief Minister and Treasurer) (11.24): Madam Speaker, I move:

Schedule (Schedule 2 to the draft Bill for a Commonwealth Act), page 22, line 8, after item 13, add the following items:

- "14. *Business Franchise ("X" Videos) Act 1990* of the Australian Capital Territory.
15. *Classification of Publications Ordinance 1983* of the Australian Capital Territory.
16. *Crimes Act 1900* of the Australian Capital Territory, section 92NB.
17. *Film Classification Act 1971* of the Australian Capital Territory.
18. *Publications Control Act 1989* of the Australian Capital Territory.
19. *Film and Video Tape Classification Act 1984* of New South Wales.
20. *Indecent Articles and Classified Publications Act 1975* of New South Wales.
21. *Classification of Publications and Films Act* of the Northern Territory.
22. *Classification of Films Act 1991* of Queensland.
23. *Classification of Publications Act 1991* of Queensland.
24. *Classification of Films for Public Exhibition Act, 1971* of South Australia and regulations under that Act.
25. *Classification of Publications Act, 1974* of South Australia and regulations under that Act.
26. *Summary Offences Act, 1953* of South Australia, section 33 and section 35.
27. *Classification of Publications Act 1984* of Tasmania.
28. *Classification of Films and Publications Act 1990* of Victoria.
29. *Censorship of Films Act 1947* of Western Australia.
30. *Indecent Publications and Articles Act 1902* of Western Australia.
31. *Video Tapes Classification and Control Act 1987* of Western Australia."

I present the supplementary explanatory memorandum to the Bill. At the time of signing the intergovernmental agreement on mutual recognition in May of this year, it was the clear intention of heads of government that mutual recognition should not become the vehicle for free trade in pornographic material. Hence, the inclusion of such material in Schedule 1 of the Mutual Recognition Bill, providing for the permanent exemption of certain goods. In agreeing to this exemption, heads of government also decided to seek advice from the conference of censorship Ministers on the impact of mutual recognition on the different classification schemes applying to films, video tapes and publications in each State and Territory.

Ministers considered the issue at their meeting on 2 July 1992, but resolved to seek further advice from heads of government before making a recommendation. There was, however, general agreement among Ministers at that time that the permanent exemption for "pornographic material" in Schedule 1 of the Mutual Recognition Bill is not a legal term and would not necessarily have the effect of exempting all State or Territory censorship laws. There is now clear support among States, Territories and the Commonwealth for an addition to Schedule 2 - Permanent Exemptions: Laws Relating to Goods of the Bill to create an exemption from mutual recognition for all State and Territory censorship laws. This proposed amendment will more clearly give effect to the original intention of heads of government that mutual recognition should not become the vehicle for free trade across States and Territories in pornographic material.

As a result of this amendment, Madam Speaker, the whole area of classification and censorship for films and publications will remain unaffected by mutual recognition. This amendment seeks to preserve the status quo by retaining the capacity of States and Territories to legislate in the censorship area. It does not preclude agreement further down the track for reform in this area, and the development of more uniform censorship procedures among the States and Territories if that is desired by jurisdictions. I commend that amendment to the Assembly.

Amendment agreed to.

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

Bill, as amended, agreed to.

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE
Report on the Environmental and Heritage Aspects of Rural Leases -
Government Response**

Debate resumed from 15 October 1992, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

MR DE DOMENICO (11.27): Madam Speaker, on behalf of Mr Humphries, the Liberal Party's spokesman on rural affairs and a member of the original Standing Committee on Conservation, Heritage and Environment which conducted the inquiry into rural leases in the last Assembly, I am pleased to respond to the Government's response to this report. I am delighted to see that a large number of the recommendations made in the committee's report have been accepted by the Government. Of the 38 recommendations in the report, the Government agreed with 24, agreed conditionally to one, agreed in part to one, agreed in principle to three, and did not agree with nine. It is worth noting that the Government has been very reasonable in adopting so many of the recommendations made by the committee.

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Rural lessees contribute some \$16.6m to the ACT economy - that is the figure for 1988-89 - and that is testimony to the fact that the rural industry is an important part of our economy. A fundamental ingredient of the success of that industry is a reasonable degree of security for those who make their living from the land. The committee's report was designed to address many of the concerns raised by rural lessees on environmental and heritage aspects of the rural leasehold system.

Madam Speaker, I turn now to a number of recommendations which the Government has declined to support, to see how well based its rejection of these proposals may have been. Although the Government says that it categorically agrees and supports the reduction and elimination of soil erosion and the importance of tree regeneration, it does not agree to provide lessees with any financial assistance to do so. Recommendation 10.2.2 suggested that the Government consider low interest loans, where appropriate, to enable lessees to expedite remedial soil conservation, and recommendation 10.4.5 suggested that, where appropriate, again, the Government provide financial assistance in the form of loans to expedite tree regeneration programs on leaseholds; yet the Government did not agree to support either recommendation. It would appear that the Government is prepared to wax lyrical on the need for soil conservation measures and tree regeneration programs and the like, but is not prepared to put its money where its mouth is and do anything that may make a real impact in solving future problems.

Essentially, the land belongs to the Government and, if it has become subject to soil erosion which is not treated, it will cost even more to repair as it gets worse and the Government could most likely end up with no lessees and no revenue at all. It is worthwhile to offer a loan to the lessee, where this is essential, which in the long term will save the Government money. If a loan is not suitable, exemptions could be offered through the tax system, as another alternative.

The Government say that they are waiting to see what is being considered on a national scale before they act. This to a certain extent is unacceptable. Mr Hawke, the former Prime Minister, made the promise that a certain number of millions of trees would be planted nationally to assist with this problem, but one needs to know how many have been planted in the ACT. The ACT should not need to wait to see what the Federal Government does with the Landcare program before it takes action itself.

Not only is the Government not prepared to assist lessees financially with loans to help solve the problem; it is not even prepared to lend government equipment or expertise to assist lessees to do the job. Recommendation 10.2.1 suggests that, where soil erosion is present in existing leases, the Government should arrange with lessees for remedial work and consider arrangements for the use of government equipment and expertise for the work. Further, recommendation 10.6.4, which suggests that lessees should be encouraged to control and eradicate noxious plants and weeds through publicity programs - perhaps even lawnmowers and other things might help - the provision of expert advice, the loan of equipment and, where appropriate, financial loans, also has not been agreed to.

Recommendation 10.4.1 suggests that the Government assume direct responsibility for the prevention of overstocking and, where possible, restorative work on leases affected by soil degradation, with appropriate cost recovery mechanisms. Madam Speaker, on this recommendation the Government makes no mention of soil degradation in its response and assumes, by virtue of its answer, that soil degradation comes only from stock levels. The Government says that the primary responsibility for stocking levels rests with the lessees. I know, and I am sure everybody else in the Assembly knows, of a former rural lessee, a Mr Charlie Russell, who may be surprised by this statement. For those who have forgotten - I am sure no-one has - Mr Russell's entitlement to run a bull on his agistment was removed and the number of cows he was able to keep was dramatically reduced, greatly reducing the viability of his operation. Mr Russell, as members are no doubt aware, has now thrown in the towel.

The Government does not agree with recommendation 10.6.6, which suggests that examination should take place of whether the habitat and existence of rarer marsupial animal species are being threatened by the numbers of eastern grey kangaroos in the ACT. The Government believes that there is no evidence to suggest that the population of eastern grey kangaroos poses a threat to any other animal wildlife. Without the study recommended by the committee, it is difficult to see how the Government can be so dogmatic.

Recommendation 10.7.2 suggests that lessees be given the opportunity to maintain heritage sites by adjustments to lease rentals where the protection of such sites results in assessable economic loss. The Government has not agreed with this, stating that only Aboriginal heritage locations on a rural lease are currently acceptable for compensation under section 76 of the Land (Planning and Environment) Act 1991. This is a ridiculous, if not discriminatory, situation. For the Government to say that lessee compensation will be considered in a future review of that legislation, three years from now, is not satisfactory. A lot can happen to heritage sites in three years. The Government must acknowledge that a considerable financial burden can fall on the shoulders of a rural lessee where heritage sites are encompassed in the lease. The Government's response simply does not take account of that burden and, I regret to say, is bad news for rural heritage sites in the ACT.

Madam Speaker, the Government disagrees with recommendation 10.7.4 to examine jointly with the New South Wales Government the retention and protection of the Queanbeyan-Cooma railway line as a heritage item, because they say that the line lies in New South Wales. The railway line forms the boundary between New South Wales and the ACT for some distance, although the line itself is actually in New South Wales by a matter of inches. This hardly seems a good reason for the ACT to abrogate responsibility.

Madam Speaker, some of the responses by the Minister are, however, gratifying.

Recommendation 10.1.4, which suggests the retention of alluvial river flats for intensive agriculture, seems to have been taken to heart. The committee, Mr Humphries advises me, had in mind Pialligo in particular with this recommendation. Pialligo's contribution to the ACT economy is small but significant and should rightly be protected.

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In all the recommendations agreed to by the Government, Madam Speaker, there are no definite timeframes spelt out. What guarantees are there that the recommendations agreed to will be implemented? How does the Government propose to keep the Assembly informed as to its progress? These are the unanswered questions which the Minister may care to enlighten us about later. As I said, Madam Speaker, the Liberal Party is delighted to say that the Government has agreed to most of the recommendations of the report, and we thank it for so doing.

MR MOORE (11.35): Madam Speaker, I think the Government's response to this report, if we put it in perspective, is overwhelmingly supportive. I think it reflects the good work done by the standing committee of the previous Assembly, which I was fortunate enough to chair. The discussion that went on with rural lessees at the time led to all these recommendations. However, it is not surprising where the Government has chosen to respond in the negative. If one were to take an overview of the Government's response, basically, where the Government is going to be out of pocket and cannot see a fair return for that money it has responded in the negative. That is my interpretation of the Government's response to the report as a whole. That certainly fits into the range of areas - the low interest rates, using government equipment to assist with soil erosion, and so forth.

There is an emphasis here, though, that has the same emphasis as the report, and that is to give more control to the lessees. I can see the Government's perspective in saying, "Well, we are going to give them more control over their areas, their leases". You are also going to allow them to take the responsibility, and with that goes the financial responsibility for the lease. That is the way I would summarise the way the Government has responded.

Mr Wood: You have taken my response from me.

MR MOORE: Mr Wood interjects that I have taken his response from him. We might save some time in the Assembly this morning and get through the rest of the heavy business schedule today, but I shall continue my comments. Madam Speaker, I can understand that response. In all the reports that come down in this Assembly members are very conscious of the fact that we do not just go for the notion, "Okay, spend everything". We could easily bring down reports that say, "Look, if you do this and this and this, every problem will be solved because there is an unlimited supply of money". In fact, the committees of this Assembly almost always - I cannot think of an exception, actually - have been very conscious of the fact that there are financial questions associated with the recommendations they make. In this case the committee recognised that but still felt that it was appropriate to make some recommendations which would have incurred some minor cost to government. One example is the low interest rates.

Mr De Domenico has taken up a number of the issues that were not agreed to and I would like to reiterate one or two of them. One is the recommendation that we examine whether the habitat and existence of rare marsupial animal species are being threatened by the number of eastern grey kangaroos in the ACT. The response is that there is no evidence. Of course, had there been no evidence the committee would not have made a recommendation on that. There was evidence presented to the committee that that was the case. It may well be that,

with a closer look at that, that the Government, rather than just saying that there is no evidence, will say that there is no sustainable evidence or give a little more detail. Perhaps the Minister or the department that prepared the responses is aware of more detail on that.

If one person suggests that you have a problem, I accept that that does not necessarily mean that there is a problem. Before you would spend money on research like that you would want to have some corroboration of that evidence. Perhaps that is an issue that the Minister might like to consider. My response here also recognises the same thing. We are not going to make demands on any department or any government to spend massive amounts of money. We have been through the process with our Estimates Committee; we understand exactly where the money goes and what sorts of decisions have to be made. If you are going to put money into one thing it has to come out of somewhere else. I think that that consciousness on the part of committee members is one of the reasons why our committee reports are so often well received by government.

The other interesting thing for me was the outright rejection of recommendation 10.7.4 - that the Government examine jointly with the New South Wales Government the feasibility of retaining and protecting the Queanbeyan-Cooma railway line as a heritage item. The Government's response was:

Not agreed. This is not an ACT Government heritage issue, as the line lies in NSW.

We all have on the backs of our cars the stickers that refer to the Canberra region, and I think that that is a very narrow response to that recommendation. The recommendation recognised that that line lay in New South Wales, but it was suggested that there was reason to examine it for heritage significance. Rather than saying, "Absolutely no, we are not going to look at it", it may be an important issue to bring up in the context of regional discussions. I still urge the Minister to take it up in that way. Had the recommendation been interpreted as saying, "Let the ACT put lots of money into this and work out joint expenditure with New South Wales", perhaps that type of response would have been warranted. I feel that it does need to be looked at carefully in the context of regional responsibilities.

We have to be careful that regional responsibilities are not taken on board only when they suit us. There will be times when regional responsibility will mean that the ACT does not get an advantage but that the area as a whole will. It may well be that in the not too distant future such a heritage item might be of particular interest, considering the number of train buffs there are around the place. It is something I have no understanding of. I do not understand why people have this great love for getting onto old steam trains and chugging along.

Mr De Domenico: It is fantastic.

MR MOORE: Whenever I say something like this there is somebody around who immediately jumps to the defence of old trains, for some reason.

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Mr Wood: You mean the real trains.

MR MOORE: I hear an interjection about real trains. I find this absolutely fascinating because trains have never had this impact on me.

Mr Wood: You are too young, Michael.

MR MOORE: Mr Wood interjects that I am too young. If I am too young, well, I appreciate being too young.

Mrs Grassby: The soot in your eyes, in your teeth and in your clothes.

Ms Ellis: It is very romantic.

MR MOORE: Mr Deputy Speaker, you have heard the romantic interjections we have just had about trains. Such enthusiasm reinforces the point that I was trying to raise, and a lot of it came from the government benches. Perhaps we ought not to let that recommendation go. Overall, having raised those couple of points, I appreciate the overwhelmingly positive response from the Government. I think it is yet another Assembly report that has been able to make a positive contribution in the ACT. Before I sit down, Mr Deputy Speaker, I think it is appropriate to recognise in this house that the motion to take on this inquiry was originally moved by Mrs Robyn Nolan. She was particularly enthusiastic about this issue. I think it is appropriate that the Assembly recognise credit where it is due.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.44), in reply: Mr Deputy Speaker, I thank the two members for their contribution. I think they pretty much said the same things. Mr De Domenico focused in more detail on some of the comments, and Mr Moore recognised quite astutely the Government's view, though not entirely. Mr Moore said that he thought it was mainly the financial imperative - to use my words - that made us give a negative response to some of those recommendations that Mr De Domenico was quoting. That is not entirely the case, but it certainly is a factor.

Part of this whole proposal is to give many rural lessees, where it is possible, a longer-term lease of up to 50 years. In doing so, we are expecting that they will, as they said they would, take much more care of the land, will get much more involved in controlling what happens on their land and will become more responsible. That is not to suggest that they are irresponsible. I do not see the need for the Government to be funding measures to control erosion or plant many more trees. It is the Government's expectation that, under the improved lease conditions they are going to have, they will undertake that work as part of their natural organisation on the farm.

I did my own assessment of these recommendations some time ago, and when you add them all up and put them one after the other we are really saying to the leaseholders that they have to take much better care of their land. Probably half the recommendations put requirements on leaseholders to take that care. That is very much the thrust of the committee and it is one that the Government strongly supported. We went all the way with the committee in that respect. We did differ, as has been said. I will not go through the list in the way I have organised it, but I am pleased to note that the rural lessees have welcomed this report.

I think that says a great deal for their own interest in that land on which they live and work. Indeed, the report has been well received not only by the rural lessees but also by the environmentalists. I think that says a great deal about the quality of the report and it is certainly a factor in our response to it.

There was comment from both speakers about the eastern grey kangaroos and the effect they may be having. I will keep an open mind on that. I will talk again with the park rangers and those who survey these things and have an interest. It is my understanding that there is no real evidence to suggest that there is a problem. If we are to undertake research, there is no small number of other areas of higher priority; but I will not close that off.

As for the railway line, I will undertake to talk again about that. You dragged me into that quite well, Mr Moore. Maybe I have compromised my position by way of my interjections. It certainly is the case that the railway line is outside ACT territory and we have to be very cautious - I am not suggesting that you have any other thought - about approaching New South Wales and saying that the railway line has to stay. We need to be sensitive in our relations. I would not want the New South Wales Government to be making strong suggestions as to what we should do in some parts of Canberra that are also adjacent to the border. It is a matter of concern. I will talk about it informally at this stage, perhaps with the Heritage Committee, and see what might happen with that.

Mr De Domenico asked about a timeframe. We are moving on all these things. I believe that negotiations have commenced with the Rural Lessees Association on a range of matters. I met their representatives about a month ago and had a very fruitful discussion about how we might proceed. We are going down that track. Legislation that may become necessary as a result of this - legislation to acquire land - will be prepared to overcome any problem that may emerge as a result of this. We are moving on it. I cannot give a precise timetable on each item. I do not think that is necessary or is asked for. It remains high on the priorities list, obviously, of the committee and of the Government, and I can assure you that we are moving quite properly, with all necessary dispatch, to conclude these arrangements.

Question resolved in the affirmative.

TOURISM

Ministerial Statement

Debate resumed from 21 October 1992, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

MR DE DOMENICO (11.50): I am delighted to stand up and talk to the statement presented by the Chief Minister as Minister for tourism the other week. I would like to make some very brief comments, Mr Deputy Speaker, because I think enough was said yesterday in terms of the tourism situation. I would like to comment briefly on what the Chief Minister said about the National Tourism Awards. They were a delight to attend. It seems to me, Mr Deputy Speaker, as a former chairman of the local ACT Tourism Awards, that the awards seem to get bigger and bigger every year as the chairmen get taller and taller. That is one thing on which I can remark.

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Quite obviously, the Liberal Party is delighted to congratulate the Hyatt Hotel, the Bungendore Wood Works, Floriade and the ACT Institute of TAFE, which is now the Canberra Institute of Technology. I have had a long relationship with that body. I enjoy meals there, and have enjoyed them there for many years, from time to time. I would like especially to congratulate Lyn Smith and Ron Mantel, the business manager, and his staff, for the fantastic tourism attraction that it provides to the ACT and for the wonderful training it provides to so many of our young people. Many have become nationally and internationally famous because of the training that they achieved in Canberra.

Once again, I compliment the Government on its announcement of an international hotel management school in Canberra. It is something that people on this side of the house have been alluding to for a couple of years at least, so I am delighted to say that we are in strong support of the Government's intention to set up an international hotel management school at the Canberra Institute of Technology.

Mr Deputy Speaker, award nights like the one that many of us attended show the breadth and scope of the talent that we have here in the ACT. The Canberra City Band, the Meryl Tankard dancers, and many other entertainers and people in the ACT who performed are testimony to the great array of talent we have in the ACT.

The Chief Minister, Mr Deputy Speaker, also made some statements about improving the profitability of the tourism industry. I think that enough was said yesterday about the fact that the tourism industry is more than just a single industry. It comprises hundreds of small businesses and they are not immune from what goes on from time to time. May I also say that we on this side of the house appreciate the wonderful contribution that the new casino will make to our economy by attracting visitors. I have to get into the habit of calling people visitors.

Mr Lamont: The opal expo.

MR DE DOMENICO: Mr Lamont obviously wants me to finish quickly.

Mr Lamont: The opal expo.

MR DE DOMENICO: Okay. Yes, in taking on that interjection from Mr Lamont, any person who attracts extra tourism dollars and expenditure in the ACT and at the same time increases our ability to provide extra services that are attractive to visitors is welcome. Are you happy now, Mr Lamont?

Mr Lamont: Thank you, Mr De Domenico.

MR DE DOMENICO: So, as I was saying, the casino is most welcome. I now turn to what the Chief Minister said about the new unit that has been established. That is a good thing. I understand that the committee that initially was supposed to be looking at the 2002 Commonwealth Games has been given a broader responsibility to look into various other attractions. That is also a good thing, Mr Deputy Speaker.

I also note that most of the things that that committee has examined at this time happen to be sporting facilities and sporting things. That is a good thing as well. Perhaps it makes us think about whether there is the possibility of one day grouping together the responsibilities of tourism and sport because they are so closely linked here in the ACT, once again because of the magnificent sporting facilities that we possess. Can I go a step further and suggest that the Government might consider the establishment of a high altitude sports training complex, at somewhere like Corin Forest, which might provide the opportunity for international athletes to come here and compete. I cannot speak too highly, I must admit, of the improvement in the relationship between the ACT Tourism Commission and the industry. I think a lot of that has to do with the stewardship of Mr David Lawrance - - -

Mr Lamont: That was not what you said yesterday.

MR DE DOMENICO: No, Mr Lamont; I did, yesterday, also heap praise on the ACT Tourism Commission. I did not say that it was perfect. None of us are. I did say that perhaps there may be some improvement. But I now, for the public record, Mr Lamont, pay tribute to Mr Lawrance for the way he has managed to pull together the industry and the commission as no other executive director has been able to do in recent times. I think that needs to be said. Mr Deputy Speaker, I also reiterate my comments of yesterday about the potential that there is in marketing the ACT in areas such as Indonesia, Taiwan and Malaysia in a coordinated way with the regional people with whom we now have a good relationship. I think that Canberra has enormous potential to attract visitors from those areas.

I said enough yesterday, I believe, about my continuing and passionate support for the ability of Canberra to attract the 2002 Commonwealth Games. I am delighted that we are supporting Sydney's bid for the 2000 Olympic Games. I think that is one way of saying that we are very interested in working in a cooperative way in the region. Once again, I applaud Gerry Peacocke and other Ministers in the New South Wales Government who seem to agree that Canberra might make a wonderful venue for the 2002 games. I will continue to support that as much as I can.

There seems to be, on the whole, great bipartisan support for the importance of this industry to the ACT. If we work together, perhaps we can improve the importance of that industry and make it easier for smaller business in the tourism industry to succeed. I think we can do a lot of great things to improve the job opportunities that the industry has in the future.

MS FOLLETT (Chief Minister and Treasurer) (11.56), in reply: Mr Deputy Speaker, I thank Mr De Domenico for his comments. It is clear that on the issue of encouragement for tourism and the importance of tourism as an industry in the ACT there is a great deal of bipartisan support. Notwithstanding the fact that we will have some pretty vigorous debates on particular issues from time to time, I think that bipartisan support augurs very well for the future of this industry in the Territory.

Mr De Domenico raised some very interesting points. In particular, he highlighted some of the areas which tourism might wish to develop into in the future, and I think that is a valuable contribution to this debate. I share his interest in sport as a tourism attraction. As we know, the ACT has some of the

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best sports facilities in the country. We also have a population which has a very high participation rate in sport and therefore a very high interest in sport. Clearly, there is more scope there. I believe, also, in cultural tourism in general. We have only just started to tap that market. Here in the national capital, with the nation's cultural institutions, we are in an excellent position to offer more to our visitors in the cultural line.

One area that is really right at the frontier of tourism development so far is what is known as ecotourism. I think Mr De Domenico touched on that with his reference to some high altitude sports training facilities. With 40 per cent of the Territory as national park, and subalpine national park at that, there is a great deal of scope for a different kind of tourism in this area, particularly for people who have an interest in ecology, for people who like bushwalking, backpacking, and so on. That is a whole new field which we have not tapped. It is an industry with a great future and an industry which is very important to the Territory. It will undoubtedly become more important, in my view, as our Territory spreads its economic base wider and becomes less reliant on the public sector for employment and for economic impetus. I thank Mr De Domenico for his comments in that regard.

I also thank him for his very generous comments about Mr Lawrance and the Tourism Commission. I share Mr De Domenico's view that Mr Lawrance and the commission have done an exceptional job, particularly over the past 12 to 18 months, in very difficult circumstances. I think it is appropriate to have an opposition spokesman commenting on our own public service in such a favourable way. It has certainly been very apparent to the tourist industry that there is a new broom in there, and that there is a new spirit of professionalism and a new zest for achievement. That has certainly paid off for the commission and for the whole of the ACT and the industry.

Madam Speaker, I am sure that we will have many more debates on tourism, as it is such an important industry. We will have debates on particular aspects of tourism as they arise and perhaps we will have disagreements on some of them. In the meantime, I welcome the support that I have heard from Mr De Domenico. With the existence of the Assembly's committee on tourism, we can look forward to this Assembly having a real place in further achievements in tourism for the Territory.

Question resolved in the affirmative.

Sitting suspended from 12 noon to 2.30 pm

MINISTERIAL ARRANGEMENTS

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I inform the Assembly that during the absence of Mr Connolly members who have questions of Mr Connolly in any of his ministerial capacities should direct those questions to me.

QUESTIONS WITHOUT NOTICE

Lake Ginninderra Foreshore

MR KAINE: I address a question to the Minister for Lightning Ridge and opals - I am sorry, the chairman of the Planning Committee, Mr Lamont, through you, Madam Speaker. On Tuesday the Minister for the Environment, Land and Planning answered a question in connection with the Tuggeranong festival. He talked about Lake Ginninderra adjacent to the Belconnen Mall, and he said:

Having seen the success of the planning in Tuggeranong, my views have somewhat changed and I think that in the future development around as far as the Water Police Station would be quite appropriate at Lake Ginninderra.

How does that fit with your submission to the Heritage Committee that the whole area around Lake Ginninderra should be declared as a heritage area and preserved from any development?

MR LAMONT: I thank you for your question. It is out of order, as indeed - - -

Mr Kaine: How can it be out of order?

MR LAMONT: Quite simply. The capacity in which I have undertaken a series of actions is as a member of the Legislative Assembly and not as chair of the Planning, Development and Infrastructure Committee. However, I am prepared to answer the question if you so wish.

Mr Kaine: I hardly think you can shrug off your role as chairman of the Planning Committee and say that it is irrelevant.

MR LAMONT: I am sorry; it is a matter of fact. I would have assumed that, having been here longer than any of your colleagues, you would have been aware of the protocols. You can ask a chair of a committee of this Assembly a question on a matter affecting that person's responsibilities.

Mr Kaine: Would you like to answer it, or would you prefer not to?

MR LAMONT: I am suggesting to you that it is out of order.

MR KAINE: In that case, Madam Speaker, I will ask a supplementary question which I do not think he can rule as being out of order. As Planning Committee chairman, have you reconciled your views about the development around Lake Ginninderra with those of the responsible Minister, or are you in a state of conflict?

MR LAMONT: Could you repeat that, Mr Kaine? You stuttered a little bit at the early part and I could not understand the total gist of it. I am quite serious.

MR KAINE: I know that the members of the Government do not understand many things, Madam Speaker; but I am astonished that Mr Lamont cannot understand the question. The question is: Have you, as chairman of the Planning Committee of this Assembly, reconciled your views about development around Lake Ginninderra with those of the Minister who sits in front of you, or do you have contrary views as to development around Lake Ginninderra?

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MR LAMONT: As you are a member of that committee, Mr Kaine, I am surprised at you. As you would be aware, that matter has not been the subject of any deliberation and/or consideration by the Planning, Development and Infrastructure Committee. Until such time as it is, I am not in a position to have to do anything that you have suggested that I should be doing.

Notifiable Diseases

MR STEVENSON: My question is addressed to Mr Berry. It concerns an important matter of public health. A doctor, Alex Proudfoot, recently sought clarification from the Health Department on a doctor's responsibilities under existing laws to report notifiable diseases, including AIDS. The answer came by way of written advice from the Attorney-General's Department to the Health Minister, who refused to release it, for no known reason. As this doctor has a number of years' direct experience in the sexually transmitted diseases area, he was gravely concerned about the public health risk of proposals such as regulation change No. 27 gazetted on 17 November 1992, which eliminates the capacity to inform partners of AIDS patients that they are at risk. In the public interest, Dr Proudfoot filed a freedom of information request for the data. This was denied. Again in the public interest, he appealed the matter to the Administrative Appeals Tribunal and won. This was at his own expense. The Government chose not to abide by the umpire's decision. They still refused to release this document, for no apparent reason, filing an appeal to the Supreme Court and seeking to recoup their legal costs from Dr Proudfoot.

I ask the following: Will the Labor Party withdraw from this shameful misuse of its legal resources and release this document? If it will not, will the Minister guarantee to pay the legal costs of both parties to this needless appeal, given that Dr Proudfoot acted from a position of public, not personal, interest? If not, why is this disclosure being so vigorously resisted and why should Dr Proudfoot potentially pay for this ill-advised appeal? Finally, will reporting requirements for all other notifiable diseases be reduced to the functionally useless level of anonymous reporting now applicable to AIDS?

Ms Follett: Madam Speaker, on the last part of Mr Stevenson's question, I would ask whether Mr Stevenson has in fact reflected on a vote of the Assembly.

Mr Stevenson: No, yes, yes, no.

MADAM SPEAKER: Order, Mr Stevenson! I cannot think at the same time as listening to yeses and noes. Just let me consider the matter for a moment. We are worried that the whole matter may be sub judice.

Mr Berry: There is a response that will not interfere with the operation of the courts.

MADAM SPEAKER: Mr Stevenson, I would prefer to read the question and to give you the call later, so that I am absolutely sure that we are not transgressing sub judice rules.

Mr Stevenson: I am only too happy for you to do that, although Mr Berry did say that he has an answer that would not interfere.

Mr Berry: I can assure you that I will not transgress any - - -

MADAM SPEAKER: All right. Under those conditions then, I will let Mr Berry answer the question.

MR BERRY: If Mr Stevenson is so opposed to the regulation I advised the Assembly of yesterday, he can join with the Liberals and move for its disallowance; but, as the Assembly was informed yesterday, it will not succeed. You can express all the dissatisfaction about that that you like - - -

Mr De Domenico: Is that pre-empting the vote?

MR BERRY: But what - - -

Mr De Domenico: Or has a deal been done in the meantime?

MADAM SPEAKER: Mr De Domenico, please desist from interjecting.

MR BERRY: Of course, that is a matter for future consideration by the Assembly. The Government has made it clear that it is serious about its approach to dealing with the AIDS problem in the community. We are joining with people across Australia in the campaign against AIDS. If Mr Stevenson wants to stand out alone and work against the interests of that campaign, that is entirely up to him; but he should answer for it. We have heard all his "fairies at the bottom of the garden" stuff on condoms to try to discredit the use of condoms in the community. This is loopy stuff.

Mr Stevenson: I raise a point of order, Madam Speaker. I believe that standing orders require that the Minister answer the question and not talk about fairies in the bottom of the garden.

MADAM SPEAKER: Mr Stevenson, if fairies at the bottom of the garden are part of the answer, then I am afraid the Minister may continue about fairies at the bottom of the garden. Please continue to answer the question, Mr Berry.

MR BERRY: In relation to Mr Stevenson's allegation against the Labor Party, if he were to write to the Labor Party I am sure that they would tell him that they are not involved in this at all. I will make no comment about the matter which is before the courts. It is appropriately dealt with before the courts. I also ask Mr Stevenson to desist from what I consider to be an irresponsible campaign against the very useful and successful campaign which is being waged right across this country against the spread of AIDS. The attitude of people such as Mr Stevenson is the sort of attitude that will hamper the best efforts of all of the people across this country who are interested in defeating AIDS.

MR STEVENSON: I ask a supplementary question, Madam Speaker. I note that the Minister did not answer any of the questions. Will reporting requirements for all other notifiable diseases be reduced to the functionally useless level of anonymous reporting now applicable to AIDS?

MR BERRY: Mr Stevenson's outrageous suggestion that there is something wrong with the way that we will be reporting AIDS and HIV in the ACT is a slight on this Assembly. For that sort of approach to be taken by a member of the community, even Mr Stevenson, is outrageous. I will not even give it - - -

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Mr Stevenson: I raise a point of order, Madam Speaker. I waited during the preamble, hoping that the Minister would get into answering the question; but he obviously has not started that yet. Could you please direct the Minister to answer the question?

MR BERRY: I am answering the question. If you want to - - -

MADAM SPEAKER: Order! Mr Berry will answer the question as Mr Berry chooses to answer the question. Please proceed, Mr Berry.

MR BERRY: If the member wishes to rise in this place and take a political position on a particular matter such as AIDS, he deserves a political answer and he deserves to be discredited for his stand on the issue. Mr Stevenson truly deserves to be discredited for his position in relation to the campaign against AIDS in this country.

Health Budget

MRS CARNELL: My question is addressed to Mr Berry, the Minister for Health. Yesterday in question time you said, in response to a question from Ms Ellis:

It -

that is, the amount that Health was over budget -

was about 3 per cent at this time last year and it is a little higher than that right now ...

You, and later Ms Follett, went on to say that it was quite normal for the first part of the financial year to show a higher than average net expenditure rate. I ask the Minister to explain why his own financial performance report to 30 November 1991 shows that last year ACT Health was 2 per cent under budget, not 3 per cent over as he said yesterday. Does the Minister admit that he misled the Assembly yesterday, or is it just that he does not understand the health budget? I would like the 30 November figures to be incorporated in *Hansard*.

MADAM SPEAKER: You will have to seek leave to do that, Mrs Carnell.

MRS CARNELL: I seek leave.

Leave granted.

Document incorporated at Appendix 3.

MR BERRY: I table answers to a couple of other questions that Mr Stevenson put to me.

Mr Kaine: Are they relevant to this question?

MR BERRY: No. I just table them while I am on my feet.

In relation to the question which was asked by Mrs Carnell, I do not have the figures for last November. But what I have said to Mrs Carnell is - and I announced it here in the Assembly yesterday - that the figure - - -

Mrs Carnell: You only have to read one line.

MADAM SPEAKER: Order, please, Mrs Carnell! Mr Berry is answering the question.

MR BERRY: If Mrs Carnell wants to talk about the figures, the Assembly has not been misled. Do not go on with that rubbish. It has not been misled at all. What we have said over and over again is that we are prepared to provide the figures for Health, and you can do what you like with them; but those figures were provided in 1991 and - - -

Mrs Carnell: That is right; at this time last year.

Mr Kaine: And they do not confirm what you said yesterday.

Mrs Carnell: But they are not a little bit different.

MADAM SPEAKER: Order, please!

MR BERRY: I do not have them in front of me. What I am saying to you is that we have provided a quarterly report. I said yesterday where we stood at this time of the year. I have said that activity levels increase traditionally at this time of the year. That is true.

Mr Kaine: You said every year.

MR BERRY: No, no; I did not. I did not say every year. I said that as far as we could measure it happened last year, and I said that we are a little higher than that this year. But there is a traditional upswing. I have agreed to provide the figures in relation to the performance report of Health in the form that has been requested by Mrs Carnell. That will be provided for the next - - -

Mr Kaine: You were just mistaken yesterday, were you, Minister?

MR BERRY: No, no. I will have a look at the figures. I will provide any additional response that needs to be made, but I think this is a lot of froth and bubble about - - -

Mr Kaine: It is not froth and bubble. You made an incorrect statement yesterday.

Mrs Carnell: It is a 5 per cent difference.

Mr De Domenico: Yes, a 5 per cent difference. Either the figures are wrong or your answer was wrong.

MR BERRY: Who is asking the questions?

Mr Kaine: All of us.

Mr De Domenico: All of us. We all want to know.

MR BERRY: Why do you not all stand up and ask - and chorus like a flock of galahs?

Mr Kaine: You are not doing well answering any one of us.

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MR BERRY: You do not have much of a chance to answer a question here because - - -

Mr Cornwell: In your case it would be a Greek chorus.

MR BERRY: I give up.

MRS CARNELL: I ask a supplementary question. The figures that I have tabled and have indicated to Mr Berry that he should look at show that last November Health was 2 per cent under budget. Does Mr Berry accept that, on the basis of his statement yesterday that at this time last year Health was 3 per cent over, there is a discrepancy? Does he undertake to get back to this Assembly and explain that discrepancy?

Mr Berry: Are you talking about expenditure or activity levels?

MRS CARNELL: I am talking about expenditure, which is exactly what you said yesterday, and I checked it. Read *Hansard*.

MR BERRY: I will take it on notice.

Ms Follett: She might want to make a speech.

MR BERRY: Let her make a speech, and then I will take it on notice. That is the easiest way.

International Soccer Events

MR LAMONT: My question is directed to the Deputy Chief Minister, as he has answered the other question extremely well, in his capacity as Minister for Sport. What is the Government doing to promote Canberra as a venue for major international soccer events?

Mr De Domenico: How would he know? Ask Mr Primrose. He is on the soccer committee.

MADAM SPEAKER: Mr De Domenico, you will desist from interjecting.

MR BERRY: If we can get the little flock over the other side to be quiet for a moment or two, I will tell them what the Government has done to promote Canberra as a venue for major international soccer events.

Mr De Domenico: Your arrogance is well known. That is a very arrogant answer.

MR BERRY: No, I am treating you with a bit of contempt. I think that would probably be closer to it.

As I announced to the media today, the Government has acted speedily in securing one of a series of four games to be played in Australia between the Brazilian youth soccer team and the Young Socceroos in December this year. On Wednesday, 9 December, at 8 pm, we will host one of the four SBS Youth Challenge 92 matches at the Bruce Stadium. Canberra will also be hosting two

games in the World Youth Cup in March next year. SBS has secured the rights, with the Australian Soccer Federation, to bring other international soccer teams to Australia over the next few years. Bruce Stadium has been rated by FIFA as one of the best soccer facilities, if not the best soccer facility, in Australia. Hosting of this game with Brazil will establish Canberra as an excellent venue for future international games. In fact, it will put us on the map.

I see a look of disdain on the other side. It seems that doing a top job is not good enough for the Liberals. Canberra is also a possible venue for some Olympic soccer events if the Sydney 2000 Olympic bid is successful. These types of events are also important for Canberra's tourism industry. They provide excellent national and international publicity for the city. They will also bring tourists. Madam Speaker, the Brazil game is a major sporting coup for Canberra. I am confident that it will lead to bigger and better things not only in promoting soccer in Canberra but also in promoting Canberra as a venue for the holding of major international events.

Methadone Clinic

MR DE DOMENICO: Madam Speaker, my question without notice is directed to the Deputy Chief Minister in his capacity as Minister for Health. I ask Mr Berry: Is it true that a hidden video camera has been installed in the toilet at the methadone clinic at the Woden Valley Hospital without the knowledge or consent of the clients? If it is true, can the Minister tell us whether this complies with privacy and human rights legislation?

MR BERRY: We will see whether it is true first, won't we?

Mr Moore: You will take it on notice?

MR BERRY: Yes, that is right. I will take it on notice.

Removal of Trees - North Watson

MR MOORE: My question is directed to Mr Wood as Minister for the Environment. I understand that a number of trees were cut down by ACTEW this morning in the North Watson area. Minister, as no doubt you will remember, this issue was raised recently at a public meeting that was attended by Mr Kaine, me and you at the Majura Primary School. What instructions did you give in relation to these trees and what action has been taken in regard to the situation?

MR WOOD: Madam Speaker, this matter has caused a deal of excitement this morning and is of concern and interest on my part. Certainly, when I was at that meeting in company with two other members from this Assembly, I indicated that the trees along the road reserve would be protected, and that remains the case. When I made that statement I was not aware of the existence of a number of acacias - and I take it that these are the trees you are talking about - adjacent to the very high voltage powerlines that run along that reserve and that, from memory, are 20 to 30 metres from the mature eucalypts we are talking about.

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Following that meeting, the Planning Authority contacted ACTEW and requested that no trees be removed. That was certainly my expectation of what would happen. But those acacias were removed. My information from ACTEW is that they presented a fire hazard to the high voltage lines and needed to go. I repeat: In terms of what I had requested, they should not have been removed. ACTEW have indicated that they will plant more appropriate trees as screens, and perhaps in a slightly more appropriate place so that they do not present any future threat to those powerlines.

But, most importantly, the fine stand of mature eucalypts along the Stirling Avenue reserve are in no danger, Mr Moore. I am sure you will be pleased to hear that. As I said, I have given an assurance to residents that, in the event of some residential development occurring in that area, as is presently under discussion, those important trees will be protected. I repeat that I have emphatically advised ACTEW of this and have been told by ACTEW as emphatically that they have no intention of removing those mature eucalypts. In order for our requirements to be absolutely met and for there to be no doubt, ACTEW's contractors have moved on to another area specified in their contract, remote from there, and we may absolutely underline and fully guarantee the protection of those eucalypts.

There is, however, one factor to be noted. This was advised to me by ACTEW when I spoke to them at lunchtime. I am sure members in this Assembly are familiar with the ACTEW advertisement which warns residents of the dangers of trees adjacent to the powerlines that run above our backyard fences. ACTEW tells me that there may need to be some trimming of trees that impinge on the one-and-a-half metre limit from those lines. That may also be a cause of concern if something is done there. I will certainly keep in touch with ACTEW in respect of that matter. I will suggest further to ACTEW that they might contact residents, should they be planning some lopping in that area, because it is obviously a matter of very considerable sensitivity. Because of my assurances to residents on the matter, I also am very sensitive and very alert to what may be happening.

Age of Consent

MRS GRASSBY: I direct my question to the Chief Minister. It is a very important question because a lot of people would like to know about this. Does the Government intend to introduce amendments to the law relating to the age of consent?

MS FOLLETT: I thank Mrs Grassby for the question. Madam Speaker, the Government has no intention, and has never had any intention, of lowering the age of consent. I would like to say that assertions - - -

Mr Kaine: It is in your policy platform, along with abortion and drugs.

MS FOLLETT: Public assertions, including those by the Liberal Party, Madam Speaker - - -

Mr Kaine: It is in your policy.

Mr De Domenico: Are you going to take it out of your policy?

MS FOLLETT: Public assertions to the effect that that is the Government's intention are quite wrong - - -

Mrs Carnell: It is just your policy, not your intention?

MS FOLLETT: As are media statements in the same vein.

Mr Berry: Madam Speaker, I raise a point of order. Within the first few sentences of the Chief Minister's response there were four interjections by these people opposite and - - -

Mr Kaine: With good reason, Minister.

Mr Berry: There you go. You cannot - - -

Mr Kaine: With good reason.

Mr Berry: He interjects on somebody raising a point of order. This is over the top. Here it goes again.

Mr Kaine: I will take a point of order, too, if you like.

Mr Berry: He cannot help himself.

MADAM SPEAKER: Members, you will remember that there are at least three standing orders that ask you not to interrupt and not to speak whilst another member is speaking. Perhaps you could try to remember that. Ms Follett, would you like to proceed, please?

Ms Follett: I have concluded my response.

Noise Pollution

MR WESTENDE: Madam Speaker, my question without notice is directed to the Minister for the Environment, Mr Wood. Would the Minister agree that the noise pollution complaint that was first instigated by phone to the Environment Protection Authority in June and July and again in writing in October should by now have been resolved? What is the Government's policy in dealing with noise complaints in suburban areas involving maintenance and the revving of engines of stock cars or racing cars, which is the subject of this complaint? Is the Minister satisfied with the current response to complaints? Further, is the Minister aware that when people who want to complain to the Environment Protection Authority about noise pollution levels establish contact with the authority it is often a response with an answering machine, and by the time the inspector responds to the complaint the problem has invariably disappeared?

MR WOOD: Madam Speaker, although I was talking to Mr Moore, I did not miss the introduction to Mr Westende's question. He does not appear to have specified precisely what particular complaint he is talking about. Nevertheless, I will respond in general terms on the problem of noise pollution. I start with the question about the answering machine. It is true that there are times when you

ring the noise pollution unit that you get an answering machine, because often it is at weekends or after hours. While on some occasions when the staff know that there is a major event at the weekend they will man the phones, they cannot always be on call. I am sure you will appreciate that as many complaints as not will emerge at night-time. Where at all possible, officers will respond to calls rapidly. I cannot assure anybody that officers will always be on hand to answer calls. Mr Westende, if you give me the details of the particular complaint, I will get back to you.

Tourist Drive Signage

MS SZUTY: Madam Speaker, my question without notice is addressed to the Chief Minister in her capacity as Minister for tourism. I gave her notice of my question earlier this afternoon. The Chief Minister this week provided the Assembly with details of new tourist drive signs around Canberra in response to a question by Mr Lamont. The signs are coloured plates with numbers and at times arrows on them designating which tourist drive they correspond to. For example, North Canberra and Belconnen signs are violet. Can the Chief Minister explain how tourists will recognise the significance of these signs and what literature is available from ACT tourism outlets to explain to visitors what attractions they can look forward to seeing as they follow the numbers and arrows around the ACT?

MS FOLLETT: I thank Ms Szuty for the question, Madam Speaker. I am advised that the details of the revised tourist drives are available from a number of sources, in addition of course to the signs themselves, which I think are much more prominent than had previously been the case with tourist advisory signs. If I can mention one such source, it is the official Canberra map, which contains introductory information and the tourist drive itineraries on the page which faces the main Canberra map. The Canberra visitors map also shows some detail of the new tourist drives. The tourist drive information in both of these sources is brief, and that is because both of them were produced prior to the Government's decision to go ahead with the new tourist signage strategy.

Individuals or organisations that produce tourist material and maps in the future will be provided with complete details of the tourist drives. Of course, the next print of the official Canberra map will include much more comprehensive information and informative descriptions of the six tourist drives. Madam Speaker, attractive and informative promotional material on the tourist drives will be prepared and installed at the Visitor Information Centre in Dickson. The Tourism Commission advises me that, should those arrangements prove inadequate, it will consider producing a special publication promoting the tourist drives and making access to those drives more readily available to our visitors, if that should prove to be necessary.

Schools Restructuring Task Force Report

MR CORNWELL: Madam Speaker, my question is directed to Mr Wood, the Minister for Education. I refer you, Mr Wood, to your media release of 2 April following receipt of the Brine report of the Schools Restructuring Task Force, the *Coming to Terms* report. You commented that its major recommendation of per capita funding, whilst not an ALP policy, would nevertheless be examined and that, despite the report being commissioned by the former Alliance Government, your Government, the Labor Government, would not ignore it. This statement was made eight months ago. Could you please tell me what you will be doing and when you intend making a statement about the Government's intentions on the report's recommendations?

MR WOOD: Yes, Madam Speaker, that matter is under consideration. Obviously, it has a measure of importance for the Government, though we did not instigate the report.

Mr Cornwell: Eight months?

MR WOOD: We did not instigate the report - bear that in mind - but we are willing to respond to it. I can indicate that I believe that that response is not far away. It will certainly be this year.

Community Chemicals Collections

MS ELLIS: My question is directed to the Minister for the Environment, Land and Planning. I ask: What was the result of the community chemicals collections recently conducted at both West Belconnen and Mugga Lane landfills?

MR WOOD: Madam Speaker, I think this is a matter that it is appropriate for Ms Ellis to ask about because there is, I suppose, some good news and bad news. The good news is that the program was successful. Many people brought in their chemicals - those that they knew were hazardous and those that they were not at all sure about. They brought in things such as arsenic and DDT, which are matters of concern, and a good amount of unused paint. What do you do with paint you do not need? It is a difficult thing to get rid of. They even brought in household cleaners that had deteriorated or about which they were not certain.

The bad news, of course, is that it is clear evidence that people are keeping in their households materials that they do not want. There is a good deal more of this hazardous material in households than perhaps we realise, and that presents a hazard. It will encourage us to run this program again, in the hope that maybe after a period most of these hazardous chemicals will have disappeared from households. I am quite prepared to publicise that to the community and let people know that we will be going down that path again.

Ms Follett: I ask that further questions be placed on the notice paper.

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Personal Explanation

MR KAINÉ (Leader of the Opposition): Madam Speaker, I seek leave to make a personal explanation under standing order 46.

MADAM SPEAKER: Please proceed, Mr Kaine.

MR KAINÉ: I think it is fair to say that, during question time, along with other members of the Liberal Party, I was admonished for interjecting when the Chief Minister was answering a question. I would like to explain why I interjected and why I was rather incredulous at the Chief Minister's answer. The question had to do with the age of consent being reduced to 13.

Mr Berry: On a point of order, Madam Speaker: If Mr Kaine wishes to introduce debate on an issue into this - - -

MR KAINÉ: Madam Speaker, standing order 46 says that my explanation cannot be debated. The Minister might like to sit down.

MADAM SPEAKER: Just a minute, Mr Kaine. Just let me hear the full gist of this, and then I will rule on it. I call Mr Berry.

Mr Berry: A personal explanation differs from debate about an issue. We are quite happy to get involved in a debate about an issue, but using a personal explanation to debate an issue without fear of competition, in my view, is not an appropriate course.

MADAM SPEAKER: Mr Kaine, you sought to make a personal explanation under standing order 46. I believe that you are quite aware of its provisions. I will allow you to continue. You have heard the concerns that members have.

MR KAINÉ: Thank you, Madam Speaker. It is not an issue; it is a matter of a personal nature. I did preface my remarks by saying that I was admonished for interjecting. I interjected - - -

Mr Berry: I raise a further point of order. If the issue is about whether he was admonished correctly or not for interjecting, then it becomes an issue of whether the Chair's ruling is being reflected upon. Mr Kaine was not admonished for any particular policy position that he took. He was admonished for interrupting a speaker. There is no personal explanation that will recover the damage that he did to himself by doing that.

MR KAINÉ: That is not for you to judge. The Speaker has already given me permission - - -

MADAM SPEAKER: Mr Kaine, it is correct that you must not reflect on a ruling of the Chair or enter into any debate. However, if there is a matter of personal explanation that you feel is within those rules, I will entertain one more attempt and then perhaps rule you out of order.

MR KAINÉ: My main objection sprang from the fact that I was incredulous at what the Chief Minister was saying. I think, therefore, my interjection was justifiable and I wanted to explain why.

Mr Berry: On a point of order: It is not justifiable. It was contrary to the standing orders and that is why he was jerked into gear.

MR KAINE: It is not contrary to standing orders.

Mr Lamont: Yes, it is.

Mr De Domenico: How many Speakers have we got?

MADAM SPEAKER: Order! Members may take points of order at any time they wish, Mr De Domenico. Mr Kaine, the problem is that you are starting to explain why you interjected, which means that you are now - - -

MR KAINE: That is what a personal explanation is about, surely.

MADAM SPEAKER: Just let me get advice on this.

Mr Kaine, the points of order that are continually being taken are quite correct, in that you cannot do anything but explain something of a personal nature. However, you have really not proceeded far enough for me to rule accurately that you are really transgressing, so I caution you to carefully keep that standing order in mind. It is by my leave that you are standing, and I may have to ask you to cease.

MR KAINE: Madam Speaker, I will not embarrass the Chair by proceeding further. I think I have made my point.

Open Space

MR WOOD: Madam Speaker, I have a couple of answers to questions that have been raised in recent question times. On 22 October Ms Szuty asked me a question about the ratio of open space per head of population. I have a supplementary answer to her question. The NCDC guidelines - and they continue - provide for four hectares of open space per 1,000 population across each district. Belconnen would be classed as a district. The four hectares is made up of two components - local open space within each suburb and district open space such as town parks and enclosed ovals. The local open space component in the guideline is 2.4 hectares per 1,000 population. The district open space component is 1.6 hectares per 1,000 population. Neither figure has been changed, but you have to lump those two together, it seems.

There are two additional points which I also add. First, in Ms Szuty's original question, she quoted from my letter to the Belconnen Community Council of 1 July 1992. Following further inquiries from the Community Council, I wrote again on 27 August with full details of the breakup of the open space in the guidelines. Second, the NCDC guideline is only a guideline; it is not a gazetted policy and has no statutory effect.

Refrigerants

MR WOOD: Yesterday Mr Stevenson asked Mr Berry a question that has been referred to me. It concerns substitutes for CFCs. The chemical sodium monofluoroacetate, known as 1080, has been banned in the ACT since December 1989. A check with interstate environment agencies and the Australian manufacturers of CFCs indicates that they are not aware of any proposal to use the chemical sodium monofluoroacetate as a replacement for CFCs. However, my department is investigating the possibility of chemical reactions occurring in the atmosphere as a result of discharge of hydrofluorocarbons, HFCs, which may generate toxic chemicals. I will keep you informed. In the meantime, the ACT will continue to follow the Montreal Protocol to phase out the use of CFCs.

ORGANOCHLORINE PESTICIDES Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I seek leave of the Assembly to make a ministerial statement on the banning of organochlorine pesticides in the ACT.

Leave granted.

MR WOOD: Madam Speaker, organochlorine pesticides were used extensively in agriculture and for urban pest control in the 1960s and 1970s. Due to the environmental persistence and bioaccumulative effect in the food chain, their use has been progressively reduced in the majority of Australian jurisdictions for all applications except termite control in accordance with two Australian standards.

While organochlorines are not registered in the ACT, the Registrar of Pesticides can issue a restricted permit to allow their use in accordance with two Australian standards for the protection of buildings from subterranean termites - namely, the detection and treatment of infestation in existing buildings and the chemical treatment of soil for buildings under construction. Following initial representation from union groups last year, the Minister for Urban Services directed that organochlorines not be used on ACT government capital works projects and that alternative control methods be evaluated. I understand that control strategies are being developed but have not yet been finalised.

In response to further concerns expressed by building union and conservation groups regarding the use of organochlorine pesticides for termite control, the Government released a discussion paper for public comment in December 1991. The paper outlined the existing legislative and administrative controls over organochlorine use in the ACT. The paper also considered alternatives to the continued use of these substances and discussed the implications of banning their use by the ACT community. The majority of submissions expressed support for either a phase-out of organochlorine use or awaiting the release of final recommendations from the National Health and Medical Research Council working party and accepting these. Two submissions called for an immediate and complete ban on organochlorine use.

The National Health and Medical Research Council working party is currently reviewing the use of organochlorine pesticides in Australia and has produced a draft report for public comment. That report recommends that only two organochlorine pesticides, chlordane and heptachlor, be allowed to be used for termite treatment in the construction of buildings but not for the treatment of infestations in existing buildings. The report also recommends that the use of chlordane and heptachlor be reviewed in five years and that further use be prohibited if satisfactory physical or chemical alternatives have been developed. A final report is expected to be presented to the National Health and Medical Research Council before the end of this month.

Recent discussions with officers of the NHMRC have indicated that as a result of responses to their draft report it is likely that the proposed phase-out of organochlorines will now be recommended over two years and not five years as originally suggested. In view of this likely change to the phase-out period and because of ACT community concerns expressed in response to the discussion paper we put out, the Government is now considering an earlier phase-out of organochlorines. A two-stage process is proposed whereby the use of organochlorines in the ACT would be completely banned by 1 December 1993. In stage one it is proposed to ban their use in all existing buildings from 1 December 1992 but permit the use of less toxic organophosphates as an alternative control method. In this case the facility would exist to issue a permit, under exceptional circumstances, to use a single treatment organochlorine pesticide where organophosphate treatment was ineffective. In stage two organochlorine treatment of building sites prior to construction would be banned from 1 December 1993, subject to the proviso that suitable alternative chemical or physical control methods are available in the ACT.

At this time a physical barrier system for use under slabs during construction has been tested by CSIRO and approved for use in Western Australia. Other physical measures are being tested for effectiveness. A reticulation system comprising pipes laid under slabs to allow the application of less toxic chemicals at appropriate intervals is also being investigated. Any total phase-out of organochlorine use would be given sufficient notice to enable manufacturers to establish outlets for their products in the ACT and would be preceded by an education program to inform the public of both the extent of the termite problem in the Canberra region and appropriate control methods for the level of risk faced.

The implications for industry of a ban on organochlorine use are not expected to be significantly adverse. Having regard to the intention to continue using organophosphates and the current relatively infrequent use of organochlorines, it is unlikely that the local pest control industry will be appreciably affected. Any adverse effect on pest controllers would be offset in the building industry by the installation of alternative physical measures. I commend to the Assembly this proposal to phase out the use of organochlorines. I present the following paper:

Organochlorine Pesticides - Banning - Ministerial statement, 19 November 1992.

I move:

That the Assembly takes note of the paper.

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

MEDICARE AGREEMENT
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received letters from Ms Ellis, Mrs Grassby and Mr Lamont proposing matters of public importance to be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Ellis should be submitted to the Assembly for discussion, namely:

The importance of the Medicare agreement to the health of the people of Canberra.

MS ELLIS (3.18): Fellow members, those of us on this side of the house are committed to the best health care system possible in the ACT; but the best means more than just the best staff and equipment, though that is also our goal. The best includes the most responsive, the most accessible, the most flexible and the most open health system possible within our financial constraints. Through Medicare, our goal is to develop a health system that will allow all members of our society, including the aged and the disadvantaged, to access the health care they need. (*Quorum formed*)

In this system, access to public health services will be based on clinical need rather than financial status, which the Liberals support. In the last 20 years there have been enormous changes in the way in which public hospitals have been funded in Australia. The introduction of Medibank by Labor saw the development of Commonwealth-State agreements which provided free access to hospitals funded through 50-50 sharing of hospital costs. This was supplemented by universal medical insurance, administered through the Health Insurance Commission.

After 1975, under the Liberal Government there were gradual changes to the way public hospitals were funded. The arrangements for cost sharing were altered and a levy on personal income was introduced alongside incentives for individuals to take out private health insurance. Hewson has already stated that he expects 1.5 million people to take up expensive private health insurance under his plans. Other changes, such as the introduction of identified health grants for hospital and community health services, led to significantly higher user charges for all except social security beneficiaries.

In February 1984 the Federal Labor Government introduced Medicare. This provided universal health cover for all eligible persons, including 85 per cent of Medicare benefits schedule fees for a specified range of services provided by medical practitioners. Medicare also provides free accommodation and treatment in public hospitals. Compensation grants were introduced which would compensate the States for a reduction in in-patient fees, increases in the numbers of patients who could not be charged, and increases in costs of medical services provided by public hospitals to public patients.

The hospital care provided under Medicare is funded by a set of agreements - the Medicare agreements between the Commonwealth and State or Territory governments, which set out the conditions of funding and the way in which the amounts are calculated. Taxpayers contribute to the cost of Medicare by paying a levy based on a percentage of their income if their taxable income exceeds

a threshold level. Under Medicare, it is still possible to take out expensive private health insurance for private hospital cover, doctor of choice in public hospitals, and ancillary services. In 1988 the current set of Medicare agreements merged the identified health grants and the Medicare compensation grants into a single grant for public hospitals. Additional grants were made available to expand day-only surgery, treat AIDS, encourage early discharge and develop case costing mechanisms.

The current Medicare agreement runs out on 30 June 1993. There have been some changes to Medicare since its inception, but the principles of universality, equity and choice are still integral parts of Medicare. The result of Medicare has been to enable ready access by Australians to free health care based on clinical need. Despite this improved access, inequalities in health still remain, and governments need to continue to stress equity issues in accessing health care. For example, the national health strategy has recently released a discussion paper which documents the differences in health status and service use across the Australian population. This study has found that members of disadvantaged groups have significantly higher rates of use of hospitals, outpatient clinics and doctors, and low levels of use of preventative services, which correlates with their generally poor health status.

As chair of the Social Policy Committee, which is investigating aged accommodation, I have a particular interest in services available for these people. For older people there are compounding factors that make access to health care a vitally important issue. Firstly, age brings about a steep rise in the need to access health services. For example, the Australian Institute of Health found that, in 1989, 50 per cent of occupied bed days were used by people over the age of 60 across Australia. In the ACT, with our younger average population, in 1989, 34.5 per cent of hospital bed days were occupied by people over 65. Secondly, free access to health care is vital for older people because of their lower level of income. Unless we have universal health care, we have a situation where the group of people in our community who most need health care are the people least able to pay for it. If older people were to rely on private health insurance, then a substantial section of the community would miss out on vitally needed services. We should use this opportunity provided by the renegotiation of the Medicare agreement to make some fundamental improvements to our public health systems. I understand that the Commonwealth is proposing that the principles of Medicare be incorporated in complementary State and Territory legislation and that they have already introduced a Bill into the Commonwealth Parliament. The principles for Medicare are to be supplemented with a patients' charter and improved recognition of patients' rights.

A critical part of ensuring equity and excellence of service in the proposed Medicare agreement is the establishment of an independent health complaints mechanism in all States. The ACT has pre-empted the Federal Government's requirement for such a complaints unit by the announcement in the September budget of the establishment of such a unit. This unit will ensure that all members of the ACT community have access to a mechanism so that they can, firstly, receive education regarding their health rights and responsibilities; secondly, make complaints about any health care service or provider; thirdly, have a safe, confidential process for conciliation of their complaints; and, fourthly, have a mechanism to investigate quickly the more serious complaints or complaints that cannot be conciliated. In conclusion, I would like to reassure the ACT community that, through the efforts of this Government, we will maintain a high-quality health system which emphasises equity and access for all who need health care.

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MRS CARNELL (3.26): The matter of public importance we are debating today is the importance of the Medicare agreement to the health of the people of Canberra. I have assumed that, as Mr Berry has already agreed to sign the new Medicare agreement, Ms Ellis is referring to the new Medicare agreement. I could not be more happy to debate this topic today. It is quite clear that the proposed agreement compromises the health and finances of the people of Canberra. The development underpinning the new agreement is the rise in the Medicare levy from 1.25 per cent to 1.4 per cent. Let me first state that the Federal coalition opposes this rise in the levy. It will hurt people on low incomes and it will hurt retirees. The Liberal Party, and most people within the health sector, think we should get additional funding for health not from imposing taxes but by more adroit management of health financing. In particular, by encouraging private health funds we could get substantially more money into the public health system.

The Medicare levy is a propaganda tool. It is simply a tax, and the Liberal Party believes that there is no coherent reason, apart from the Labor Government's propaganda purposes, for keeping this tax separate from the rest of the taxation system. The Liberal Party would dispense with a separate levy and would raise funds for Medicare through the normal taxation system. Why is the Medicare levy a propaganda tool? Because it leaves people with the impression that health provision is very cheap and that all they have to do to get good health care is to contribute what was 1.25 per cent and is now 1.4 per cent of their income. In fact, the Medicare levy pays for barely 12.5 per cent of total government outlays on health.

Mr De Domenico: How much does it pay for?

MRS CARNELL: Only 12.5 per cent. If the Medicare levy were to pay for the Australian health system in its entirety, we would have to raise the levy not just from 1.25 per cent to 1.4 per cent, as announced in the budget, but from 1.25 per cent to 6 to 8 per cent of every person's income. In fact, most of the money for our health system comes from normal State and Federal government taxation, and a substantial amount from private health insurance. A separate Medicare levy is a propaganda tool because its sole purpose is to suggest to the Australian public the very false idea that public health provision is cheap. I totally support Medicare, as does the coalition in Fightback. But I do not support measures that are designed to stifle debate and to deceive the public about the real costs of Medicare. However, this is an aside.

As I said, the principal development underlying the new Medicare agreement is a rise in the levy from 1.25 per cent to 1.4 per cent. Nationally, this increase in the levy will make extra funds available. The extra funding will be distributed to the States through the so-called bonus pool and through incentive packages. However, so far as the ACT is concerned, the prospect of any additional funding is superficial. You have to look behind the facade of the Medicare agreement if you are to know how the ACT will fare. You will soon see, when you do this, that the ACT will fare very badly indeed.

Mr De Domenico: How much more will it cost us?

MRS CARNELL: I am coming to that, Mr De Domenico. You must understand that the additional funding is distributed over five or six years and between six States and two Territories. Under the so-called bonus pool, three States will actually lose money. Over five years, the bonus pool includes about \$1.6 billion to be allocated according to patient mix. Victoria and New South Wales, which have relatively high numbers of private patients, will lose under these agreements. I am also reliably informed that the ACT also is set to lose under this so-called bonus pool.

Mr De Domenico: How much?

MRS CARNELL: About \$1m, Mr De Domenico.

Mr Kaine: Another \$1m blow-out in the health budget.

MRS CARNELL: That is not all we will lose, Mr Kaine. I am coming to that. The answer to the question of whether the ACT is one of those States or Territories which will gain is categorically no. New South Wales Health has done an analysis on the net costs and benefits of the new Medicare packages. Their results will shortly be presented to the Senate Standing Committee on Community Affairs. The results of this New South Wales Health Department study show that many States and Territories will be substantially worse off under the new Medicare agreement. They would be better off staying under the present arrangements, unacceptable as the present arrangements are.

I am also reliably informed that the study shows - wait for this - that the ACT Government will lose \$21m over the five years of the new agreement. We will even lose \$4m in the first year of the new agreement. Yet Mr Berry seems totally keen on signing this new agreement. How absolutely ridiculous! Mr Berry is eager to sign up the ACT to lose \$21m. Mr Berry should be called the Minister for walking the gangplank rather than the Minister for Health. These losses are the difference between what we would end up with if the additional funding from the rise in the Medicare levy were distributed according to the present Medicare system and what we will end up with if the new agreement, in its current form, goes ahead.

There is another way to look at it. Let us examine where the funds come from in the first place. The increase in the Medicare levy from 1.25 per cent to 1.4 per cent means that ACT residents will be contributing an extra \$9m in the first year of the agreement. This money from ACT pockets is going, of course, to the Federal Government. The question is: How is the Commonwealth going to distribute this money? You can bet your bottom dollar that this money is not coming back to the ACT. Of the \$9m extra that the ACT will be contributing - that is \$9m out of ACT residents' pockets - only \$1m will be coming back to the ACT. This means a net loss of \$8m to ACT taxpayers in the first year of the agreement. Over the full five years of the agreement, the net loss to the ACT will be in the order of \$42m. That is \$42m paid by ACT taxpayers which will be lost. Yet Wayne Berry wants to rush into signing this agreement. Maybe Wayne Berry should not be the Minister for Health but the Minister for destroying health. Just like lemmings, Mr Berry wants to take ACT Health over the cliff. Whichever way you look at it, the results are bad for the ACT. Whether we are looking at the \$21m or the \$42m, it is certainly a loss. As I said, all these results are contained in an analysis prepared by the New South Wales Department of Health, and I am sure that if the Minister wanted to avail himself of this information they would be more than pleased to help him.

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Mr Kaine: All he has to do is call and they would give him the information.

MRS CARNELL: That is right. I think probably that is what Keith Wilson did. What is clear is that Mr Berry should not be rushing in and signing Brian Howe's agreement just because he thinks it is the ideologically correct thing to do. First he must do some hard-headed analysis of what the real cost to the ACT will be.

I have not even mentioned the negative effects the proposed agreement will have on discouraging private health insurance and the fact that there is no compensation whatsoever for that. By the way, this cost the ACT over \$2m last year. The New South Wales study does not even take the reduction in private health insurance into consideration. It simply shows that, on the basis of the way the money is distributed, the ACT will lose, and lose heavily. The private health consideration is important. The fact that private funding receives a further setback under the agreement means that the ACT will lose even more, will be even more badly off than the New South Wales analysis envisages.

We can already see the detrimental changes in patient mix occurring under Federal and local Labor governments. Locally, the number of private patients treated in the public hospital system has fallen from 35 per cent to 32.7 per cent when the ACT budget was announced, and now it has fallen further. The September quarter activity report shows that this figure is now 29.5 per cent. This is a very dangerous development. It means that the ACT is getting less and less revenue from in-patient fees. It means less revenue for our hospital system. It means less local revenue at a time when we in the ACT are trying to be more self-sufficient. It means less money to spend on public patients. It means fewer health services for Canberrans. It has meant, and will mean again this financial year, that the ACT Treasury may have to provide budget supplementation for Health. It is a totally negative trend for all concerned. Yet the amazing thing is that Mr Berry wants to encourage more of it.

At the recent Australian Hospitals Association conference, the vast majority of those present - who, by the way, were predominantly senior administrators from public hospitals - believed that private health insurance must be encouraged.

Mr Berry: Not from the ACT, though.

MRS CARNELL: There was someone there from the ACT.

Mr Berry: Not there as a representative of ACT Health.

MRS CARNELL: There was someone there from the ACT. In fact, they did not say that just private health insurance must be encouraged; they said that it was absolutely essential for the ongoing development of public hospitals in Australia.

Mr De Domenico: These are the experts?

MRS CARNELL: The people who actually do it in the field. What current Labor policy means is the creation of a two-tiered health system. It means a system where the rich get easy access to health care, yet pensioners and the poor end up at the backside of waiting lists.

Mr De Domenico: That is called social justice.

MRS CARNELL: That is social justice, Mr De Domenico. The Federal Labor Government and this local monstrosity have vastly worsened the waiting list problem, and long waiting lists have reduced the level of access of people with lower incomes to our health system. People with lower incomes used to be able to get into hospital. That has gone. Nationally, there are over 100,000 people on waiting lists. Locally, 1,972 people are on our hospital booking lists - an increase of 20 per cent on the number at the same time last year. Now we truly have a two-tiered hospital system.

One can only ask: How true has Labor been to its own cause - its own much proclaimed social justice? The fact is that the Labor Party has betrayed its own cause. People in the Labor Party are not offended, or do not seem to be offended, by the fact that people on incomes over \$50,000 a year do not have to have private health insurance, while 600,000 people on incomes below \$250 a week are forced to take out health insurance because they are worried about whether they will get into a public hospital. Is this social justice?

One should also note that the Labor Party policy is at odds with its own supporters. The *Quadrant* survey, commissioned by the Health Insurance Association, showed that 65 per cent of those intending to vote Labor at the next Federal election believe that there should be a choice of private health fund. There is only one member of the Labor Party who can truly claim to be true to this cause, and that, of course, is Keith Wilson from Western Australia. Mr Wilson obviously felt before he resigned that he was in an invidious position, that he could not sign a Medicare agreement that he and any other rational person would object to; yet he was being coerced to do so, and he took the track that any honest person would take and resigned.

Madam Speaker, it is clear that we have to sign a Medicare agreement, but it is certainly clear that we should not sign this Medicare agreement - a Medicare agreement that will cost the ACT \$21m.

Mr De Domenico: If you say it quickly it does not sound so much, does it?

MRS CARNELL: It still sounds a lot. The importance of this new Medicare agreement to the people of the ACT is that it will undermine the health of the people. Mr Berry will not improve the health of the people if he signs this agreement. He will be signing the death warrant of our public hospital system. He will be selling short the health of every Canberran and he will be undermining every social justice principle in the book.

MR LAMONT (3.42): I am rather surprised, Madam Speaker. I thought we would get something new from the Opposition in this debate, but all we have got is the usual tripe. You would think that when they bagged it as a lousy system they would have had the same good grace as some of the other well-known international conservatives such as Churchill, who said that, although democracy was a terrible system, it happened to be the best system devised in all of human history. That is exactly the way I regard Medicare.

What we have on the other side of this chamber is the same philosophy as that of another well-known conservative. They have adopted what I regard as the Jeff Kennett approach to Medicare and to the health system. They have adopted the Jeff Kennett system.

Mr Moore: What is that?

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MR LAMONT: Michael, I am glad you ask. If you remember, before the last Victorian election Mr Kennett said, as far as industrial relations are concerned, "We are caring, considerate people; after the election, there will be a few changes". What has happened? He walked in, cut them off at the legs, dragged them out, and took everything from them. That is exactly the same as the Opposition's policy in regard to Medicare. They will stand up and make pious statements. They will make the sort of spurious comments that have been made by Mrs Carnell this afternoon about the direction in which people should be going. The reality of it is that, if - and that is a very long shot - these people ever get into government in this country, they will take care of their mates.

Mr De Domenico: Not like you people!

MR LAMONT: They will abolish the health care system. They will abolish Medicare. We will end up exactly the same as New Zealand. We have two things across the other side of this chamber, two simple philosophies - - -

Mr Cornwell: Tell us about Western Australia. What about South Australia?

Ms Follett: On a point of order, Madam Speaker: Can we hear the speaker, please.

MADAM SPEAKER: Yes, I was about to remind members of the standing orders. Mr De Domenico, I am in the process of reminding you that there is a standing order requiring you not to interrupt. Please continue, Mr Lamont.

MR LAMONT: What we have here is a group of people who have adopted the Jeff Kennett approach and the George Bush approach - Jeff Kennett and George Bush, two good conservatives. What we see in the "frightpack" package, which is designed for Australia's health care under a possible Liberal government, is exactly what exists in the United States. That is an absolutely outrageous position.

Medicare is not perfect, but it is good enough. It has a 70 per cent approval rating amongst Australians, and it is about time the Liberal Party recognised that. It is simply the best means for delivering health care. Since 1984, Medicare has succeeded in delivering universal health care while keeping the lid on the national health budget to around 8 per cent of GDP. Compare that to the United States, which the Liberals want us to emulate. It spends more than 12 per cent of its GDP on health care and, even so, some 37 million Americans have no health cover whatsoever. It must pain the Liberals immensely to see that the new US administration is looking at a Labor Medicare-type solution to its current problems. If our health costs go up to 12 per cent of GDP, that will be another \$16 billion on the health care bill in this country, and this will go into the pockets of some of the more highly paid doctors.

Federal Labor is offering \$1.6 billion over the next six years to boost public hospitals. The "frightpack" policy is to cut \$1.3 billion annually and divert it to private health insurance. That is a reduction over six years of \$8 billion. The Liberal policy, with a two-page reference in the whole of the Fightback document, should hardly be dignified by the title. It is not a health care policy at all. From 1993-94 the Medicare agreement will ensure improved access by

public patients to hospital care; joint development of a Medicare hospital patients' charter detailing what people are entitled to expect from a public hospital service; an improved waiting list for elective surgery management; and structural reform within hospital management to provide better planned budgeting and deliver hospital services.

The Medicare hospital patients' charter, in particular, will be important in setting out the fundamental rights of people, and for our purposes here, the people of the ACT, as patients in public hospitals. People thus will be told, as their right, the name of the principal health professional looking after them, the reason for their treatment and, where elective surgery is concerned, where they are on the waiting list. These ought to be matters upon which we can all agree. They should be loudly applauded by those opposite, who are always claiming to be the defenders of individual liberty, but we can expect the same carping criticism of a system that works.

Frankly, that does not concern me. As I said before, 70 per cent of Australians like Medicare. The Liberals' opposition to it is, quite simply, one of Labor's greatest electoral assets. For them, it is a moneymaking enterprise for well-heeled supporters of the Liberal Party. That is how they regard it. A health care policy should say something about structural reform of the hospital system - something that is high on Labor's agenda. The Liberals do not mention it in their "frightpack" policy. The Liberals are fond of their free enterprise panacea. Behind the Liberal claptrap, they know that there is no simple solution to delivering better and better health care. The health care sector of the national economy is about \$28 billion and employs about 7 per cent of the Australian labour force. The Liberal policy is just a simplistic slogan: Give more money to private health care. Quite frankly, it is facile and meaningless.

In conclusion, it is incumbent upon me, and indeed upon the members of this Assembly, to recognise that what the Liberals are proposing to replace Medicare they are not laying on the table. They can put down, as Jeff Kennett did, documents saying, "This is where we go; this is what we are going to do". Once the election is over, as we have seen with their industrial relations policy, they throw it out the window and go for the "cut 'em off at the legs" approach. That has underpinned the Liberals' policy over the last three years, since Dr John and his mates have got control of the Liberal Party. That is what the people of Canberra can expect under these people. It is no wonder that they will be so resoundingly rejected - and hopefully ejected - come the election in the middle of next year.

MR DE DOMENICO (3.49): Madam Speaker, let us now get back to the matter of public importance, which is the importance of the Medicare agreement to the health of the people of Canberra. I start by saying that the Federal budget was a big step forward in health care policy, not because it offered major reforms but because the Federal Government has admitted for the first time that it has a Medicare problem. I repeat that: The Federal Government has admitted for the first time that it has a Medicare problem. The Government had been in denial mode on Medicare for several years and, as any therapist will tell you, the first and most difficult step is to admit the problem. The Federal Government finally admitted that it had a Medicare problem.

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There have been no government funding increases to meet the decline in patient revenues. In fact, public hospitals have treated considerably more patients through shorter lengths of stay and more ambulatory procedures at a time when most State governments have enforced real reductions in hospital budgets. There is no denying that. In fact, the Australian Hospitals Association conference Mrs Carnell alluded to said that loud and clear. The major problem with Medicare, from the public hospital sector's perspective, has been the increased numbers of free public patients and the decline in paying private patients.

Every time there is a blow-out, and it is very often in the ACT, we are told that the reason is that there have been more free patients who can afford to pay something, and the others have to wait in line. As Mrs Carnell quite correctly said, there are 1,972 people in the ACT on the waiting list - a 20 per cent increase on last year. They are the facts. You will not read that in *Fightback*, which Mr Lamont was trying to talk about.

Mr Kaine: You will not read it in their policy.

MR DE DOMENICO: You will not read it in their policy either. The facts of the matter are that in the ACT currently, under this wonderful system that everyone is talking about, the current Medicare system, there are 1,972 patients waiting - a 20 per cent increase on last year. There is no denying that; nor is there a denial of anything Mr Wilson said. Mr Wilson, let me remind you, Madam Speaker, is not a Liberal Party supporter but a member of the Labor Party, a Cabinet Minister in Western Australia since 1984 and considered to be one of the most knowledgeable Ministers in this country on the health system.

Mr Cornwell: The longest serving.

MR DE DOMENICO: The longest serving. There is bipartisan support from the best, longest serving, most knowledgeable man on the Medicare system. What does he decide to do? Does he decide to embrace this magnificent new agreement? Of course he does not. He does what his conscience tells him to do, from a number of years' experience, and he resigns. He cannot be forced and coerced into supporting Mr Howe. That is what Mr Wilson thinks of the Medicare agreement. For people to come in here and talk about these sorts of things is just nonsense. Like Mr Wilson, who supports Medicare, the Liberal Party also supports Medicare, and there is nothing in the *Fightback* document, which Mr Lamont was alluding to, that indicates anything but support for Medicare.

Let us look at the situation as it stands. The current health system has many shortcomings; there is no denying that. They are resulting in rising costs, overservicing, long waiting lists, misallocation of resources, rising health insurance costs, a widening gap between bills and benefits, and an oversupply of doctors. By providing virtually free services at the point of delivery without regard to the patient's means, Medicare has encouraged overuse and discouraged private insurance. It has produced long waiting lists in public hospitals while private hospitals have remained half empty. Furthermore, it has failed to tackle gross inefficiencies in the public hospital systems, which are poorly managed and riddled with restrictive work practices. There is no denying that either.

The health system under a Liberal government, whether State or Federal, will be overhauled. Medicare will be retained, but it will be improved. I repeat that: Medicare will be retained, but it will be improved. The Medicare levy under Fightback will stay at 1.25 per cent. Health services, prescription medicines, and a range of health-related products will be zero rated for GST purposes. Together with the abolition of fuel excise and payroll tax, this should see the cost of the provision of health services fall, not rise. Individuals will be encouraged to take out private health insurance by the provision of tax credits for pensioners and low to middle income earners and a Medicare levy surcharge for high income earners.

Mr Berry: The seven dodgy taxes.

MR DE DOMENICO: I will repeat it, Mr Berry: Individuals will be encouraged to take out private health insurance - - -

Mr Wood: They will not have any choice.

MR DE DOMENICO: - - - by the provision of tax credits for pensioners - that is the social justice and all that sort of thing that you wax lyrical about - and low to middle income earners and a Medicare levy surcharge for high income earners.

Mr Berry: I bet you will not give tax deductions for it.

MR DE DOMENICO: Tax credits for private health insurance will range from \$200 for a single person and \$400 for a married couple, for those earning less than \$12,000 a year, to \$100 - - -

Mr Kaine: On a point of order, Madam Speaker: It was only a few minutes ago that members on the government side were in high dudgeon about interjections. They sound like feeding time at the zoo.

MADAM SPEAKER: I believe that most members are aware of the standing orders. I again remind members of those. Please continue, Mr De Domenico.

MR DE DOMENICO: I thank you, Madam Speaker, for your protection. An additional credit will apply for those over 65 who have private health insurance and earn less than \$30,000 per year, so that they receive tax credits of \$400 to \$800 for a married couple and \$200 to \$400 for a single person. The additional credit will effectively provide to elderly Australians on low incomes the full cost of private health cover, entitling them to access to private beds and an escape from the long queues of public hospitals - 1,972 in the ACT; a 20 per cent increase on last year - and the doctor of their choice, while maintaining their access to Medicare. So, all this nonsense about the Liberal Party not agreeing to Medicare is just that - nonsense. There is no doubt that people are not surprised at hearing that from the lips of Mr Lamont.

Families with incomes over \$50,000 who do not take out private health cover will have to pay a Medicare levy surcharge of \$800. Singles with incomes over \$40,000 who do not take out private health insurance will have to pay a Medicare levy surcharge of \$400. Under the Fightback proposal, a remote area nursing scheme will be established, at a cost of \$2m. So, under the Fightback policy, we will get more things than we have now. For Mr Lamont to stand up here without reading the document and pretend to quote from it is absolute and utter nonsense.

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Mr Lamont: Madam Speaker, I also take a point of order. Mr De Domenico has misrepresented what I said. I said that what they will do is throw their document out the window as soon as they get elected.

Mr Kaine: Madam Speaker, if he wants to make a personal explanation, he can do it after the debate is over.

MADAM SPEAKER: Under standing order 46, I believe, Mr Kaine.

Mr Cornwell: Like they tossed Sheehan out because he told the truth.

Mr Lamont: Like Kennett.

MADAM SPEAKER: Order! I am attempting to protect Mr De Domenico from both his own colleagues and his opponents.

MR DE DOMENICO: Thank you, Madam Speaker; I appreciate your concern. Private health funds will be able to act as agents for Medicare. Private health funds will be able to offer cover for medical fees higher than the Medicare schedule and offer partial cover for all but 15 per cent of the gap between the fee and the Medicare rebate. Bulkbilling will be retained for four million pensioners, health care card holders, disabled persons, veterans and war widows - all the nice, warm, furry social justice things that you talk about but that we will deliver. Medicare rebates of 85 per cent will continue for those who are bulkbilled, but rebates for other patients will fall to 75 per cent of the Medicare schedule, and pathology services will remain at 70 per cent of the Medicare schedule fee.

Migration of doctors to Australia and the output of doctors from Australian medical schools will be closely monitored and controlled, because there is a reality that that needs to be done. Community rating will be maintained. I will repeat that as well: Community rating will be maintained. Pharmacies will be able to act as Medicare agents, because they have the expertise and the inclination and the will to do so, and they have access to the community. They look very good in terms of the community's view of people; they rate very much higher than politicians, in fact, which is not too difficult, I must admit. Things such as funding for mobile breast cancer screening and densitometry units used for measuring bone density will also be extended, at a cost of \$8m.

In summary, the people on the other side of the house talk about how magnificent this Medicare agreement is, when one of their colleagues from Western Australia, who was considered to be the most knowledgeable Minister for Health that any State had had, followed his conscience and resigned because he did not believe in what he was going to sign. But no, Mr Berry did not do that; he signed that agreement. Mr Howe, by the way, happens to be from the same political faction as he is. Mr Berry has sold short the people of the ACT. It is going to cost us \$21m more. Shame on you, Mr Berry, and shame on your Federal Labor Government! You have sold us short.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.59): Thank you, Madam Speaker, for the opportunity to talk on this important subject. What never ceases to amaze me is the gall of the Liberals when they talk about the provision of hospital services throughout this country. This is the mob that will force the whole of taxpaying Australia to subsidise private insurance companies to make them profitable and to subsidise the private health industry. The rest of Australia will be forced to pay for that. The Liberals will force people to take out expensive private hospital insurance, unlike the Labor Party, which guarantees access to everybody. The Liberals will force people into private hospital insurance just to make their friends more wealthy, but they will do it at the expense of the ordinary taxpayers across Australia. They have promised that they will subsidise private hospital insurance by way of the taxation system. They have said, "You will be given a tax deduction for private hospital insurance". That means that that will effectively go into the pockets of the private providers.

Medicare, since the early 1980s, has provided access to health care for all Australians. We are seeing the universal system of health coverage come under increasing attack from those who would prefer to see a strong and healthy private hospital system instead of a first-class public system. They do not care about the people who fall through the cracks. They want to go to a system such as that in the United States, where you have about 12 per cent of gross domestic product committed to the health system - a health system which provides only for the rich. That is a shameful position. Millions upon millions of Americans are not able to get access to ordinary health care.

That is not the case in Australia. We have a more socially-based health system which provides for the community across the board. But the Liberals would have it that we should go to a health system based on the American system, a system that has been described as the Kentucky Fried system and to which millions do not have access. The Liberals told me that they had no further speakers on this matter.

Mr De Domenico: We might surprise you.

MR BERRY: It would not surprise me if you went back on your word. I am not going to bait them too much on this matter. There are big holes in their health proposals, and they know it. The people of Australia do not trust them and will not cop it.

Currently, the Medicare agreement is up for renegotiation. Some of the States have been concerned about the declining Commonwealth contribution to hospital funding. The States have been contributing a greater share of public hospital expenditure against the background of a decline, in real terms, of financial assistance grants and increasing restrictions on Loan Council borrowings. The current Medicare agreement runs out on 30 June 1993. So, we will not be signing this Medicare agreement, as Mrs Carnell talks about it; we will be signing a Medicare agreement which runs from 30 June 1993.

The renegotiation of the Medicare agreement gives the opportunity to address some of these important matters. I attended the Australian Health Ministers Conference held in Adelaide on 23 October. The meeting was convened to discuss the principles of Medicare and to agree on a common approach to resolve funding matters. This most recent meeting of all Australian Health Ministers

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discussed in detail the principles of Medicare, to ensure that all States and Territories could express their views and principles. Medicare is vital if we are to avoid a United States style of health system, where two classes of hospitals exist - one poorly equipped public system for the poor; and a well-furbished system for those who can pay.

The Commonwealth has introduced a Bill proposing that the principles of Medicare - choice of services, universality of services, and equity in service provisions - be followed in public hospitals and incorporated in complementary legislation in the States and in the Commonwealth. I agree with that approach. Choice of services means that an eligible person must be given the choice of receiving public hospital services, which might include in-patient, outpatient, emergency and day services, free of charge as a public patient. That will not apply under the Liberals.

Access to public hospital services is to be on the basis of clinical need, which means that it should not be influenced by a person's financial status or place of residence or by whether that person has health insurance. Equity in service provision means that States will ensure that eligible persons, regardless of their geographic location, are able to have reasonable access to public hospital facilities. It is also proposed that States commit themselves to making information available on the public hospital services eligible persons can expect to receive as public patients, and to making improvements in the efficiency, effectiveness and quality of hospital services provision. The Commonwealth proposes to make information available by progressing a patients' charter which would clarify exactly what public hospital patients can expect under Medicare.

The ACT Government supports the Medicare principles and the notion that legislation should be introduced in the Territory to complement Commonwealth legislation. In particular, we will need to protect the Territory's position under any proposal for intergovernment charging, because of the close interaction between the ACT and the surrounding region in health services provision. There are some areas of minor difference on the details of how the funding will operate, which we will be pursuing in negotiations with the Commonwealth to ensure that the Territory is not adversely affected. The Government has already independently set in train some of the measures now sought by the Commonwealth, such as the establishment of an independent complaints mechanism, which was announced in the budget this year.

All governments have recognised the very real difficulties in waiting lists for elective surgery. The Commonwealth has recognised the need to provide additional funds to all States to address this issue. Accordingly, it has proposed to fund further action by States to shorten their waiting lists in this and the next financial year and to set in place processes which are consistent between different jurisdictions to improve management of waiting lists. We are developing an integrated proposal on waiting lists which would do two things: Firstly, we would want to ensure that this funding is used to produce real reductions in the numbers of people on waiting lists, particularly in high need specialities. Secondly, we would want to ensure that effective processes are set in place so that we can properly manage waiting lists and count those patients on waiting lists accurately.

As I explained to the Estimates Committee, it is almost always very difficult to judge the position across Australia and to draw comparisons about how the various hospital systems are performing. In the ACT, people have ready access to that sort of information in our hospital system. I have to say that that is not the case in all other States, and it is very difficult for us to make comparisons with the performances of those other States in relation to waiting lists. Waiting lists are not the only performance indicator. They represent predominantly an area of elective surgery, which will always have a waiting list but which we would prefer to be much lower.

The ACT Labor Government fully supports Medicare and will not be involved in a process of forcing people into expensive private hospital beds. That is the very reason why the two Liberal States walked out of the arrangements to sign the Medicare agreement; they distanced themselves completely. They wanted a commitment from all to a bigger involvement of the private hospital sector in the system. What they were looking for, I suggest, was a commitment to subsidise the private hospital system to provide services to the community. We are not in that business. We are not in the business of providing wealth to private health insurers or to private hospitals. They are out there in the market and they can compete for that share of the market which chooses not to use our public hospital system. This Government is keen to ensure that our public hospital system works well.

At this point it is clear that the States are poles apart on Medicare, as Victoria and New South Wales are not prepared to sign this agreement. This has the effect of not giving those States access during the financial year to additional funding from the Commonwealth for reducing waiting lists. We look forward to participating in the further development of health goals and targets linked to health outcomes during the course of the new Medicare agreement.

**WORKERS' COMPENSATION SUPPLEMENTATION FUND
(AMENDMENT) BILL 1992**

Debate resumed from 22 October 1992, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR DE DOMENICO (4.10): Mr Deputy Speaker, save the amendment that has been circulated in my name, the Liberal Party will not be opposing the Bill. As the Minister, Mr Berry, quite rightly said, the Workers' Compensation Supplementation Fund Act established a system under which workers' rights to compensation would be protected in the case of an insurance company going into liquidation. Whilst this sort of situation does not happen very often, thank the Lord, it does happen from time to time and, purely and simply, this fund is there to protect people.

We know that the fund is currently looking at claims from Palmdale/AGCI, which are nearly run out, Bishopsgate Insurance and National Employers Mutual in 1990. As Mr Berry also correctly said, the money to pay the claims is raised by surcharge on workers compensation policies, which means that the employers in the ACT are all charged a premium on top of the insurance premium to pay for the fund. Up until 1986 workers compensation policies in the ACT tabulated

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a 7 per cent surcharge to cover for the fund. That surcharge was taken away in 1986, thus reducing workers compensation premiums. When I listen to Mr Berry talk about occupational health and safety legislation being the major reason why workers compensation premiums go down in this town, I sit back and chuckle, to say the least.

This Bill purely and simply means, in terms of paying for the management of that fund, that, instead of the money going out of the ACT revenue per se, the fund itself now has so much money in it that the money to pay for the manager should quite rightly come out of that fund. Might I also say in supporting the Bill, except for the amendment which I propose to move later on, that due accolade should be given to the way the fund is managed by Mr Jim Collier, who has been in the workers compensation area for the ACT Government for quite a time. As some members would realise, I had something to do with the insurance industry in this city for a number of years. The Liberal Party, as I said, will not be opposing the Bill, but we will be moving an amendment to clause 5 later on.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.12), in reply: This Bill is not something of great moment in the scheme of things in the ACT. It tidies up a machinery matter to ensure that the fund can be called upon to pay for services which are provided in government. I understand that Mr De Domenico is going to move an amendment in relation to the matter. Have you done that?

Mr De Domenico: I have given notice. It has been circulated.

MR BERRY: I will have a look at the amendment. I understand that he wants to rule out the provision for retrospectivity which appears in clause 5 of the Bill. The Government will be opposing that. I will refer to that a little later on. The Bill is principally a machinery matter which tidies up a whole range of issues in the Act, including sexist language. In particular, it provides the ability to call on the fund to pay for services which might be provided to it by the Government. I will deal with the amendment when it turns up, Mr Deputy Speaker.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR DE DOMENICO (4.15): Mr Deputy Speaker, I move:

Clause 5, page 2, line 16, omit "1991", substitute "1993".

The amendment purely and simply removes the retrospectivity aspect of this Bill. I so move for a number of reasons. Even the Scrutiny of Bills Committee commented on this. I quote:

It is suggested that a relevant question under the Committee's Terms of Reference is whether the retrospective operation of the Bill would prejudicially affect the rights of any person.

In the present case the reimbursement of the Territory for the expense of funding the position of Manager of the Supplementation Fund is made retrospective to the 1990-1991 financial year. The explanatory memorandum states that:

"The retrospective application is necessary to meet the obligations that have been anticipated in the budget process".

Mr Deputy Speaker, that explanation, to me, is not satisfactory. It still has not been explained to me why - - -

Mr Berry: Hey!

MR DE DOMENICO: Mr Berry, just listen. I am still not convinced. Mr Berry says that it is a machinery matter Bill. If it is a machinery matter Bill, why can we not take out any aspect that relates to retrospectivity? I know that we are talking about only roughly \$26,000; but that is not the point, Mr Minister. I am concerned about the fact that we have retrospectivity provisions in this Bill. It could be used as a precedent. I know that you will say, "No, we will not do it again", and that sort of thing. In principle, the Liberal Party will stand up every time and oppose any Bill that has any retrospectivity. For that reason, Mr Deputy Speaker, I have moved the amendment.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.17): What this boils down to is an argument about retrospectivity rather than the issues involved. You cannot look at legislation, whether it is retrospective or not, without having a look at the issues that are involved. This, quite clearly, provides for the Government to have access to some funding which goes back to June 1991. As mentioned by Mr De Domenico, it amounts to \$26,000 for services which have been provided to the board.

It is fair enough, in my view, for the Government to take this approach because the services were provided. We are seeking to recover the cost of those services; no more than that. It is very clear in the legislation that that is what we set out to do. If you look at proposed new section 8A - - -

Mr De Domenico: We agree with you; that is what it sets out to do. We do not think it should, though.

MR BERRY: Mr De Domenico always sings the praises of the private sector. That is fair enough because the private sector does many things well. They do most things well. One thing they nearly always do is not forget a debt. If there is one owing, they set out to secure it. That, largely, is what the Government is setting out to do here. There is an opportunity for us, through this legislation, to recover by way of some retrospectivity in the legislation the cost of services which were provided to the board.

The Scrutiny of Bills Committee did express a view about retrospectivity. They would be concerned about any retrospectivity that prejudiced anybody as a result of that retrospective legislation. This does not do that.

Mr Kaine: If you are taking somebody's money it must prejudice somebody.

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MR BERRY: It does not prejudice any claims by any individuals for compensation out of the supplementation fund. It is nonsense to argue the principle of opposing retrospectivity on any score unless you have a look at the issues. Mr De Domenico says one minute that he is only arguing about retrospectivity. I hear him mumble across the other side that he is now not happy with the approach that we have taken to recover some of the cost for the services that we have provided. He has to make up his mind, or he might even have to change his mind. Some would say that if they had a mind like his they would change it too. This is simply to recover some thousands of dollars for services provided. Not all retrospective legislation is bad, and this legislation is appropriate in the circumstances.

MR DE DOMENICO (4.21): Mr Deputy Speaker, I do not want to repeat what I said before. People should take into account what - - -

Mr Moore: It is difficult when people are interjecting, isn't it?

MR DEPUTY SPEAKER: There will be one less very shortly, Mr Moore.

MR DE DOMENICO: Thank you, Mr Deputy Speaker. Mr Berry talked about getting back a debt. Mr Berry then talked about - - -

Mr Berry: Do not twist it, though.

MR DE DOMENICO: That is what you said. You said, "What we are trying to do is get back a debt that is owing to us". Mr Berry talks about going back to 1991. Mr Berry should realise that this fund has been operating since 1980. You cannot use the analogy of getting back a debt. You are not doing that. You are not doing that at all.

Mr Lamont: Does he want to go back to 1980?

MR DE DOMENICO: No, I do not want to go back at all, Mr Lamont. I am quite prepared for Mr Berry to amend the legislation to say that it begins tomorrow or next week, but the Liberal Party will not accept the connotation that any piece of legislation is going to be retrospective. This fund has provided a service to the people of the ACT, to the work force of the ACT, because government legislation put it there. That is fine. The Government provides numerous services to the people of the ACT at a cost that is not fully recoverable.

If Mr Berry's analogy is going to be taken into account, does that mean that all the pieces of legislation relating to the provision of government services are going to be made retrospective? That is the only point that the Liberal Party will not support - the fact of retrospectivity. For those reasons I urge my colleagues on the cross benches to look very carefully at what has been said by the Scrutiny of Bills Committee and to listen very carefully to the argument we bring forward. Please just think of the retrospectivity aspect.

Question put:

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

The Assembly voted -

AYES, 6

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Kaine
Mr Stevenson
Mr Westende

NOES, 9

Mr Berry
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

PESTICIDES (AMENDMENT) BILL 1992

Debate resumed from 22 October 1992, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

MR WESTENDE (4.28): Madam Speaker, the Liberal Party will support this Bill. At present the Act requires that a general notice needs to list all the pesticides registered in the ACT - some 1,300 of them - which is time consuming and costly to publish. It makes sense to streamline notification in relation to dealing with pesticides, particularly where it does not compromise on informing the public or making available information on particulars of pesticides to the public. It is even more encouraging to see that, through simplifying the process of notification, quite significant savings can be made - an estimated \$40,000 per year. These are the kinds of efficiencies and savings that we need more of. Therefore, we will support the Bill.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.29), in reply: Madam Speaker, I thank the Opposition for their comments. It certainly is a simplification. It is a way of making the Act work better. That is what the Bill will do and I am pleased to see it coming into operation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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ADJOURNMENT

MADAM SPEAKER: It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

HEALTH BUDGET Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.31):
Madam Speaker, I seek leave to make a short statement in relation to a question which was raised by Mrs Carnell earlier in the day.

Leave granted.

MR BERRY: Earlier in the day Mrs Carnell raised a question and in an accusatory way suggested that the house may have been misled in relation to a question to which I responded yesterday. Of course, that is not the case. She paraded some figures from November 1991 as something comparable to the quarterly report which was issued at around about September. She also suggested that the house had been misled in some way because I and Ms Follett had talked about budgets having blown out by some percentage points. Of course, we never said that.

Mrs Carnell: You did.

MR BERRY: If you look at *Hansard* you will see that I talked about activity levels.

Mrs Carnell: I told you that that is what he would say.

MR BERRY: All the way through it I referred to activity levels.

Mrs Carnell: The question was about the \$8m blow-out; so - - -

MADAM SPEAKER: Order! Mr Berry has been granted leave to speak by the Assembly. Please allow him to speak.

MR BERRY: That is it. I referred to activity levels all the way through.

ADJOURNMENT

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

That the Assembly do now adjourn.

Travel Agents Awards : Small Business

MR KAINE (Leader of the Opposition) (4.33): Madam Speaker, during the last couple of days in the Assembly we have heard much about tourism and the winners of the 1992 ACT Tourism Awards. I join with my colleagues on both sides of the house in congratulating those enterprises and the individuals, both managers and staff, that are behind them. This afternoon, however, I want to focus briefly on some other awards that were presented last week in the tourism industry. I refer specifically to the 1992 Australian Federation of Travel Agents (ACT Chapter) Awards for Excellence which were presented last Friday.

Madam Speaker, the travel industry looms large in the ACT. There are over 80 travel agencies in the ACT and region and they employ over 500 staff in total. They are supported by a good network of principals operating in Canberra and a wide range of tour wholesalers which operate out of Sydney with good representation in Canberra. In an economic climate where every business opportunity must be made to succeed and may be the difference between a business continuing and not continuing, we must salute those businesses that strive for excellence in the delivery of services to their customers.

There were seven categories of awards presented last week and each recognised outstanding achievement and excellence in a particular field. Madam Speaker, I am delighted to inform members of the Assembly that Silver Service Travel, of Woden, was awarded the coveted Travel Agency of the Year Award. Many members will have heard about the Silver Service show coaches that travel to Sydney and Melbourne regularly for concerts and stage productions. Travel Consultant of the Year was awarded to Cheryl Faes of NRMA Travel in Braddon. The Travel Student of the Year was awarded to 19-year-old Cathy Sydenham of the Metropolitan Business College. The Airline of the Year was awarded to British Airways, which has had a regional office in Canberra for over 12 years. Tour Wholesaler of the Year was awarded to Insight International Tours, a major package holiday company dealing in Europe and America in particular.

Two new categories introduced to the awards this year are Sales Representative of the Year, which was awarded to Geoff Fairall of Australian Airlines, and Travel Agency Manager of the Year, which went to Stephen McLean of the Queensland Travel Centre. Madam Speaker, I hope that members will join with me in congratulating those award winners and wishing them well for their careers in the travel industry. We all know that things are tough for those many small businesses that sell travel, but their attitudes towards marketing and customer service in general set a fine example for other businesses to follow.

Madam Speaker, speaking briefly on another subject but still related to business success, I was honoured last night to be invited to open the new Civic premises of Canberra Wholesale Stationers and Ausdoc. These two businesses are defying the trend by expanding their operations. The reason for their joint success is that

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they know how to work together by providing fast and efficient service for their customers. CWS, members may remember, was recently awarded the ACT Small Business Award Overall Winner for 1992 and the ACT Small Business Categories Winner for 1992 for a business with less than 30 employees. These two awards are added to their many existing awards going back over the last several years.

The reason for their award was simple. Even in tough times they have an aggressive approach to marketing, full of innovative ideas, and they take a very modern hands-on approach to management - something which makes all the staff, be they seniors or juniors, feel that they work as part of a team. I think it is terrific to see that, during the toughest of economic times, these two businesses are continuing to grow. For me it was nothing but a pleasure to be able to open their new premises. It is good to see, Madam Speaker, amongst all the bad news that we hear so regularly about small business, that there are some small businesses that are able to grow, simply by taking the right approach to business. That is good for everyone in the ACT. I just wish that the ACT Government would create a business environment that will help other businesses grow without the uncertainty of a future that exists now.

Racism

MRS GRASSBY (4.37): Madam Speaker, I rise this evening to speak about a subject covered on last night's *A Current Affair* program. The story I refer to documented several instances of blatant racism directed towards members of the Australian Aboriginal community. This evening I am not going to recount each of these instances. Instead, I wish to address the attitude that appears to be widespread among white Australians.

Madam Speaker, 20 years ago next month the Australian people elected the Whitlam Labor Government on a platform of reform. One of its most significant reforms was the dismantling of the white Australia policy and instituting a policy of multiculturalism and equality for all Australians, no matter whether they were black or white or where they came from. Madam Speaker, I stress "all" because I believe that 20 years later this has not occurred. The traditional owners of this continent are subjected to blatant discrimination and made to feel strangers in their own country. This attitude disgusts me and I am ashamed at what I saw last night.

Canberra is the most ethnically diverse city in Australia and we pride ourselves on our tolerance, but after last night I am forced to ask myself whether there is not an underside that I am not aware of. Are we only paying lip service to the concept of equality or do we really mean it? Madam Speaker, the attitudes demonstrated last night by white Australians were appalling. These people, in marginal positions of power, seem determined to abuse that power and bring shame on all of us. I do not need to tell anyone here that housing is not a luxury, it is a right - a right denied to the gentleman by the real estate agents that he visited. I recently visited Los Angeles and saw the results of racism first-hand. I am sure that all members were as horrified as I was when I watched the nightly news and saw Los Angeles burn. Those riots were touched off by the abuse of power of certain individuals. The true horror is that a society could allow a group of its citizens to be treated as second class until these people feel that they have no option but to resort to violence.

Madam Speaker, I believe that no-one in this Assembly would want to see racial tension of that nature anywhere in Australia. I invite the members here to ask themselves how Canberra would fare if such a test were done on our city. It is the responsibility of the Government and the Opposition in all parliaments throughout Australia to take steps to outlaw the actions we saw last night. We in this chamber must set an example of tolerance that can be held up to the people we represent.

Madam Speaker, the Nine Network has received a great deal of criticism from the people in Canberra recently. However, I would like to congratulate *A Current Affair* and the Nine Network on an exceptional piece of journalism. Madam Speaker, all sectors of our community must work to ensure that the incidents shown on prime time television last night become a thing of the past and that Australia truly becomes a lucky country with a fair go for everybody, no matter what their race, religion or colour. As I have always said, nice people come in all races, religions and colours.

Community Consultation

MR CORNWELL (4.40): Madam Speaker, I rise briefly to thank the Chief Minister for providing me with a response to my question No. 41 of 7 April. This was provided yesterday and I have no wish to be churlish and to suggest that that may have been motivated by the fact that I raised the matter on Tuesday, the 17th. I thank the Chief Minister.

Question resolved in the affirmative.

Assembly adjourned at 4.41 pm until Tuesday, 24 November 1992, at 2.30 pm

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ANSWERS TO QUESTIONS

ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY

**LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 329**

Business Regulation

MR KAINÉ - Asked the Attorney General upon notice on 16 September 1992:

- (1) What Acts and Regulations affecting business activity in the Territory, in the period 1 July 1991 to 30 June 1992, were (a) amended, and with what intent; (b) repealed, and why; and (c) introduced, and with what intent.
- (2) What was the cost to the Territory in foregone revenue from fees or charges for regulatory services; and what are the estimated benefits to business activity.

MR CONNOLLY- The answer to the members questions are as follows:

- (1) The answer to this question is already a matter of public record. The details of legislation introduced into the Assembly may be found in the Bills List for this and the preceding sessions. The details of subordinate legislation made by Ministers can be found in the ACT Gazette. Explanatory memoranda, which accompany legislation and which are provided to all members, give full explanations for the particular legislation.
- (2) The answer to this question is already a matter of public record. Details about the cost of various regulatory proposals can be found in the materials referred to above, the budget papers and the debates within the Assembly.

Under the Legislation Review Program which the Government endorsed and tabled in the Assembly last year, officers of my Department are completing a detailed study of ACT laws which impact on business. After the Government has considered that report, I hope to make it available to members.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 425

Long-Stay Carparks

Mr Westende - asked the Minister for Urban-Services:

- (1) How much monthly revenue was received from leasing out long stay carparks before conversion to voucher parking.
- (2) How much monthly revenue is received after conversion.
- (3) What is the cost of staff to operate after conversion.

Mr Connolly - the answer to the Members question is as follows:

- (1) Average monthly revenue from the leasing of long stay carparks before conversion to voucher parking is \$108,000.
- (2) Anticipated revenue after conversion is \$152,000.
- (3) Staffing costs will be \$5,400 per month.

3304

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 426

Forestry Trust Account

Mr Westende - asked the Minister for Urban Services:

In relation to Appendix H of the Financial Statements of the Department of Urban Services Annual Report 1991-92 in which reference is made under ACT Forestry Trust to Abnormal Items (Note 6) could you provide detailed explanation of the following items: (a) increase (writeback) provision for legal claims; (b) write off bad debts; and (c) office relocation.

Mr Connolly - the answer to the Members question is as follows:

- (a) Prior to 1984 ACT Forests self insured for workers compensation for logging and silvicultural contractors through the operation of a 50c per tonne surcharge on sawn log delivered to the mills. As a result of that system there are currently three injury claims being met by ACT Forests. The increase in the provision has been made in recognition that the claims are payable for life (male life expectancy 73 years) rather than to age 65. All contracts since 1984 have required contractors to take out workers compensation cover to the extent required by law, public liability cover and personal accident insurance if the contract is with an individual and not a company.
- (b) The bad debt write off relates to an expectation and subsequent billing to the Conservation and Agriculture Bureau for the reimbursement of funds expended in 1990-92 by ACT Forests for the public use of ACT Forests. Costs on the function are incurred through the Forestry Trust Account and reimbursed by the Environment and Conservation Bureau. The shortfall in funding (\$136,375) that the Bureau was unable to provide was met from commercial operations and it was subsequently agreed that this amount be written off the books. As can be seen from the 1991-92 Financial Statements (Note 3) the extent to which ACT Forests have supplemented appropriation funds has been specifically identified.
- (c) One of the recommendations of the 1991 review of ACT Forests was that ACT Forests move to a centralised management and operations structure. As a result ACT Forests headquarters moved from Tuggeranong Homeworld to Stromlo in February 1992. Subsequent proposals will see the consolidation of all operations at Stromlo within a single depot with consequent savings and improved efficiency. The costs of relocation in the 1991-92 Financial Statements cover the relocation and renovation of an office from the Uriarra Depot for use as the Planning Office, provision of services and power and telephones.

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APPENDIX 1:

(Incorporated in Hansard on 17 November 1992 at page 3117)

1993 TUGGERANONG FESTIVAL

PATRON: ROS KELLY

COMMITTEE OF MANAGEMENT:

CHAIRPERSON ASHLEIGH LIGHTMAN
SECRETARY DAVID BINSTEAD
TREASURER JOHN HARGREAVES
ARTISTIC DIRECTOR DOMENIC MICO
COMMITTEE ANNETTE ELLIS
NORM JENSEN
RICK FOGG
KAREN BINSTEAD
LIZ MACKAY
KATHRYN TSE
ADMINISTRATION JENNY DOWNES
FUN RUN CO-ORDINATOR BOB BRICE
STALL CO-ORDINATOR BERT VIKAITIS

SPONSORS:

ACT CULTURAL COUNCIL ACT DEPARTMENT OF HEALTH
ACT ELECTRICITY AND WATER ACT DEPARTMENT OF ENVIRONMENT LAND AND
PLANNING, PARKS AND CONSERVATION
ACT DEPARTMENT OF URBAN SERVICES ACT LIBRARY SERVICE
ACT TRAFFIC AND ROADS SERVICES ACT PARKING SECTION
VALLEY VIEW TUGGERANONG HYPERDOME
CHRONICLE TONY GREEN AND COMMERCIAL UNION INSURANCE
LONG LIFE EDUCATION TUGGERANONG LIONS CLUB
TUGGERANONG ROTARY PACIFIC 6 CINEMAS/ROADSHOW
2CC AND KIX 106 ABC
CANNONS SUPERMARKETS PENFOLDS WINES
ACT CANCER SOCIETY TUGGERANONG COMMUNITY CENTRE
TUGGERANONG YOUTH CENTRE SIGNS AND WONDERS
HIMROD SCAFFOLDING ACT POLICE, AMBULANCE AND FIRE BRIGADE
ST JOHNS AMBULANCE
REHABILITATION AND AGED CARE SERVICES
BUFFALOES LEAGUES CLUB
TUGGERANONG JETSET
TUGGERANONG HEALTH CENTRE
TUGGERANONG COMMUNITY ARTS

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APPENDIX 2:

(Incorporated in Hansard on 18 November 1992 at page 3231)

THE BILL ALSO ADOPTS A FLEXIBLE APPROACH CONSISTENT WITH CHANGING COMMUNITY VALUES. FOR EXAMPLE, PROVISIONS ARE INCLUDED TO ALLOW FOR THE ADOPTION OF CHILDREN BY DEFACTO COUPLES, PROVIDED THEY HAVE BEEN LIVING IN A STABLE HETEROSEXUAL RELATIONSHIP FOR NOT LESS THAN THREE YEARS AND DEMONSTRATE A LEVEL OF COMMITMENT TO THAT RELATIONSHIP. IT IS MY BELIEF THAT THE A.C.T. COMMUNITY WOULD NOT BE PREPARED TO ACCEPT THE PLACEMENT OF CHILDREN FOR ADOPTION WITH HOMOSEXUAL COUPLES. IT WOULD BE MY INTENTION TO SEEK A PERMANENT EXEMPTION FOR THE BILL IN THE DISCRIMINATION ACT. SINGLE PERSONS MAY ALSO BE ABLE TO ADOPT UNDER THIS LEGISLATION IN CIRCUMSTANCES WHERE THE COURT CONSIDERS IT APPROPRIATE, IN THE BEST INTERESTS OF THE CHILD, AND AFTER CONSIDERING THE WISHES OF THE RELINQUISHING PARENT OR PARENTS.

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THE BILL RECOGNIZES THAT BIRTH PARENTS MAY HOLD BELIEFS AND VALUES WHICH INFLUENCE THE WISHES THEY HAVE FOR THE FUTURE UPBRINGING OF THE RELINQUISHED CHILD. SUCH WISHES NEED TO BE RESPECTED AND TAKEN INTO ACCOUNT. THE LEGISLATION THEREFORE PROVIDES FOR THE COURT WHEN MAKING AN ADOPTION ORDER TO CONSIDER THE WISHES OF THE BIRTH PARENTS REGARDING THE RACE OR ETHNIC BACKGROUND OF ADOPTIVE PARENTS, THE RELIGIOUS UPBRINGING OF THE CHILD OR WHETHER A SINGLE PERSON MAY ADOPT THE CHILD.

THE PRESENTATION OF THIS BILL TODAY HAS BEEN A CULMINATION OF MUCH RESEARCH INTO THE TRENDS OF MODERN ADOPTION LEGISLATION AND THINKING AND MUCH CONSULTATION WITH THE COMMUNITY OVER A PERIOD OF YEARS SINCE THE REVIEWS OF EXISTING LEGISLATION BY THE HUMAN RIGHTS COMMISSION IN 1986.

IT IS MY FIRM CONVICTION THAT THIS EFFORT HAS RESULTED IN LEGISLATION WHICH REFLECTS SOUND PRINCIPLES, ESTABLISHES FAIR AND JUST ADMINISTRATIVE AND LEGAL PROCEDURES, AND UPHOLDS THE INSTITUTION OF ADOPTION AS AN INSTITUTION ABLE TO FULFIL AN ESSENTIAL ROLE IN THE LIFE OF THIS COMMUNITY.

MADAM SPEAKER, IT IS THE GOVERNMENTS VIEW THAT THIS LEGISLATION IS WORTHY OF THE SUPPORT OF ALL MEMBERS AND I COMMEND IT FOR THEIR CONSIDERATION.

I NOW PRESENT THE EXPLANATORY MEMORANDUM FOR THIS BILL.

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Financial Performance Report
For the Month Ended 30 November 1991

ACT Health

RECURRENT EXPENSES

Table included in the printed Hansard.