DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

13 December 1995

Wednesday, 13 December 1995

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The Assembly met at 10.30 am.

(Quorum formed)

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

FOOD (AMENDMENT) BILL 1995

Debate resumed from 23 August 1995, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.32): I find this Bill absolutely amazing. This amendment is contrary to the national agreement which was agreed to and signed by Rosemary Follett. The agreement was made on 19 August 1991 and signed on behalf of the ACT, as I said, by the then Chief Minister, Rosemary Follett.

Mr De Domenico: That was last time.

MRS CARNELL: That was last time. I will table that agreement in a little while. It was agreed that no State or Territory that was a party to the agreement would, by legislation or any other means, establish or amend a food standard other than in accordance with this agreement. In other words, quite definitely it said that we will not do what this Bill tries to do. It seems that when Rosemary Follett signed this agreement she had no intention of doing what it says.

It is important to read into *Hansard* a letter that Mr Percival, the Director of the Public and Environmental Health Service, got from the National Food Authority in response to a fax that he sent to the National Food Authority letting it know about this proposed Bill. It says:

> Thank you for your fax of 17 October 1995 regarding the legislative amendment to the ACT Food Act proposed in the ACT Assembly by opposition consumer affairs spokesman Terry Connolly.
>
> Clause 5 of the Agreement between the Commonwealth of Australia, the States, the Northern Territory and the Australian Capital Territory in relation to the adoption of Uniform Food Standards (1991) prohibits a State or Territory establishing or amending a food standard other than

> in accordance with the procedures in Part 3 of the National Food Authority Act 1991 unless a food standard is necessary to be made as a matter of urgency to protect public health and safety.
>
> The two issues addressed by Mr Connolly in his Bill, namely irradiated food and food which has been subjected to a process or treatment involving genetic engineering, are both the subject of proposals to develop standards under way within the Authority.
>
> The moratorium on the sale of irradiated food has been extended by agreement with all States and Territories, -

I stress that -

> pending the development of a standard by the Authority. The Authority has recently completed its full assessment and will release a draft standard for public comment shortly. It is therefore not necessary for the ACT to make a standard as a matter of urgency to protect public health and safety.

It cannot be a matter of urgency, because the moratorium has been extended by agreement between all States and Territories. I continue to quote:

> The Authority is unaware of any genetically engineered foods available in Australia. A number of nature identical food processing aids and veterinary drugs produced by genetically engineered micro-organisms have been approved on a case-by-case basis but the use of these in food production does not alter the genetic or chemical composition of the food produced. These include:
>
> > chymosin used in cheesemaking
> >
> > three microbial enzymes used in the brewing and baking industries
> >
> > porcine somatotropin (PST) produced by genetically engineered bacteria which contain a pig gene.

The authority has approved these on a case-by-case basis, but the final product is not chemically or, for that matter, in any way different from a product not produced in that way. I go on:

> The Authority is aware of the community's clear desire to be able to make informed choices about foods produced for genetically engineered organisms. However, mandatory labelling requirements could imply differences where none can be detected and could, therefore, be a source of misinformation to consumers.

I repeat: Misinformation to consumers. I continue:

> The Authority intends to investigate, through the release of a discussion paper and directly with food consumer and industry bodies, the use of additional strategies to mandatory labelling to enable consumers to assess information about the use of gene technology in food production processes.
>
> To date, the Authority has received no correspondence from Mr Connolly or any other members of the ACT Assembly on either of these issues, and is not aware of any grounds for claiming them to be matters of urgency in the ACT.
>
> I trust this information will assist you in briefing your Minister.

I am the Minister. I table that letter, because it is important that every member of the Assembly read this letter. It shows categorically that, by even passing this Bill in principle today, we would be at odds with an agreement signed by Ms Follett. I will also table the agreement, with Rosemary Follett's signature on it. This agreement says quite categorically that the only time that any State or Territory can put forward a piece of legislation outside that which is part of the National Food Authority national standards is where there is a matter of urgency or where there is a real risk to public health. That is the only out clause.

We find out that there is such a risk here that Mr Connolly has not even bothered to get in touch with the National Food Authority; that there is such a risk here that there is already a moratorium in place for irradiated food. There is none on the market. The extension of that moratorium has been agreed to by all States and Territories, until the National Food Authority comes down with a national set of guidelines on how we can treat irradiated food.

With regard to food that is a product of genetic engineering, the National Food Authority says that there are no such products on the market in Australia, except some foods that have been produced with the aid of genetically engineered organisms which makes the final product chemically no different whatsoever from the product which might be produced by more, shall we say, natural means. From a consumer's perspective, what is the difference? But even in those circumstances the National Food Authority approves those on a case-by-case basis, to make sure that the community is properly informed.

If this Bill is agreed to in principle, it puts the ACT outside an agreement that was made nationally. I supported the previous Chief Minister, Ms Follett, having signed it. It appears now that those opposite do not care what they have signed and what was signed by Premiers and by, I assume, others who believed that a national standard for food was important to our community. In the past Mr Connolly has often made statements about how important it was for us to be in line with the States with regard to these things and that to put ourselves out on a limb was simply ridiculous. Mr Moore, if he were here, would remember very well some of the absolutely remarkable statements that were made by Mr Connolly last year during the cannabis debate. He went right off the planet.

Mr Connolly: That was a bit of an embarrassment for you, Kate.

MRS CARNELL: No. You are the one who should be embarrassed here. Mr Connolly was saying that we could not possibly be leading the nation in this area and that the last thing that we could possibly do would be to get out there and lead the nation. He even went so far as to say that, under the National Drug Strategy, which was, he said, oversighted by Health and Justice Ministers from all States in Australia, it was absolutely essential to be in line with this group. He went on to say that he would not adopt "a slapdash, opportunistic, political stunting approach to this type of issue". I am quoting from *Hansard* of 1 December 1994. It appears now that in opposition Mr Connolly is willing not only to have a slapdash, opportunistic, political stunting approach to a piece of legislation but also to put the ACT at odds with an agreement signed by his leader. I find this whole situation absolutely amazing.

There is no doubt that we support the view of the National Food Authority; that is, that irradiated food should not be on the market in this country until we have proper guidelines and we are absolutely sure that the food is safe to consume and that all safety precautions are in place. That is exactly what the National Food Authority has done. There is a moratorium on all irradiated food until we come up with a guideline that will, again, be agreed by all players. On genetically engineered food, again the National Food Authority has in place and is putting together guidelines to ensure that there will be no risk. There is no indication whatsoever - in fact, not even a letter - by Mr Connolly to the National Food Authority to indicate that we can invoke the clause of this agreement between State leaders by suggesting that there is a danger to public health here.

By passing this legislation, even in principle, the ACT ends up way out there on its own. I do not know where that leaves us with regard to National Food Authority standards. I would hate a situation to occur where the ACT was not in line with labelling safety and all the other requirements that go with the NFA approach; but that appears to be what those opposite want. In the past, we have heard comments from Mr Connolly - we should call him Captain Sensible, I think - about these issues. The reality is that, in this case, we are doing everything in our power - as they did in government; it just seems that that has gone out the window now - to ensure that food available in the ACT is properly labelled, is safe and is in line with the agreement signed by the previous Chief Minister. We simply cannot pass this legislation if we plan to be in line with national standards.

MS HORODNY (10.46): The Greens will be supporting this Bill because we believe that it is a fundamental right of consumers to know what they consume, including how it is being treated. This is a basic consumer right, not something that can or should be compromised. We understand that the National Food Authority is currently developing standards for irradiated food - and I am pleased to hear that - but that does not alter the motivation for this legislation. No matter what the standard is, it should include a requirement to label food accordingly. Mr Connolly's Bill does not limit the amount of information that must be provided; it merely provides that, at a minimum, consumers must be informed.

It is comforting that a moratorium exists on the sale of irradiated food products. If, or when, that moratorium is lifted, we, as consumers, will not necessarily have a guarantee that there will be adequate labelling from a public interest point of view. By agreeing to this Bill, the ACT will lead the way for the rest of the country. I quote from a letter that I was sent by the Australian Federation of Consumer Organisations, which states:

> I am writing to gain your support for the proposed Food (Amendment) Bill ...
>
> ... ...
>
> A recent ANU survey Public Perceptions of Genetic Engineering ... was interested in the views of the public on genetic engineering ... the results demonstrated that the public wants genetically manipulated or engineered products to be labelled.

The letter goes on to say:

> The ACT legislation will establish a precedent and may help to persuade other governments to similarly amend corresponding state Acts.

The letter adds that it is in the interests of the environment and the health of ACT consumers that this Bill be passed.

In relation to the issue of genetically engineered products, there are many significant issues which require community debate. The primary concern relates to the safety of these products and the safety procedures which have been put in place. Another letter that I have been sent, from the Australian Consumers Association, says:

> The Consumers Association does not view genetic engineering as inherently positive or negative and recognises that many of the techniques may offer consumer benefits, but we are concerned that, to date, there has been little public debate. The main issues that such public debate is likely to centre around include:
>
> ... labelling ...
>
> the safety of genetically modified food products and the safety assessment procedures that should be implemented
>
> the benefits this technology may deliver and the potential risks
>
> ethical, environmental and social/philosophical concerns.

> Genetically altered organisms are already being used in the food production process in Australia, but this information is not being imparted to consumers ... major companies overseas are already labelling genetically engineered food products. We consider the provision of information on these products to be a basic consumer right.

They urge us to support this proposed amendment.

Recent work on the rabbit calicivirus has shown that viruses that are released on rabbits may also spread to humans. While the consequences of humans getting such a virus may not be as severe as they are for the rabbit population, it is still a concern. This whole issue is one that needs much more debate and much more discussion. The reason that I bring this up as an example is that scientific testing may not necessarily have the consequences that are sometimes predicted. Genetic engineering raises many potential dangers: Genetically altered tomatoes or livestock raises very different health issues. Consumers have a right to be able to make educated decisions about the food that they eat. I commend Mr Connolly's Bill and him for taking this initiative.

MR MOORE (10.50): The tenor of the debate so far has been that we are debating irradiated food. We are not debating irradiated food or genetically manipulated food. We are debating consumers' right to know. We are not debating whether or not this should not go ahead; rather, that the consumer should be able to make their own decision. That decision should be made on an informed basis. The way that that informed basis is achieved, in Mr Connolly's legislation, is through labelling.

It might be time to remind members of what is in the proposed legislation. Proposed new section 24A states:

> (1) A person shall not sell food that -
>
> (a) has been subjected to a process of treatment involving irradiation; or
>
> (b) is derived from a plant or an animal which was subjected to a process of treatment involving genetic engineering;
>
> unless ...

I should say congratulations to Mr Connolly. This piece of legislation is quite easy to understand, unlike some that we have seen in the house over the last few days. Here is the crunch:

> unless a notice containing a statement, in legible characters, to the effect that the food has been so subjected or is derived from such a plant or animal, as the case requires, is displayed conspicuously at or near the place of sale.

Provided that there is a notice there, people know what is going on. Credit to Mr Connolly because he has not even demanded that the notice be on the container itself. To do that in the Australian Capital Territory would be difficult. The Bill states that, to avoid the fine, you have only to inform people, basically, if you like, at the supermarket shelf, "The products under here have been irradiated or have been subjected to genetic engineering", or whatever. It is a small step in informing consumers. Consumers can make that choice.

It taps into widespread concern in the community that everything we are being told by scientific authorities about genetic engineering and irradiation might not be true. Some of us might decide that we do not want to provide irradiated food for our children just yet; let us leave it for 10 or 12 years and let us make a decision then whether or not we think that it is safe.

Mr Humphries: You cannot buy it.

MR MOORE: That may be the choice that people want to make. Mr Humphries says, "Why?".

Mr Humphries: No; I said that you cannot buy it. What is the point if you cannot buy any irradiated food? It is banned. There is no irradiated food in Australia.

MR MOORE: Mr Humphries interjects that you cannot buy irradiated food. I would challenge that. I know that it is in train, but I do not know that that is true. I do not accept that. A similar situation applies if we talk about food that is a result of genetic engineering. You certainly can buy that. Mr Connolly has raised these issues quite appropriately.

In a sense, there is some doubletalk there. There is no doubt that the then Chief Minister, Rosemary Follett, signed an agreement that said:

> No State shall, by legislation or other means, establish or amend a food standard other than in accordance with this agreement.

That does not affect me at all, I must say. It is a matter that I was never asked about in the first place. I was not asked whether or not I would agree to that. I do not feel bound to it. I draw that way of thinking to Ministers' attention when they go away to sign things. If you want something that is signed supported, you ought to seek agreement first. There is, in a sense, doubletalk in that it was the Federal Labor people who signed that in 1991. One of three things has happened. They have changed their minds, they have got it wrong or there is a difference of opinion between Rosemary Follett, who signed it, and Terry Connolly. I do not care. I am looking at this piece of legislation, which is an effective piece of legislation that provides for a form of notice as a first step. I would hope that it leads in the not too distant future to labelling on the containers themselves. But clearly that would have to be an Australia-wide approach.

There has been an issue raised that there are problems with the definitions of what is irradiated and how foods are handled; for example, "bacteria" is not included in the definition. Mr Connolly has the resources of a backbench member. Sometimes it is difficult to get these things right. That is why I am quite content today to look at passing this Bill in principle and then to look at these issues. I would have thought the normal approach, where a government is concerned about those things, would be that they should take the same approach as backbench members take. If we do not like something we prepare amendments to their legislation. If you do not like something or you think that there is an inadequacy in a particular piece of legislation, then you prepare amendments to correct what you see as inadequacies. That having been said, there was an understanding among members, I think for some months, that, although the Government would oppose this legislation, members would take it to the in-principle stage and not to the detail stage at this point. Therefore, I accept that there is time to prepare amendments to the legislation over the next six months or so.

The Government is advocating the mushroom principle here; that is, keep people in the dark, feed them on manure and you do not have to worry. This legislation, which is much more consistent with the normal approach of open government that you have stood on, advocates that - - -

Mr Humphries: We did not sign this agreement.

MR MOORE: I am talking about this piece of legislation, not the agreement, and the way that you are arguing today against people being informed. This is a question about people being informed.

Mr Humphries: There is no irradiated food.

MR MOORE: You keep arguing, "There is no irradiated food". Tell me that there is no genetically engineered food. It covers both.

Having put that one in with the mushrooms - perhaps in with the toadstools - it is time now to look at the actual role of this Bill. By agreeing to this Bill in principle today we will send a message to Ministers and the National Food Authority that it is time that they did a bit more work on this - and I understand that the authority is doing work on this; that it is time to speed up this work and not rely on paragraph 3 of section 5 of that agreement, because it was signed by a previous government under different circumstances; and that we are prepared to look at these issues again.

The message still is that we are only passing it in principle and that we would prefer the National Food Authority to do the work and bring it back by way of a national agreement. That is the preferred way to do it, but it is time that it was done. It is time that people were able to make their own decisions about whether they want to use food that has been subjected now to genetic engineering or at some time in the future will be subjected to irradiation. We all know that there is a constant push for irradiated food. We will send that message. I am prepared to do that; I am prepared to support this legislation in principle. I understand that Mr Connolly will be moving for the adjournment of clause 1. I am happy to support that as well.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (10.59): I am not sure what the Assembly is trying to achieve by passing this Bill in principle today.

Mr Moore: Read the legislation.

MR HUMPHRIES: Goodness me; all these voices - by passing the legislation in principle today and not moving to the detail stage. I suppose that it is trying to make some statement about its opposition to irradiated food or its desire for labelling of irradiated food. It would seem to me that there is a better way of doing that, and that is to pass a motion on the floor of the Assembly expressing that point of view. As it is, going down the path of purporting to almost legislate but not quite, because we are not confident that we can go all the way, is a strange and most unfortunate way of doing that.

Can I start by saying that I hope that Rosemary Follett will come down and join in this debate, because it was she who signed the agreement in 1991. I can accept Mr Moore's argument that he should not be bound by an agreement that he did know anything about. We did not know anything about it at the time. I take that point. That is a very good point to make. It does seem very strange that a party that was actually a signatory to that agreement in government should now be flouting that agreement in the course of putting forward this legislation.

Mr Moore: He can be honest now that he is not in government.

MR HUMPHRIES: He can be honest now that he is not in government; that could be the explanation.

Mr Berry: He can be dishonest now that he is in government.

MR HUMPHRIES: We are not talking about you.

Mr Moore: I was baiting you, Mr Humphries, was I not?

MR HUMPHRIES: You were; but you were talking about them. The suggestion was put to me that what was agreed in 1991 was basically a minimum standard; that we were establishing a minimum standard which all Australian jurisdictions would agree to abide by. They could then build on that in individual cases, to create higher standards for their own jurisdictions, if they wished. That is a possible explanation as to how this legislation is before the Assembly today. With great respect, if you look carefully at what was in the agreement signed on 30 July 1991, you will see that that is not the case. It says:

> No State -

which includes the Territories -

> shall, by legislation or other means, establish or amend a food standard other than in accordance with this agreement.

That clearly means that one cannot have an agreement to have a higher standard than another State. It is clearly contemplated in those words that all the States should accept and use the same food standards, unless they agree among themselves to allow differences between the jurisdictions, which is not the case in this instance. Clearly, if this legislation were to pass it would be in breach of the 1991 Food Standards Agreement signed by all States and the Australian Capital Territory and the Northern Territory.

Mr Moore does raise an important point in this debate; that is, the way in which the Assembly as a whole interacts on national agreements. It is an important debate, because at some point we do have to face up to the question of how we engage in those national agreements in a way which allows us, as an Assembly, to come on board on such agreements. Governments tend to sign them. In some cases, governments will come back to this place and lay before the Assembly the documents that they intend to sign, or possibly have signed, and say, "This is what we want to do. Do we have your agreement?". I recall that the uniform Criminal Code was laid before the Assembly in that way for in-principle agreement by the Assembly. The Assembly gave that in-principle agreement. It is certainly preferable for that to occur.

It may be that we need to go further than that and not allow governments, particularly minority governments, which I suspect will be the flavour of the government in this Territory for some time to come, to sign agreements without approval from the Assembly beforehand; or without coming back for the ratification of that agreement, in much the same way as the US Senate ratifies treaties after the President has signed them.

In the circumstances, if we are developing that kind of policy, we need to have at least some respect for the process of signing those agreements, whatever government might be in power, and honouring those agreements as they are carried forward under succeeding governments. It would be very easy for us as a government now to say, "Forget all the agreements that the previous Government signed. They were the other mob; we are this mob; and we are not going to honour any of those agreements". That is a very dangerous practice to get into.

Mr Moore: It is also dangerous just to stay with them.

MR HUMPHRIES: We should attempt to stay with those agreements.

Mr Connolly: This is all assuming that it is breaching the national agreement.

MR HUMPHRIES: Mr Connolly, I think, believes that this is the way the national agreement is going to end up.

Mr Connolly: No; I just do not think that it is a breach.

MR HUMPHRIES: The National Food Authority, which administers these standards, does believe that it is a breach.

Mr Moore: Of course; because they have been caught out not doing their job.

MR HUMPHRIES: Again, that is not true. The National Food Authority has been working on a national standard on food irradiation for some time. In the meantime - which, I think, is news to Mr Moore - they have banned irradiated food in this country. Mr Moore clearly finds that a bit surprising. He had not counted on that fact. He thinks that this is about slapping labels on all this food which is presently passing through our children's bodies without our knowing what is going on. That is not the case. We do not eat irradiated food, unless we somehow irradiate it ourselves. It is not available in this country, because the National Food Authority has arranged for it not to be available.

Genetically engineered food is, similarly, not available in this country; unless, on a case-by-case basis, it is agreed by the National Food Authority. There are some cases where it has been agreed. There is some argument about our need to be much less concerned about genetically engineered food than about irradiated food. Members would have seen the article by Simon Grose in the *Canberra Times* in September in which he quoted Professor Nancy Millis, who chairs the Genetic Manipulation Advisory Committee of the National Food Authority. She pointed out that it is not an easy task to distinguish genetically engineered food because a genetically engineered organism might be indistinguishable from its naturally occurring counterpart. She said:

> I find it extraordinary that people worry about a gene like a porcine growth hormone in pigs. It's one of their own genes with just a few extra copies. We've been eating pigs for years and we haven't got pointed ears and a curly tail.

That is an argument that we would have to have on the day. The point is that we ought to be moving down the track of national standards in these things. We are already doing that as far as genetically engineered food is concerned. I believe that we ought to try, in a case like this, to abide by that agreement.

It will possibly be the case that future governments will come into this place - maybe this Government will come into this place - and say, "We have signed this agreement". I might be in opposition or in government at that stage; I do not know. The Assembly will say, "No; that is not an agreement that this Assembly can abide by". While we have minority governments in this place, that will have to be an issue which governments will need to deal with. They will need to work out how they are going to promise, in a national forum, to legislate in a particular way when they cannot necessarily deliver on that back in their home legislature. It is a matter for debate as to how we do that in the future.

I do simply say to the Assembly, "For goodness sake, let us think carefully before we put aside such agreements". This clearly is a breach of that national agreement.

Mr Connolly: No; it is clearly not a breach, Gary. I will explain later.

MR HUMPHRIES: I challenge Mr Connolly, if he thinks it is not a breach, to write to other jurisdictions and ask them whether they would agree to this standard being applied in the ACT.

Mr Connolly: It is not a food standard.

MR HUMPHRIES: It is a food standard. It is a standard that applies to the sale, manufacture or labelling of the food. It is a food standard. I might be wrong. Mr Connolly, I invite you to prove me wrong by writing to the other jurisdictions which are fellow partners in this agreement - the agreement that your Chief Minister signed - and saying to them, "We are proposing to legislate in this way in the ACT. Do we have your agreement that this has not breached the national food standard of which you are a signatory?". If Mr Connolly comes back with letters saying, "Yes; it is not a breach of the food standards", then I guarantee to vote for the legislation. I think that my colleagues will as well. The challenge is in Mr Connolly's court. If the National Food Authority does not think that what he is proposing is consistent with the agreement and the other States and Territories do not think that it is consistent with the agreement, when will he acknowledge that his legislation is a breach of the agreement? That is my challenge to him.

I think that we are being very foolish by doing this. I am grateful that the Assembly is not passing this into law. It seems to acknowledge its own feeling that passing it into law today is not quite the right thing to do. By the same token, that is a dangerous path to go down. I would say to members that, if you want to treat national agreements like that, that is fine; we will set a standard that we can then all adopt in this place, which is that national agreements do not matter, that we can throw them out when we want to. That is a most unfortunate position to take.

MR CONNOLLY (11.10), in reply: At the outset I would like to thank our crossbench members for their support of this legislation. This is a significant debate, because this is the first time that the issue of genetically altered food products has been debated in an Australian parliament and the first time that parliamentarians have expressed a view on this matter. It is very encouraging that the view that parliamentarians in this place are expressing on this matter - and, I suspect, the view that parliamentarians in other places will express if it gets debated - is that we are not prepared to allow the public to be treated like mushrooms, as Mr Moore said; we are not prepared to allow these products onto our dinner tables without proper notification.

I would also like to congratulate Mr Humphries on a rousing speech in support of his leader, totally uncontaminated by any knowledge of, or interest in, the details of the issues of genetically engineered or irradiated foods. He was called on at short notice by Mrs Carnell to make a speech; and, like the good soldier that he is, he got into the trenches there and bored it up me for 10 minutes, without addressing any of the issues of genetically engineered or irradiated foods.

I must respond to Mrs Carnell's and Mr Humphries's principal attack, which is that this is a breach of the 1991 agreement. To start with, Mr Moore makes the point that parliaments are sovereign; that agreements that executive governments sign cannot bind parliaments; and that that has been widely demonstrated by parliaments around

the country. Mr Moore is right in that. I do not accept that this is a breach of that agreement. That agreement prohibits new food standards, and I have very deliberately crafted this legislation not to impose a food standard. It requires that, at point of sale, there be a sign displayed.

Food standards apply to alcohol. Alcohol is a food; it is brought up in the food standards regime. This is no more a food standard than the law which requires, where alcohol is sold in the ACT, that there be a sign saying, "Are you 18?", et cetera - all of those proof of age provisions. They relate to and regulate the sale of alcohol products; but they are not food standards. This is not a food standard; nor does the National Food Authority say that it is a food standard.

Mrs Carnell: It says that it is contrary to the agreement.

MR CONNOLLY: No, it does not. It says that what I am addressing - that is, the subject of genetic engineering and the subject of food irradiation - is subject to food standards being developed. That is true. But it does not purport to say that the legislation as drafted imposes a food standard and is thus in breach of the agreement.

Mr Humphries: Then why do they say, "Don't do it."?

MR CONNOLLY: Because I believe that the National Food Authority is severely embarrassed by being caught out by consumer movements and environment movements around this country. For some time, I have been very concerned about the way in which the National Food Authority conducts its business - both as Minister and in opposition. Last year - and I hope that this has been remedied - I was very distressed to find that the National Food Authority sought my approval, as it sought approval from all other Ministers, to approve certain changes to levels of mercury in fish products. We were advised that this was fine; that it was non-contentious. When I wrote to consumer movements, they said "Oh, no; it is not non-contentious". There were grave reservations.

As Minister, I put on the agenda for a ministerial council meeting, which I did not end up going to - I hope that the matter has been addressed and I hope that Mrs Carnell will take this up - a recommendation from me as ACT Minister that, when the National Food Authority goes to Ministers for approval, as part of the formal consultation, Ministers will be told what the "it" is and what the consumer view is. The fact is that food standards have not been the subject of much political debate in Australia. When it comes up at ministerial forums, it is at the end of the debate; people do not pay much attention to it.

As I said in my introductory remarks, my concern about genetically altered and irradiated food is a concern about technological determinism: "We can; therefore, we should". The experts will always tell us that it is safe. As Ms Horodny said, the experts told us that calicivirus could not possibly escape from the limited quarantine release zone in South Australia; and it did. It having escaped, the experts have been telling us for months now that it is absolutely and perfectly safe; there is no question of any damage to humans from the calicivirus and the - - -

Mr Berry: And the price of Akubra hats will probably go up.

MR CONNOLLY: "And the price of Akubra hats may go up", says Mr Berry. Today I heard another expert saying that, in laboratory tests in the United States, technicians who had been doing work on calicivirus were developing hand and facial blisters.

Mrs Carnell: Which expert is right?

MR CONNOLLY: That is the point. When experts disagree, the prudent lay person says, "Hang on a minute, before we start eating this stuff".

We are deliberately not saying, "You cannot sell genetically engineered or irradiated food". At the outset, I said that irradiated food is subject to an NFA ban - and that is a good thing - but I also said that, to be very safe, we should send a very strong message that this parliament will require compulsory notification. The same applies to genetically altered food, although it is disturbing to me, and to many in the consumer and environment movements in Australia, that the National Food Authority has been steadily retreating from its expected position of mandatory notification.

Mrs Carnell says that things have been approved on a case-by-case basis. They have. There is considerable concern in some quarters about a fairly minor use of genetic technology in relation to cheesemaking. I was subjected to some ridicule by Simon Grose in the *Canberra Times* over this recently. Liberal staffers chuckle over that. Many people do not think that it is funny. The fact is that some people, for ethical or religious reasons, do have some problems with eating cheese. They may be vegetarians, but they have problems with eating cheese because the traditional rennet process, which is the ingredient that makes the milk into cheese - that is putting it in very simple terms - comes from the stomach linings of slaughtered newborn calves. Some people have some difficulty with that. I must say that I, personally, do not; I quite enjoy my cheese. Some people have difficulty with that. It is quite expensive, as well as causing other problems.

There have now been products developed which, essentially, involve a recombinant DNA molecule which is taken from the slaughtered calf and then blended. Perhaps that is not the word. "Mixed", again, is probably not the word. I do not claim to be a scientist. But that DNA from the calf's stomach lining is blended with bacteria. That creates a product which has the same effect. It is a matter of some concern to some people who are very strict vegetarians. These products are sometimes marketed as not containing any animal material. People think, "This is a cheese, without any animal product, that I can eat". They have been quite disturbed when they find out that the product that does curdle the milk to make the cheese is recombinant DNA, which is sourced back to an animal product. I am not saying that there is anything wrong with that cheese. People should have the right to know.

I am concerned about what is waiting in the wings. The fact is that there are waiting in the wings tomatoes that have another product's DNA in them. People may be allergic to that DNA or to that product. We do not know how that will impact. We know that genetically altered potatoes are very close to coming onto the market, because one of the major crisp manufacturers has developed a genetically altered potato.

What is of most concern to me is the trend in genetic pigs, which have modified human DNA present to switch on pig growth hormones. Mr Humphries read from the article in the *Canberra* Times which made fun of this Bill. In it somebody said, "People have been eating pigs for years, and we don't have little curly tails, pointy ears and trotters". It is unfortunate if that is the level to which this debate is trivialised. People can have legitimate concerns about the use of modified human DNA in the process of livestock production. People must know. That is what this law says; that people must know. It is a very strong signal by this parliament - the first parliament to debate the issue of the public's right to know about genetically altered products - despite the Liberals not wanting to debate the issue - - -

Mr Humphries: Not at all; that is not true.

MR CONNOLLY: You have hidden behind the claim that I am introducing a food standard and therefore we are in breach of the agreement. As I pointed out, this is no more a food standard than is a sign, where you sell alcohol, requiring proof of identification. That is not a food standard, but it does say that when alcohol is sold certain standards must be complied with. This does not attempt to limit the type of product that can be sold or set a standard for the type, level or nature of either genetically engineered ingredients or irradiated ingredients. This is at the point of sale, not on the product.

There was some suggestion that it would stuff up distribution arrangements because you would have to have special packets for Canberra. Mr Moore, very quickly, saw that that was nonsense. I have deliberately structured this law so as not to require it on the packet, because that would be a problem for manufacturers, but to require a sign at point of sale. In the United Kingdom the Government has not acted, but consumer pressure has forced some of the largest distribution chains in Britain to place these signs. Laws like this one have been passed in some American States. A law to this effect was passed in Vermont. That law was challenged in the Supreme Court by food industry interests, and that challenge was unsuccessful. A law in terms very similar to the law that I am proposing is currently being debated in the State of Illinois to apply in the city of Chicago. The city of Chicago and its suburban areas, from my recollection of American geography, have a population larger than the whole of Australia.

This is an issue that is very important. I thank members for their support in principle. Understanding the problems that the Government faces in dealing with the national arrangement - although not saying that this is in breach - I indicated some months ago that I would be prepared to have this Bill passed in principle, then to adjourn the detail stage and give an undertaking that it will be adjourned for six months; and in that six months I hope that Mrs Carnell, on behalf of this Assembly and on behalf of the people of Canberra, will at Health Ministers meetings make it very clear to the experts from the National Food Authority that the public will not cop being kept in the dark in this area. I hope that my law never comes into force in the ACT, because the National Food Authority comes to its senses and makes it abundantly clear, as part of the national scheme, Mr Humphries, that there must be mandatory labelling. Then it would be on the packaging and the product as well as at point of sale. Mrs Carnell has an opportunity to carry this issue forward and achieve change at the national level.

The fact that this Assembly - the first parliament in Australia to debate this issue - is prepared to pass this law in principle is a very strong signal to the National Food Authority that this debate can no longer be carried out in the closed circles of food science expertise; it can no longer be something that is at the bottom of the agenda at Health Ministers meetings and lost in the debates about Medicare funding, hospital waiting lists and the rest of it. This is an issue which must be debated publicly. When the harsh light of public opinion is shone on this issue of genetically altered and irradiated food products, the public will demand that they have information so that they can make an informed choice as to whether to buy the product or not. I thank members for their support.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9	*NOES, 6*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Follett	Mr De Domenico
Ms Horodny	Mr Humphries
Mr Moore	Mr Kaine
Mr Osborne	Mr Stefaniak
Ms Tucker	
Mr Whitecross	
Mr Wood	

Question so resolved in the affirmative.

Bill agreed to in principle.

Mr Berry: Mr Speaker, I advise you that Ms McRae and Mr Hird are paired.

Detail Stage

Clause 1

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

HEALTH SERVICES

Debate resumed from 6 December 1995.

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

> That the debate be adjourned.

MR BERRY (11.26): Mr Speaker, I seek leave to debate the motion for the adjournment in the normal way.

Leave not granted.

MR BERRY: I therefore move:

> That so much of the standing orders be suspended as would prevent Mr Berry from debating the question that the debate be adjourned.

This motion has been before the chamber for some time now and has been adjourned previously. It is one of concern to many constituents because it involves the withdrawal of important health services at health centres. It involves the sale of health centres and is a matter this Assembly should deal with. Brushing it aside is just not good enough. Mrs Carnell, as I understand it, gave undertakings in the past to Mr Osborne that she would not sell Kippax Health Centre; but we now know, with new information that has come to hand, that Mrs Carnell has no intention of sticking to that promise.

Mr Moore: That is the substance of the motion, not the adjournment.

MR SPEAKER: Careful. That is exactly right.

MR BERRY: No, Mr Speaker; these are the reasons why this matter should not be adjourned. I am speaking in opposition to the adjournment and I am seeking to suspend standing orders in order that that matter can be dealt with. We need to suspend the standing orders to deal with that debate in order that the community can be aware of the Government's position and the position of the Independents. Mr Moore has made no secret of the fact that he does not care so much about the salaried medical officers and he does not care about the sale of the health centres, but Mr Osborne has a different position. He has been burnt, and I think the pressure is on Mr Osborne to support this motion to suspend standing orders to enable us to deal with a debate about the adjournment. He has been burnt again. He has been misled.

Mrs Carnell has adopted the crash or crash through mentality when it comes to these issues, and I think she has to be stopped in her tracks. The only way we can do that is to pass a motion and force her to stick to it, or threaten her Government if she fails to. It is as simple as that.

Mr Moore: And then you might get government.

MR BERRY: The issue is forcing her to take notice of the motions of this Assembly. She has been censured because of her refusal to accept motions of this Assembly and the position of this Assembly in the past. She has been censured, in fact, because she burnt Mr Osborne, and I think she has to be held to her word and she has to be forced to reinstate these important health services.

I know that Mr Moore and Mr Osborne have some sort of ideological investment in this Government, but I do not know for how long they are prepared to tiptoe through the rubble they are leaving behind them. We must ensure that this adjournment motion is debated in order that the community can be aware of the position of the Independents in relation to this matter. It is no good saying that you support a particular motion in this Assembly unless you follow through on it. The motion that is on the notice paper today was agreed to yesterday by the Administration and Procedure Committee.

Mr Humphries: No; it was agreed that it should be put on the agenda.

MR BERRY: It was agreed to be put on the agenda and it therefore ought to be debated. In that way we can demonstrate where people are coming from. Mrs Carnell does not want it to be debated, because she knows that it is going to put the pressure on her even more and show her up for what she really is. It is going to show her up for giving certain undertakings and not following them through. What has not been said here is that Mrs Carnell and her Government signed up a sweetener agreement with the salaried medical officers this week. Do you remember the extra $5,000 incentive to take redundancy payments? That deal was done this week, after you had been censured for getting rid of the doctors.

If the Independents are going to tolerate that sort of action it just goes to show you how far they will follow this Government. They will follow them to hell. We cannot allow the Government to get away with it. That is why it is so important that this motion be debated. If the Independents want to vote it down, let them have the courage to vote it down and go with the Government; but they should not keep putting it off in order that Mrs Carnell can practise her crash or crash through program and thumb her nose at this Assembly.

MR MOORE (11.32): Mr Speaker, the reason I moved the motion to adjourn the debate had nothing to do with the concept Mr Berry put forward that I just do not care - I just do not care about this and I do not care about the other thing. Over the nearly seven years I have spent in this house I have demonstrated exactly the opposite. I do care about health issues and I do care about education. Unlike the point Mr Berry put, the area I do not care about is whether he goes into government or not. Through each of these speeches from Mr Berry is the driving thought: "Threaten the Government, threaten the Government", the implication being that if we threaten the Government he might wind up being a Minister again. He is just going to have to wait, because it is not his turn. If he waits long enough, Mr Speaker, he might even be Chief Minister.

The real issue here is that Mr Osborne, in his speech prior to my adjourning this debate last time, made it very clear that he was not prepared to support this motion yet, that he was going to give the Government time to deliver on these issues. Perhaps that had to do with an assurance from the Government; I do not remember why it was that he decided

that he was prepared to give the Government a couple of months to do it. This was only a week ago. That is why yesterday the Administration and Procedure Committee, as Mr Berry correctly says, approved this going onto the notice paper. I indicated at the time that I was not happy but I was not prepared to use the Administration and Procedure Committee as a way of blocking something a particular person wanted to bring onto the notice paper. It is better, as far as I am concerned, for this debate to take place on the floor of the house now rather than in the Administration and Procedure Committee, which may or may not be reported.

The real issue is that the debate on the Kippax Health Centre and the Jindalee Nursing Home needs to take place in a couple of months, if the Government has not delivered. That is what we are looking at.

Mr Berry: They will be gone then. It is too late.

MR MOORE: We have Mr Berry arguing all the time, "They will be gone. You cannot trust the Government. You cannot do this - all those things", when the reality is, and it comes through every single time he gets up to speak, that we might just have an opportunity to bring the Government down, that the only way to test them is to threaten them. Riding through all that is the understanding that, of course, if the Government is threatened, they just might come down and Mr Berry might just get to be either Chief Minister or Deputy Chief Minister - one of the two; we are never sure which. At least the Labor Party can actually focus on some issues instead of focusing on their own internal strife.

MS TUCKER (11.36): Mr Speaker, I do not know what Mr Moore is talking about, really. It is quite possible that there is some other agenda from Labor; I accept that.

Mr Moore: It is possible.

Mr Humphries: Remotely possible.

MS TUCKER: This is a political forum, is it not? The point is that what the Greens are concerned about is the security of health centres.

Mr Moore: On a point of order, Mr Speaker: The debate is about the suspension of standing orders, not about the substantive issue.

MR SPEAKER: I uphold the point of order.

MS TUCKER: I thought it was acceptable to say, because I thought that was what Mr Berry said before, that the reason I support this adjournment motion being debated is that there is a critical issue of the sale of health centres here. We believe that if this motion is not debated today they could be sold. We did think we had an assurance from Mrs Carnell that they would not be sold until the motion was debated. For that reason, we think we should finish the debate today so that there is a motion in place, if it is agreed to, as a further direction to Mrs Carnell and her Government that we do not think it is acceptable to sell those health centres.

MR OSBORNE (11.37): Mr Speaker, we went through this last week.

Mr Berry: That is right, and we will be going through it again and again until you agree with it, or vote it down. Have the courage of your convictions. Vote for it or against it.

MR SPEAKER: Order! The house will decide that, Mr Berry.

MR OSBORNE: Mr Speaker, I agreed to the adjournment last week because I was prepared to give Mrs Carnell until next year to come through on these issues. She has given me an undertaking this morning that she will not sell Kippax Health Centre, and I am happy to wear that. If she is prepared to run the risk and go against the undertaking she has given me this morning, she suffers the consequences. The handover for Jindalee Nursing Home is set down for 28 February and we are back to debate this on 21 February. She knows my view on it, and that is something we can debate next year. We adjourned this matter last week, and I think that is where it should stay.

Question put:

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

The Assembly voted -

AYES, 7	*NOES, 8*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Follett	Mr De Domenico
Ms Horodny	Mr Humphries
Ms Tucker	Mr Kaine
Mr Whitecross	Mr Moore
Mr Wood	Mr Osborne
	Mr Stefaniak

Question so resolved in the negative.

PRIVATE MEMBERS BUSINESS NOTICES - PRECEDENCE

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

> That so much of the standing orders be suspended as would prevent Notice No. 2, private members business, being called on forthwith.

Motion (by **Mr Moore**) put:

> That the question be now put.

The Assembly voted -

AYES, 8	*NOES, 7*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Follett
Mr Humphries	Ms Horodny
Mr Kaine	Ms Tucker
Mr Moore	Mr Whitecross
Mr Osborne	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

Question put:

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

The Assembly voted -

AYES, 7	*NOES, 8*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Follett	Mr De Domenico
Ms Horodny	Mr Humphries
Ms Tucker	Mr Kaine
Mr Whitecross	Mr Moore
Mr Wood	Mr Osborne
	Mr Stefaniak

Question so resolved in the negative.

HEALTH SERVICES

Debate resumed.

Question put:

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

The Assembly voted -

AYES, 8	*NOES, 7*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Follett
Mr Humphries	Ms Horodny
Mr Kaine	Ms Tucker
Mr Moore	Mr Whitecross
Mr Osborne	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

POSTPONEMENT OF NOTICE

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

That Notice No. 1, private members business, be postponed until the next day of sitting.

BIRRIGAI OUTDOOR EDUCATION CENTRE
Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent Ms Tucker from moving a motion relating to the Birrigai Outdoor Education Centre.

Motion

MS TUCKER (11.49): I move:

> That this Assembly calls on the Government to ensure that, in relation to Birrigai Outdoor Education Centre, there be no reduction of:
>
> (a) educational services; and
>
> (b) teaching positions.

The Greens are moving this motion because we are not assured that the education component of Birrigai Outdoor Education Centre will not be changed. I have spoken to the Minister on several occasions and asked him for this assurance and I have always received it. But last week, when we saw the letter that was sent to the Australian Education Union regarding restructuring, we became aware that indeed there are changes threatening against the quality of education programs at Birrigai. It appears that the Government is considering removing one-quarter of the teaching positions at Birrigai. Birrigai at present has one level 2 teacher, two full-time level 1 positions, and two part-time level 1 positions, as well as a teachers assistant. According to this letter to the Australian Education Union, under the restructuring proposal the level 2 position will go. We have also been informed that the assistant position and the administrative position or bursar position will be going too. This is in the name of a review. It seems a very harsh step if one is seeing it just as a preliminary part of a review.

There have obviously been inefficiencies in Birrigai having Sport and Recreation and Education managing the facility. These inefficiencies have been obvious to anyone who has had anything to do with the place for very many years. While we cannot hold the present Liberal Government responsible necessarily for what have been problems in the past, we can see that there have been solutions offered by people presently working at Birrigai which would address these problems. My previous employment as an environmental educationist at the Environment Centre meant that I was brought into contact with Birrigai a lot, and I was well aware of the work that was done there. The struggles with the two departments were all too obvious. However, the high quality and special character of the educational programs being offered were also very apparent. I am aware that there are many people, even from overseas, writing to Birrigai and asking for more information because of the unique quality of the programs they offer.

I think the battles over Birrigai have been misrepresented, and I believe that it is part of an attempt to make the current management at Birrigai look inefficient. In fact, the current management have put together a proposal which could save 30 per cent of the costs of running the centre. Part of this proposal included putting teachers on a seven-day cycle and having one catering organisation. However, the catering, accommodation and community sides of Birrigai's operations have still been put out to tender. The Greens believe that the integrity of the programs will be at risk because of the proposals being bandied around by the Education Department. We cannot afford to mess about with Birrigai. It is the only one we have in the ACT. Even Mr Kennett is not

closing down vaguely similar facilities in Victoria. Birrigai was established in 1980 and became an earth education centre in 1987 with the introduction of the Sunship Earth program. Birrigai's environmental programs are unique and it is affordable and accessible for our children, although we have become aware of increased charges.

Mr Humphries: On a point of order, Mr Speaker: It would be very helpful if members had this motion to look at while the debate was going on. I am disturbed that I do not have anything to look at as yet. Has it been circulated?

MR SPEAKER: Yes, it is being circulated now, Mr Humphries.

MS TUCKER: I apologise that this motion was not available. This was done very quickly.

Earth education approaches environmental education in a quite different way from our schools. It is very creative and stirs the imagination of children. It is structured so that with every activity the children explore the connections between the different ecological systems. Knowledge is acquired through experiencing and doing. One person I spoke to felt that perhaps we did not need such a facility here because Canberra is situated in an environment where there are bush and hills around us and children are exposed to these anyway. The reality, and this is certainly apparent to me through my work at the Environment Centre, is that many children in the ACT do not experience the bush or wilderness, and certainly not in the way they are exposed to it through a facility such as Birrigai. I recall one child coming into the centre and explaining to me that he often had great contact with the bush because he and his dad went bush-bashing every weekend on an unregistered motorbike. We really do need to understand that these sorts of facilities are necessary in the ACT. We cannot assume that, because we have the wilderness and natural areas quite close to us, children will have an opportunity to experience them in the way they do at Birrigai.

There is an enormous opportunity to expand the programs run by Birrigai, but not if we cut back on staffing positions in an attempt to rationalise the management. The economic rationalist approach to managing community resources such as this is not appropriate; yet this is another example of a dollar-driven approach to management. Birrigai is a clear example of how we cannot put dollar values on these sorts of programs. We cannot and should not expect to make a monetary profit out of Birrigai.

I should say that the Minister's office received notice of this motion earlier on.

Mr Humphries: But we still have not seen it.

MS TUCKER: No, I understand that and I apologise that it has not got around, but I did speak to Mr Stefaniak. I am disappointed by this information about the teaching staff being reduced, because, as I said, I have received consistently assurances from Mr Stefaniak that the programs would be as they always were. He claimed yesterday in question time that the educational programs would not be impacted upon in any way, but you cannot possibly do that if you are removing a level 2 teacher and the teachers assistant. It just makes a nonsense of the idea.

In conclusion, I ask members to support this motion. It is very important that a facility such as Birrigai be appreciated for what it offers. If it is costing more than is deemed to be necessary, and that is quite possible because of the problems there have been with Sport and Recreation and Education running it, alternative ways to reduce costs should be found, but certainly not by reducing the teaching positions.

MR MOORE (11.56): I appreciate the fact that the Greens took the trouble to inform me that they would be attempting to bring this motion on this morning, so I had time to think about it. In 1989, when the then Labor Government tried to close Birrigai in a similar way, as my recollection serves me, under Education Minister Paul Whalan, I took a great deal of time and effort to oppose what he was trying to do. I believe that I have tried to put a great deal of time and effort again this year into opposing this form of closure of Birrigai Outdoor Education Centre and to preserve its programs.

The time we used to do that was during the budget debate, because this is a budget issue, and it is one of the issues we lost. The reason we lost, at the risk of going close to reflecting on a vote of the Assembly, was that Labor was not prepared to take the appropriate action to support amendments to the budget. That is as far as I will go, Mr Speaker, recognising the risky and thin ice that I am on. That allows me to explain that, having gone through that process, to try now to take each piece of the budget and force the Government by motion to do something opposite to what happened in passing the budget is simply inappropriate. I have to say that we lost this issue at that time. I will use the time now to try to encourage the Minister to recognise the importance of Birrigai and protect those programs. When he says that he is going to protect the programs but he is going to cut a couple of teachers from it, as Ms Tucker points out, how does that gel? The two do not go together. The programs are the teachers. That is how the program is delivered; that is what they are on about.

I am simply not prepared to support the motion, because I think it has to do with the budget. It is demanding of the Government that they do something other than what has been passed in the budget, and there are questions in my mind as to whether that is even in order. Even accepting that it is not going to be ruled out of order, let us at least look at it rationally in relation to what is going on in this Assembly. If we take this approach further, we could go through each one of the budget measures the Government has taken and order the Government not to proceed with what they won in the budget - and won with Labor support, effectively. The reason Birrigai is going to close is that the Government does not have the money I believe they ought to have in their education budget. The reason they do not have the money they ought to have in their education budget in order not to have to make this change is that Labor was not prepared to modify the education budget in accordance with the amendments I put.

That is what this is about. It is a motion that is too little, too late. It is not to do with Ms Tucker's actions, because she was certainly prepared to support those changes to the budget. At some stage we have to sit back and say to ourselves, “Are we going to let the Government govern and get on with the budget they have now, or are we going to keep trying piecemeal to pick out bits and pieces of the budget since we did not have the power to amend it?”. If this motion were to be supported by Labor, the level of hypocrisy would be outstanding.

Mr Humphries: It would be nothing new.

MR MOORE: But then, as Mr Humphries interjects, that would simply be nothing new. I sympathise with the sentiment Ms Tucker has put forward and why it is that she has moved this motion. I would urge the Minister to look carefully again at those programs at Birrigai and to ensure that those programs are able to be continued in a reasonable and rational way. Do not separate a set of notes and think that that is the program. It is not the program. It is how it is taught, how it is delivered, that is the critical issue; how the teachers at Birrigai work with teachers from other schools to enhance the environmental education that is going on in a range of schools in the Australian Capital Territory. That is what it is about, and I think that is the sentiment behind this motion. Inasmuch as that is the case, I support it. Inasmuch as it is a matter of dictating to the Government that they cannot do something they already have in their budget, I cannot be part of undermining a piece of legislation that has already passed, much as it irks me.

MR STEFANIAK (Minister for Education and Training) (12.02): I note with interest Mr Moore's comments. Indeed, it would be hypocritical if the Labor Opposition supported this motion, because of the attempts to close the centre back in 1989 by Mr Whalan, as Mr Moore indicated. All this Government is trying to do is to make sure that the centre operates more efficiently.

I have some sympathy with what Ms Tucker said about what has happened in the past in relation to Birrigai. The centre has been run jointly. The Bureau of Sport, Recreation and Racing currently manages the facility and the Department of Education runs its outdoor school on the site. Use of the centre is split between the Department of Education and Training, who utilise the centre for 38 weeks per year, Monday to Friday, and the bureau, who book the remaining part of the year to community groups. Quite clearly, there are better ways of doing it. Speaking with my sports hat on now, the bureau are certainly quite happy to get out of the running of their part of it. As to who will run it, applications for tender were announced in the newspaper on Saturday, closing on 9 January, I think. So the tender process has started. That is important, along with the points Mr Moore raised about the Government's budget and the Government's program.

It is interesting that it is accepted by the Government that the education program will need to continue at Birrigai. We want it to continue. It is, as Ms Tucker quite clearly says, a valuable resource, and that is something we accept. I have some sympathy for part of her motion too, and I flag at this stage that I will probably be moving an amendment to it. Certainly, the Government is keen to continue the outdoor school there, run by the Department of Education; it is so keen, in fact, if I could digress for a moment, that that is set out in the conditions for takeover of the management of the centre. It is made quite clear to anyone who might be interested in taking over the centre that the ACT Department of Education and Training, through the Birrigai Outdoor School, provides programs of educational and cultural value to schools, both government and non-government, and adult groups from the ACT and interstate. These programs include extending and enhancing the curriculum through, firstly, focused environmental education programs and, secondly, stimulating and challenging experiences and simulations in

various curriculum areas; social and personal development programs; adventure education programs for school and adult groups; in-service training for teachers and other outdoor educators in Birrigai programs; earth education, natural and cultural interpretation, program and activity design, adventure education and curriculum extension through outdoor learning.

The contractor, if there is a successful one, and the Department of Education will develop a memorandum of understanding regarding the operation of the outdoor school. There are specifications for anyone who might wish to take over the management of the centre. Firstly, on the education programs, the conduct and costs relating to education programs remain the responsibility of the Department of Education and Training for the period of the contract. It is proposed that initially it will be a two-year contract. That is quite clear. In relation to access, it is being stipulated that whoever runs this centre has to take into account that the Department of Education and Training will have priority use of all education and recreation facilities during each school term from 9.00 am Monday to 4.00 pm Friday during the 38 weeks of the school year. It then sets out the school term dates for 1996 and 1997. It states that the classroom block will not be available for community use during this period. The theatrette, the discovery room and the storerooms in this building will be for the exclusive use of the Department of Education and Training.

The specifications go on to indicate what is the expected use, and refer to approximately 5,000 users - 4,000 schoolchildren and 1,000 adults or senior students. I think I indicated yesterday how many bookings we have already. If I could put that again, I think it was pretty close to 5,000. We are up to 4,623 from 87 schools, and there are only nine booking days left. In terms of staffing, the Department of Education and Training will provide its own teaching staff to run its programs for the period of the contract. Again, whoever takes over the management of this centre knows that Education and Training will be running the programs and will provide its own teaching staff.

The specifications refer to provisions for administration. The Department of Education and Training will be responsible for its own program costs and maintenance, which consist of travel and subsistence and office requisites such as photocopy paper, instructional supplies, library software, staff development, program development and first aid. Whoever takes over the centre will be responsible for the administration of the school programs, which consists of bookings, fee collection and photocopying facilities. A liaison officer will be nominated by the Department of Education and Training. It is also stipulated that, when Education uses the facility, one of the four houses located at the Birrigai Recreation Centre, the teacher's cottage, will be required for use by the teacher-in-charge.

In terms of equipment, the specifications list what the Education Department will be responsible for in relation to its education program. It might be interesting to note some of that equipment, which is for the exclusive use of education programs. DET will provide a four-wheel-drive troop carrier-type vehicle - that is a big four-wheel-drive vehicle, I understand - for the exclusive use of DET personnel while they are there. The department will be maintaining the physical structures it uses now,

including Em's lab, the yurt, the Education-constructed toilet block, the campfire structure, the recycling centre, the flying fox and path access, the problem solving equipment, the bridges providing access to program areas, and the ropes course. Quite clearly, under the proposed arrangements, the Department of Education and Training, as it does now, will fully book accommodation at the centre for the 38 weeks by five days.

What is being provided in relation to the education component of Birrigai is to maintain these programs, and there are very good reasons for that. As Ms Tucker says, they are good programs. However, I think Mr Moore was quite correct in what he stated in relation to the thrust of Ms Tucker's motion. She is seeking absolutely no reduction whatsoever in, effectively, what amounts to how those services are delivered, including all the personnel who are there at present. What does that mean? At present, apart from the teachers who actually teach the programs, we have some other staff. I am advised that we have a schools assistant, who is fundamentally administration. That may well be able to be taken over by somebody else. We also have a bursar. Again, that is administration and, again, that may be taken over by somebody else. We also have a number of teachers who teach the program.

Ms Tucker has indicated some concern about the level 2 teaching position, that is, the teacher-in-charge position. The department, when it wrote to the union, flagged initially all positions as being part of the review, simply to let people know that their work environment might be changed as a result of the Government's decision in the budget to contract out the management of the centre. That does not mean that any of those positions will necessarily go and it certainly does not mean that the education programs will suffer in any way whatsoever. The tendering-out process is simply a means of achieving greater efficiencies to enable these outdoor programs to continue in the most effective way. I think that is crucially important.

If Ms Tucker's motion is accepted, and that is, effectively, that there be no reduction of the educational services and teaching positions, we could see remaining three cooks and a kitchenhand currently paid for by Education, with a total salary bill of $78,840.

Mr Wood: You do not want the kids to eat?

MR STEFANIAK: No, that is what having some rationalisation of the system is for, Mr Wood. Even Ms Tucker seems to accept that the centre can be run more efficiently. We might also see some administrative positions remain as well, when, quite clearly, the intent is for Education to get on with its job of conducting its very good program. I think everyone accepts that the centre can be run better. The two speakers so far have indicated that. Education has to make savings in relation to how its excess expenditure is utilised - and not just education but the whole of government, because currently there is money lost as well by Sport, Recreation and Racing. Last year's figures are quite significant. It seems that Education lost in excess of $450,000; if I do my figures, it is more like $481,000. *(Extension of time granted)* That $481,000 is a quite significant amount of extra revenue forgone. It is not just a revenue question, either.

That is a considerable loss, and we need to look at better ways of doing things. When one looks at the total for Sport, Recreation and Racing, their component of net loss, I am advised, is in the vicinity of $115,000. So it costs us about $600,000 to run Birrigai.

The education programs are great, and we intend to keep them. Obviously, the teachers' salaries are going to be a significant cost, but that is fine. We need to look at how the administration of the centre is operating and how it can be done better. That has some impact on several of the current positions, including the cooks, and also the schools assistant and the bursar. Because they are administrative positions, they can be done by somebody else, and done better and at less cost to Education and to the system generally. That is an essential component of efficiencies at Birrigai.

Already people have indicated some problems in relation to the cost. Quite clearly, the cost is most reasonable, and I indicated that yesterday. As over 4,600 children have already enrolled for next year, that is obviously a consideration; but, with the efficiencies that have been made and the slight increases in costs, we will make some additional savings. So that is a good start and an important one. However, the benefits gained will be negated to a large degree, I fear, if Ms Tucker's motion is successful. It does interfere with the Government's budget. The Government has brought down a budget covering all areas. We all know that difficult times are facing the Territory. This Government was faced with a very big blow-out in borrowings. The Chief Minister has stated on a number of occasions the difficulties we face. As one commentator pointed out, the ACT had not reached the precipice but was starting to walk towards it, and this budget turned us around and started us walking back on the right track.

In every unit of the budget - and Education was a significant component of the budget - any motion such as this, with wording such as this, effectively tells the Government, "No, you cannot touch this within your program. You have to spend money within your program, but we do not want you to do X, Y and Z". As Mr Moore quite clearly stated, that affects the Government's way of running its budget. If this motion got up, the money we would have to spend, which we had hoped to save, would have to be found from somewhere else in the education budget. With education, like any other sector of government, that would mean that something else would have to bear the brunt of it. Savings would have to be made somewhere else; something else would have to be cut. There would have to be a trade-off in some other program. Some other useful activity that Education engages in would have to cease because of this motion. That is the effect of it. Mr Moore was quite right.

As I have indicated to Ms Tucker on many occasions, and as the Government has indicated generally in relation to Birrigai, the programs are going to continue; but, please, let the Education Department run them. Let it get on with the job, and do not put obstacles in its way that will effectively cost more money, which will have to be made up from somewhere else in the education budget. Indeed, I would say that in relation to any of the motions before the Assembly that call on the Government to ensure that certain things are not reduced or cut or whatever. It has the effect of ensuring that the Government is going to have to find those savings elsewhere within those programs.

I oppose the motion. I foreshadow an amendment to it, but the motion as it stands quite clearly cannot be supported by the Government. I reiterate, however, what we have maintained all along: We value the education programs. We appreciate how they are valued in the school system. We appreciate that that is the main focus of Birrigai, and it is certainly our intention to maintain those programs and the effectiveness of those programs. I do not think it is appropriate for Ms Tucker to tell the Education Department how to do it. They are quite capable of doing that themselves, and most effectively, as I think is shown by the effect of those programs over many years.

MR WOOD (12.18): Mr Stefaniak and Mr Moore were wrong in one statement they made. I do not know whether they knew they were wrong, and whether they were accidentally wrong or deliberately wrong. Each of them began by saying that Mr Whalan set out to close down Birrigai. Mr Whalan set out to reduce staffing at Birrigai; I do not dispute that. We changed his mind. The Labor Party internally and the community, but the Labor Party primarily, changed his mind, and I was one of those who were most emphatic about it. Mr Moore and Mr Stefaniak try to walk in with a totally different notion. I will be gentle with them and put it down to poor memory on their part. I indicate that I had a lot to say to Mr Whalan, and I think some members have heard me say in this Assembly in the past, and you will hear it again today, that I have a very special attachment to Birrigai. I am pleased that Ms Tucker also has had quite a deal to do with it.

Mr Stefaniak in his speech showed himself to be an environmental vandal. We have found out before that he is an education vandal, disposing of schools and the like, and now he has extended this vandalism to the environment. It is a very simple issue: For greater efficiency - that is, to make it cheaper - he is proposing to damage access by students to a very important place. It was simply costing too much to provide our young people with the best environmental education that can be found anywhere. The cost to do damage to this school was $500,000. I noted during Mr Stefaniak's speech a very significant fact. He simply does not understand what Birrigai is. Birrigai is not an add-on, something extra, somewhere the kids can go on an excursion now and then. Birrigai is a school. It is one of the schools in our system. It has a principal, it has staff, and it has students. The only difference in structure between Birrigai and the hundred other schools in the ACT is that the students change every few days.

Mr Stefaniak is talking about the losses incurred by this school. Is he going to come back into this Assembly at some time next year and say that this school or that school is losing $3m - because that is what it costs to keep it open - and therefore we have to take some severe action about it? It is a school, Mr Stefaniak, and you have not understood it as such. Because you have not understood it, you are proposing to take action that is detrimental to the interests of our young people.

Mr Humphries: So why did you want to close it, Bill?

MR WOOD: You want to persist in this lie, too, do you?

Mr Humphries: Mr Speaker, that is most unparliamentary.

MR SPEAKER: Order!

MR WOOD: The only priority Mr Stefaniak has is money. This is, I believe, the best school - repeat, school - in the ACT, and we should not do away with the short- and long-term benefits that come to children through attendance at it. Like Ms Tucker, I have had quite a deal of experience with it. When I worked in the then Schools Authority, I was once required to write a report about Birrigai. It was a good report, and if anybody then had an eye on doing some damage to Birrigai they could no longer sustain that argument.

As a teacher in our school system, I frequently went out to Birrigai with classes, and I have to say that the experiences I and those students had were absolutely outstanding. The students acquired a great appreciation for our environment, they acquired a great respect for it, and they learnt how to care for it. That is what this Government wants to put a cost on, because that is what is happening. Mr Stefaniak used a spurious argument yesterday in answer to a question and again today in his speech, saying that there were some 9,000 students already booked in there for next year and, folks, this tells you that we are not doing any damage to it, that it is popular, and that they think what we are doing is great. Mr Stefaniak probably does not know - I will allow myself to be corrected, but my memory tells me this - that you need about a year's notice of booking into Birrigai, or two terms' notice.

Mr Moore: It used to be two years. I do not know what it is now.

MR WOOD: No, it is not two years; that is too long. Schools know, and it is on their calendar, when they can make their bookings for Birrigai for the next year. If you do not get in early, you are likely to miss out. That is not based on what Mr Stefaniak has just announced; that is based on the record of the school and the knowledge the teachers have of how good it is. You have to be quick off the mark to make sure you get a booking.

Mr Stefaniak: Like I said, Bill, there are only nine days left for bookings.

MR WOOD: Only nine days left? What a lot of nonsense! See how many applications you get in nine days; but those nine days will be for one year hence.

Mr Stefaniak: That is right, because everything except nine days is full.

MR WOOD: That is right. You still do not understand. Now that you have made this decision, over the next year and more than the next year schools will reassess what will happen. The costs are going to go up and schools and students - - -

Mr Stefaniak: They already have and they have accepted that.

MR WOOD: We will see whether the students accept it.

Mr Stefaniak: They have. There are 4,623 or whatever.

MR WOOD: No; you are missing the point. You are making this school more expensive. By making it more expensive, you inevitably make it more difficult for students to go to that school. You are making it more difficult. You have put a higher price on environmental education and on a quality environmental education: "Kids, you have to pay more to get this education". It is as simple as that. A moment ago Mr Stefaniak indicated that he could not rule out staff reductions. He said, "We have bursars, we have teacher assistants, all sorts of things, and, folks, they might have to go. Yes, we will save on administration, and programs and what happens there will not suffer".

The Minister has promised a very difficult time ahead for Birrigai. He has done it, as he has always done - as he did a little while ago with students on integration, and as he did with his PE program - without talking to anybody. Mr Stefaniak does not know the concept of getting out there and talking to the people involved. He just makes these snap announcements, and that is it. Birrigai will continue; I do not dispute that. But will it continue with the capacity to attract the same number of students, because of that extra cost? I doubt it. At some stage in the future, if those numbers decline, the Minister will then turn up in this Assembly and say, "It is not doing too well; numbers are not going there any more. We will have to close it". I want to repeat the main point of what I am saying, because the Minister showed that he totally misunderstands it. Birrigai is a school like any other school in this system and should be treated as such.

MR HUMPHRIES (Attorney-General) (12.27): Mr Wood disclaims any knowledge of a move by the first Follett Government to close Birrigai. I have to say that the public record is very different from that. I think you will even find Mr Whalan on the public record indicating his preparedness to consider that option. The Government did not get very far down the track because it did not stay in office for more than seven months. The fact is that Mr Whalan proposed to close a number of preschools, and I think he succeeded in doing so. Similarly, he proposed to close a number of other institutions in order to meet budgetary targets, including the program at Birrigai.

This Government is not talking about doing anything of the kind. It is talking about making sure that such programs retain a relevance within the system and a capacity to meet the needs of people in our system, which an approach like that exhibited in this motion could leave to one side. In other words, we are prepared to say that we will look at the way the services are provided. We do not treat any educational service anywhere within our system as being sacrosanct in its present mode. There are ways of improving anything over a period of time, and Birrigai is no exception to that. In Birrigai's case, there is a need for us to ensure that we are able to achieve what we need to achieve, possibly within a tighter budgetary framework, certainly in such a way as to provide for an ongoing program there. That does not mean that we can treat any teaching position within that program - Mr Wood calls it a school; it is technically a program, and that is the way it was described when he was Minister as well - as being sacrosanct for the short term, or the long term either.

The Government is concerned to maintain the teaching program, but it will be seeking ways and means by which the program can be improved. That is not an unusual or ambitious goal. It is a goal that any responsible government has to take on board if it wishes to ensure that its programs remain relevant and up to date. I believe that we can achieve changes in staffing structures at Birrigai, possibly with a different mix between teaching and non-teaching positions, in order to demonstrate that kind of capacity.

MR SPEAKER: Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77. The resumption of the debate will be made an order of the day for the next day of sitting.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Financial Management Reform Unit

MS FOLLETT: Mr Speaker, I have a question for Mrs Carnell as Chief Minister. Chief Minister, will you confirm that your Government recently approved the appointment under contract of a Mr Steve Anderson as head of the Financial Management Reform Unit at a fee of $1,440 per day, or $340,000 per annum? Will you explain to the Assembly how you justify paying this exorbitant amount of money to a consultant at a time when you are proposing to sack many executive officers in order to reduce expenditure? Will you table in the Assembly today the contract with Mr Anderson and his terms of reference and/or the gazettal of his appointment?

MRS CARNELL: Yes, we have appointed Steve Anderson; in fact, not just recently, but quite a few weeks ago, I would have thought. Steve Anderson has been brought on stream to head up the financial reform process within the ACT Government. It was initially advertised internally to try to get an appropriate person from inside the ACT Government Service to do that job, but unfortunately there was nobody appropriate who actually applied for it.

Mr Berry: You did not offer them $340,000; that is why.

MRS CARNELL: It is the truth. I was surprised too, but it turned out that there was nobody internally who wanted to do this sort of a job. It is a very difficult job and one that is going to require an enormous amount of hours and an enormous amount of enthusiasm. Mr Anderson has a long history of being part of these sorts of reform processes. He has worked in Western Australia and a number of other places, getting these sorts of reforms in place and working. Having found nobody internally to do the job, I believe that Steve Anderson was a very appropriate appointment.

MS FOLLETT: Mrs Carnell has not answered the question, Mr Speaker. I asked whether she would table that contract, and she has not addressed the question of the cost of Mr Anderson either.

Mrs Carnell: Yes, I did.

MS FOLLETT: No, you did not. I ask a supplementary question, Mr Speaker, and I would invite Mrs Carnell to address both of those issues, which she has not done so far. Is Mr Anderson actually exercising the duties of a division head, and is that not a flagrant breach of the Public Sector Management Act?

MRS CARNELL: Mr Anderson is not performing the duties of an agency head or as a normal public servant at all. He has come in specifically to make sure that the financial reform process, right across all departments, not just in the Chief Minister's - - -

Mr Connolly: Does anyone report to him?

Ms Follett: Who reports to him? Are they reporting to him?

MRS CARNELL: He is directing the whole financial reform process across the ACT public service.

Mr Connolly: He is directing public servants.

MR SPEAKER: Order! Silence, please. Let the Chief Minister answer.

MRS CARNELL: He is not directing staff. He is directing the program across the board, which is not a public service job at all. In fact, quite the opposite. The previous Government talked about financial reform and they talked about accrual accounting, but they could never make it happen. We have made sure that we put in place situations that will achieve the ends that we set out to achieve.

Ms Follett: Will you table the contract?

MRS CARNELL: I am very happy to table in this place what Steve Anderson is being paid. That is not a problem.

Planning Authority

MR KAINE: Mr Speaker, I address a question to Mr Humphries, Minister for Planning. Minister, the staff of the ACT Planning Authority has found itself under attack in the past few weeks, beginning with the Stein report and subsequent to that in the *Canberra Times* and in other media. I have read the Stein report and I have some concern about these attacks that are being made on our planning public servants. Mr Humphries, do you believe that these attacks are warranted, or do you believe that, somehow or other, along the line, they have missed the point?

Mr Berry: If you have read it, what does it say on page 171?

MR SPEAKER: Mr Berry, the question is asked of Mr Humphries, not you.

MR HUMPHRIES: Mr Speaker, I thank Mr Kaine for the question. It is a very timely one. I see members opposite waving around the Stein report. Mr Speaker, I have already put on record in the public arena my comments about the Stein report and I have indicated that there are some areas in that report which the Government will be addressing positively. I also feel that there are some comments now in the air, from this report and from other reports, and general comments made by other members of the public, about the competency of staff in the Planning Authority which ought to be put to rest very quickly. The Government has said that it accepts elements of the report, but those involved in the Planning Authority and the Land Division of the Department of Urban Services are staff for whom I have the very greatest respect. I believe they are doing a very difficult job very well.

Mr Speaker, the reason this question is timely is that the opinion that I have expressed today about that subject is not merely my view; it also is the view of the Royal Australian Planning Institute, which last night gave two awards to the Planning Authority. The first was for community planning for the Gungahlin Town Centre area draft variation. I think the whole Assembly will join with me - I hope they will - particularly members of the Planning and Environment Committee, in welcoming that acknowledgment of the very great deal of hard work the Planning Authority put into making that one of the best town centre blueprints, I think, we could expect to see anywhere in the world. Mr Speaker, I believe that is an appropriate response to that very great deal of hard work which reflects very well on those people.

I am also pleased to advise the house that the Planning Authority has won a second award in conjunction with the other members of the ACT and Sub-region Planning Committee.

Mr Connolly: Congratulations, George. George gets the door.

Ms McRae: That is right. This is really good. It is what you get if you do a good job. Whom are you sacking next?

MR SPEAKER: Order!

MR HUMPHRIES: As members would know, that committee has produced a strategy, with 13 accompanying position papers, which bring together substantial research about regional resources, environmental management, settlement patterns and infrastructure linkages. The strategy, designed for the year when 5,600 people will live in this area, shows the great cooperation that can occur between local and State governments on matters of mutual interest. Mr Speaker, I think that our planners will continue to administer the system competently and it is up to us law-makers - - -

Ms Follett: George will not.

Mr Connolly: George has gone.

MR HUMPHRIES: I think I should address the objections about Mr Tomlins. I remind members that when the issue that gave rise to this particular report was first on the table, namely, the problem with betterment at Yowani, there was a call for there to be an inquiry into this matter. I recall, Mr Speaker, that those opposite joined in that call for an inquiry.

Mr Berry: Remember the chief executive of Health? He was axed, right in the neck.

MR HUMPHRIES: Mr Berry, on behalf of the Opposition, joined the call for an inquiry. You check the records. Mr Wood shakes his head, but in fact that inquiry was based on that joint call. Mr Speaker, those opposite cannot demand an inquiry, see the outcome of the inquiry, and then reject the findings - at least, I would not think that that would be a particularly easy thing to do - especially when it gives rise to certain comments in these circumstances about particular staff. I make no comment about those particular staff who were explicitly named in that report.

Ms McRae: Scapegoats.

Mr Berry: The buck stops there.

MR HUMPHRIES: I will say that there was no alternative but to take that course of action. It is the responsible action of a responsible government. Mr Speaker, notwithstanding that decision, I believe that the staff of the Planning Authority and the Land Division - this is a general comment - are worthy of the support of members in this place because they have done a good job. They continue to do a good job in very difficult circumstances. It is up to us, as members of the Assembly, to clear up the minefield of laws, plans, rules and guidelines which make their job so very difficult.

Industrial Relations Consultant

MR WOOD: Mr Speaker, my question is to the Chief Minister. Chief Minister, will you confirm that Mr Paul Houlihan was recently contracted by your Government to advise it on an industrial relations matter and that he is being paid more than $1,000 a day? Will you advise the Assembly precisely how much Mr Houlihan is being paid as a fee and in allowances?

MRS CARNELL: I think it has been well touted in this place that Mr Houlihan was appointed by my department to do a specific job, and that was to advise the people who were doing the industrial relations work for the Chief Minister's Department on certain aspects where they lacked expertise. I think it has been spoken about at length by Mr De Domenico. I think it was the unions themselves that suggested that my industrial relations group could do with some extra expertise in strategic planning, and it is strategic planning directly. In fact, Mr Houlihan was involved in that sort of an approach, in strategic planning directly. No-one could doubt that Mr Houlihan has expertise in that area. He gained it when he was involved in the trade union movement. When we go ahead and get expertise in an area where the unions themselves have said we need expertise, somehow those opposite get all upset. I am very happy to make public the amount of money that we are paying Mr Houlihan.

MR WOOD: I have a supplementary question. I thought that the Chief Minister would have known that. Thank you for the offer to tell us. Will you also table Mr Houlihan's contract, his terms of reference, and the gazettal of his appointment?

MRS CARNELL: I am very happy to table Mr Houlihan's terms of reference. That is not a problem.

Woden Valley Hospital - Nursing Staff

MR CONNOLLY: My question is to the Chief Minister as Minister for Health. Minister, can you confirm that at the same time as you are flying one doctor from Taree to Canberra every week to work as a VMO in the Emergency Department at Woden at $143 an hour, which works out at about half-way between what you are paying Mr Houlihan and what you are paying Mr Anderson - about $1,200 a day - you have had to cut nursing numbers in the Emergency Department?

MRS CARNELL: My advice, Mr Connolly - - -

Mr Berry: Do you not know?

MRS CARNELL: Yes, I do know. My advice, Mr Connolly, is that the nursing staff in accident and emergency are at the accepted level at this stage; the approved level, to make it clear. One of the things that I need to address here, very definitely - - -

Mr Berry: Search your pages. Quick. Can't you find it?

MRS CARNELL: I am just getting the exact figure.

Mr Berry: You do not know at all, do you?

MR SPEAKER: Order! Chief Minister, would you mind resuming your seat. It would appear from the interjections that the Opposition are not terribly interested in hearing the answer to the question.

Mr Connolly: I have the answer here, Mr Cornwell, and I will table it later.

MR SPEAKER: Well, why are you asking the question and wasting the Assembly's time?

Mr Connolly: Because I do not think she will be truthful.

MR SPEAKER: I ask that that be withdrawn.

Mr Connolly: Mr Speaker, experience demonstrates what I said. If you wish me to withdraw, I withdraw.

MRS CARNELL: The nursing staff in the Emergency Department, as I said earlier, is currently up to establishment. There are 4.88 full-time equivalents who are on Comcare or extended sick leave and their return date is unknown. Their absences have been filled by deploying staff from other areas of the hospital, and we have used, in some cases, agency and casual staff, as Mr Connolly would know. So they are at establishment levels. You are wrong, Mr Connolly, again.

I would like to talk a little about one of the other comments that Mr Connolly made - that somehow it was unusual to pay a locum in accident and emergency $143 an hour. Mr Connolly would know that that is the standard level for locums in accident and emergency. Mr Connolly would also know that it is not unusual to fly locums in from other places in Australia. It happened under Mr Connolly. It happens at Calvary. It happens everywhere. I would be very interested to know whether Mr Connolly wanted us not to fill the position at all and to have a situation in accident and emergency over Christmas where we could not save lives, where we could not end up with a situation of providing absolute basic emergency services to the people of Canberra and surrounding districts. The fact is that I was not willing to allow that to happen.

When Dr Roberts resigned in November we immediately started to advertise his position. As Mr Connolly would also know, it is very difficult to find people of his calibre very quickly. We believe that the position will be filled by next March, but it will take that long. Dr Roberts, because he is a very good doctor and a very dedicated doctor who headed up our accident and emergency area, said that even though he wanted to spend more time in Taree with his family he was willing to fly to Canberra every week to fill in during the time that it took us to fill his position. He is being paid exactly the same amount per hour as any other locum would be paid. He is being flown in, in exactly the same way as any other locum would be flown in.

I am very interested in this, though. Mr Connolly seems to find $143 an hour out of the question. I was interested when I heard Mr Connolly make those comments this morning, so I rang around a bit and found that junior lawyers, straight out of university, are charged out at about $125 an hour. If it is a partner, the charge is double that. It is $250 plus. For people like Mr Connolly, who is an absolute expert in constitutional law, and barristers and all that sort of stuff, it is thousands of dollars a day. The reality is that Dr Roberts, out of the goodness of his heart, has said that he will continue to fill in while we fill his position. He did not have to do that. It is because he is dedicated to Woden Valley Hospital. He is a good doctor. He set up that area, and I think we should be thanking him, not criticising him.

MR CONNOLLY: Minister, can you also confirm that you are requiring nursing staff to ease up on the use of bandages and other sterile equipment in the Emergency Department in order to meet budgets - and I am not quoting from *Yes Minister*? Can you confirm that there is an instruction that nursing staff should cease using sterile bowls for burns dressings, again in order to meet the budget?

MRS CARNELL: We have certainly issued a number of directives to ensure appropriate use of disposables within the hospital. As we know, under the Booz Allen recommendations, there was a suggestion that Woden Valley Hospital was overspending in the area of disposables. What we have asked nurses to do, within the realms of sensible infection control and so on, is to be as frugal as they can be, and that will continue to be the case.

MR CONNOLLY: Mr Speaker, Mrs Carnell never tables documents, but we are always happy to. I seek to table minutes of a meeting of the Emergency Department staff of 26 October 1995, which confirm that staffing levels will be reduced, that the roster of nursing staff has been reduced from 10 to eight in the mornings and that the paediatrics unit will be closed, and which confirm instructions for nursing staff to ease up on bandages and not use sterile bowls for burns dressings.

Leave granted.

Mr Humphries: Where does this come from?

Mrs Carnell: Another working party?

Mr Connolly: From your hospital.

Mr Kaine: Where did you steal that document from, Mr Connolly?

Mr Berry: Mr Speaker, I rise on a point of order. I heard Mr Kaine imputing that Mr Connolly stole that document. Would you ask Mr Kaine to withdraw that statement.

MR SPEAKER: If you did, Mr Kaine, will you withdraw? I did not hear the comment, to be honest.

Mr Kaine: Mr Speaker, it is a good question as to where he got it from, but I will withdraw the imputation of stealing.

Ainslie Transfer Station

MS HORODNY: My question is to the Minister for Urban Services, Mr De Domenico. I refer to the Minister's letter in the *Canberra Times* yesterday in which the Minister states that the Ainslie Transfer Station will be used as a vehicle depot and storage depot for road construction such as the Federal Highway upgrade. The transfer station itself is currently uncontaminated, although there is an old tip site further down the hill. Using the site as proposed by the Minister would contaminate the site and might limit its use in the future. Has the Department of Urban Services already completed all necessary ecological and contamination studies and gained Planning Authority approval for the conversion of that site into a roadworks depot?

MR DE DOMENICO: I thank Ms Horodny for her question. The answer is that I do not know whether all those things have been done, but I will check and let Ms Horodny know.

MS HORODNY: I have a supplementary question.

Mr Kaine: How could you ask a supplementary question on the basis of that answer?

MR SPEAKER: Do you want to add something, Ms Horodny?

Mr Berry: She just wants to discover whether there is something else he does not know.

MR SPEAKER: Order!

MS HORODNY: Will the Minister give an undertaking that all options for redevelopment of that site will be considered by the Government in an open and accountable public inquiry?

MR DE DOMENICO: The answer to that question is yes.

Totalcare Industries Ltd

MR HIRD: Mr Speaker, my question is to the Chief Minister. I refer Mrs Carnell to a new business venture that is being operated by one of the ACT's two Territory-owned corporations, that is, Totalcare. Can the Chief Minister advise the parliament how Totalcare's move into oil recycling operations is paying off for both Canberra consumers and the environment?

MRS CARNELL: Thank you very much, Mr Hird. It really does show how a Territory-owned corporation - something somewhat maligned by others here - can do an extraordinarily good job for the ACT. I think that Totalcare's operations are well known to those in the Assembly. The corporation operates a number of businesses, including a major linen hire service to hospitals and hotels, a sterilising service for reuseable surgical instruments, incineration of medical and other wastes, building maintenance, and a bus transport network with services targeted primarily at children with disabilities and the frail aged.

As mentioned earlier, it is totally owned by the ACT Government and began operations as a Territory-owned corporation in January 1992. I am pleased to report that for the year ended 30 June 1995 Totalcare reported a record profit of $646,000 before tax. That is an increase of 18 per cent over the previous year, and it really does show you what Territory-owned corporations can do. It shows you that that flexibility that we often talk about can really reflect into increased profits. Most importantly, we have seen an increase of 12 jobs over the last 12 months as well; not just more profit, but more jobs as well.

Earlier this week, Mr Speaker, I was pleased to learn that Totalcare had expanded its role into a new environmentally related industry, the recycling of motor oil. At the beginning of 1995 Totalcare took over the operations of Canberra Oil Disposals. In its first year it collected 1.1 million litres of used oil in Canberra. Much of the oil collected was of good quality and contained low levels of contaminants. This portion was then able to be used as a source of fuel for Totalcare's boilers, which produce steam for the laundry and sterilising operations. Because of this the company has been able to achieve significant savings in its natural gas consumption. The other portion of the used oil that does not meet strict environmental guidelines is sold to a specialist recycler of used oil, based in Sydney.

Put simply, Mr Speaker, Totalcare's used oil project has not only solved an environmental problem for Canberra but also put a waste product to a very productive use. The corporation now is looking to expand into other related environmental areas. Mr Speaker, I would like to congratulate the staff of Totalcare on this venture, which is paying off for Canberra taxpayers, both environmentally and financially. I would certainly like to congratulate Totalcare on a good end of year result.

High School Students - Bus Travel Subsidies

MS McRAE: Mr Speaker, my question is to Mr Stefaniak as Minister for Education. Minister, is it true that the students from the soon to be closed Charnwood High School are being told by the Department of Education that subsidy for bus travel will apply only to students who will be attending Ginninderra High School, and no other school in the local area?

MR STEFANIAK: I thank the member for the question, Mr Speaker. As Ms McRae would realise, when we had the debate in relation to any possible amalgamation of Charnwood High with Ginninderra High, the question of bus fees came up. It is proposed that students of the amalgamated school who come from the old Charnwood High School will be given bus passes. I have spoken with the members of both school boards on a number of occasions. Those school boards are very keen to amalgamate. I am pleased to see that the school has now come up with a new name, Ginninderra District High School, as a result of the discussions between the two school boards and the two school communities. The whole intention, in terms of what this Government was about in relation to the debate on Charnwood, was to give effect to the wishes of the school community. The school community voted to amalgamate.

Mr Berry: No, they did not. The board did. The community said they did not want to close it.

MR STEFANIAK: The board, representing the community, voted to amalgamate. They are amalgamating into one school. It is most appropriate that the community be assisted in terms of that amalgamation. Accordingly, school bus passes will be given for, I believe, two years to those students going to the new amalgamated school.

MS McRAE: This is the parents' perception, and you have some very angry parents out there because they believe that you are discriminating. They believe that it is your Government's policy - and I am talking about 50 students - - -

MR SPEAKER: Order! You are going to have a very angry Speaker here very shortly. Is this a supplementary question?

Mr Connolly: Yes.

MS McRAE: I am talking about 50 students. They believe that it is your Government's policy to close down schools and then dictate, against current policy, which school they will attend. Minister, why should students who want to attend Melba High, who live in Flynn, Fraser and places not convenient to Ginninderra High, be discriminated against in this way?

MR STEFANIAK: Mr Speaker, there are a number of students who attend other high schools in Belconnen and elsewhere from Charnwood. That has been one of the problems. Less than 50 per cent of the kids who live in that area went to Charnwood High School. That indeed is a problem. Ms McRae, the whole idea of what the boards were all about was to form a new school, just like Stromlo High School. I am sure that the new Ginninderra District High School will be equally as successful as Stromlo. The board, representing the school community, voted to amalgamate with Ginninderra High School. I thought that was quite clear from what the Chief Minister was saying in the Assembly when we had that debate, and the majority of members voted not to supplement. That was certainly - - -

Ms McRae: It is not the choice of these children to have their school closed.

MR SPEAKER: Order!

MR STEFANIAK: I am sure, Mr Speaker, that Ms McRae was talking about the Government's policy of school closures. This Government's policy is quite clear. Ms McRae might be stirring up a few people there, but my understanding, Mr Speaker, is that the debate - - -

Mr Humphries: Not Ms McRae, no!

MR STEFANIAK: No, not her. Mr Speaker, it was quite clear what this Government proposed to do, and what this Assembly proposed to do, when we had the debate in relation to Charnwood High. It is quite clear what the Charnwood board intended and what the Ginninderra board intended.

Autism Association - Funding

MR WHITECROSS: Mr Speaker, my question without notice is to Mr Stefaniak in his capacity as Minister for Education and Training and also in his capacity as Minister for Housing and Family Services. Minister, will you explain why you and your department have given such low priority to the Autism Association that it has not been allocated funding by the Federal department in the latest round of funding?

MR STEFANIAK: I thank the member for the question. Mr Speaker, the Commonwealth Government provides supplementary funding for non-school organisations in the ACT through the intervention support sub-component of the national equity program for schools. This year the Commonwealth non-school organisation funds were administered by the Commonwealth through DEET. The Autism Association of the ACT initially was not allocated funding but was wait-listed. When additional funding became available to this component the Autism Association of the ACT was funded $10,000 towards the salary of a psychologist liaison officer. I understand that the Commonwealth will not be providing additional funding for 1996. For 1996 funding, the Commonwealth sought to devolve administrative responsibility for funding to the ACT Department of Education and Training. This was agreed to. However, funding allocations still had to be made within Commonwealth guidelines and criteria.

This year, Mr Speaker, in accordance with the criteria set down by the Commonwealth, the Autism Association of the ACT was ranked as low and, accordingly, it was recommended that it not receive funding. The funding advisory committee, Mr Speaker, comprises representatives of the ACT Department of Education and Training and Children's and Youth Services, the Catholic Education Office, the ACT Chapter of the Special Education Association, the Child Advocate, the Australian Education Union, the ACT Disability Services Advisory Committee, the Child Health and Development Service, the ACT Council of P and C Associations, the Independent Schools Staff Association, the Association of Parents and Friends of ACT Schools, the Association of Independent Schools of the ACT and the ACT Chapter of the Early Intervention Association.

Mr Speaker, there were 16 applicants, of whom eight were successful. The guidelines are set by the Commonwealth in terms of criteria. So, Mr Speaker, unfortunately, those funds were not available. Perhaps Mr Whitecross might like to take up the guidelines and the question of Commonwealth funding with his Federal colleagues.

MR WHITECROSS: I have a supplementary question, Mr Speaker. Mr Speaker, as is the custom in this place when asking supplementary questions, the first part of the supplementary question is: Please answer the question I just asked, which is: Why was the decision made to apply such a low funding priority to the Autism Association? You have not answered it. You said who was consulted but you have not said why they were allocated such a low priority. What were the reasons?

How is the community to take this decision in the light of the fiasco created over the funding of special holiday programs for these children, which have been so badly handled that your department has been forced to apologise for it, although you have not chosen to? What message are you sending to the community when, first, you have this fiasco, and now your department considers this such a low priority that it was not even granted funding in the latest funding round?

MR STEFANIAK: That is a very long supplementary question, Mr Speaker. I do not think Mr Whitecross really appreciates that the Commonwealth sets the criteria. He might like to take it up with the Commonwealth. My department is quite happy to see whether it can do anything in relation to this, but in this instance it is very much guided by Commonwealth criteria. You might like to take that up with your Federal colleagues, Mr Whitecross.

Housing Trust - Complaints

MS TUCKER: My question is to the Minister for Housing, Mr Stefaniak. In today's *Canberra Times* it was reported that complaints to the ACT Housing Trust increased by 28 per cent in 1994-95. What action will you take in response to this, to ensure that complaints are better dealt with in the future?

MR STEFANIAK: I thank the member for that question. The ACT Housing Trust fully supports the role of the Ombudsman's Office, and we do have a very good track record in cooperating with that office to resolve complaints quickly and amicably. In 1994-95 the Labor Government was in power for about nine months, and I think that is a very important fact to note. There was a 28 per cent increase, but the Labor Government was in power. Even then I think the Housing Trust supported the role of the Ombudsman's Office.

Ms Tucker, most of the case studies outlined in the report involved routine administrative problems of a type that occurs from time to time in most agencies. I think you will see, if you look at the table, that ACT Housing was able to respond in a way that enabled these complaints to be resolved satisfactorily following the Ombudsman's approach. I think the percentage in the table is something like 78 per cent, which is better than that of any other agency. In terms of time of response, it was about 18 days. Whilst I will say that those complaints and that percentage increase occurred largely under the previous administration, there are still those positive aspects.

In relation to what is being done, I think I have mentioned on a number of occasions in this house steps taken by this Government to improve the procedure. I have indicated on a number of occasions that we want to be a good landlord. Sure, we expect tenants to live up to their responsibilities; but we have responsibilities as well, and one of them is prompt responses to complaints. Members might like to note how many complaints they get from Housing Trust tenants. A number of people have mentioned to me that the number is down considerably from what it was 12 months ago.

We have put in place a number of strategies to ensure that our service to our clients is much more efficient. One example, Mr Speaker, is the brochure which was delivered recently asking tenants to indicate what problems they had with their houses and what things needed fixing. Those things are very important. One of the big sources of complaint was maintenance problems. Another one was priority listing. We are doing all we can. I have mentioned in a number of instances how best we can overcome this problem. I think we are making very good headway in relation to that, Mr Speaker. I am very confident of seeing the percentage of complaints decrease next year.

MS TUCKER: I ask a supplementary question. You have said that you have put in place a number of strategies, and you mentioned the pamphlet. Could you table a document to show all the other strategies?

MR STEFANIAK: I think I have made mention on a number of occasions, Mr Speaker, of a number of strategies we have put in place. In terms of any documents that have been produced by the Housing Trust in relation to improved strategies, and anything that I might have said in relation to that and made public, I am happy to have those collated and I will give them to Ms Tucker.

Education Budget - Salary Increases

MR BERRY: My question is directed to the Minister for Education, Mr Stefaniak. I would remind the Minister of the claims made by the Chief Minister that the Government is prepared to supplement salary increases for government employees to the tune of 3.9 per cent with no trade-offs, and that this was funded in the budget. I further remind the Minister that on 5 December in this Assembly, in answer to a dorothy dixer from Mr Kaine about the Government's reported offer to all ACT government workers, the Minister for Industrial Relations, your colleague Mr De Domenico, said, among other things:

> ... here is the Government's agenda, up front, on the table, no strings attached. In this instance it is $7 per week average per employee, starting next payday. There are no strings attached and no productivity to counter things at all. There is to be an increase of 3.9 per cent over 2½ years. We have said, "If you want any more than - - -

MR SPEAKER: Order! We might have some productivity from you, Mr Berry. Can we have the question?

MR BERRY: This is by way of explanation and it is a direct quote. It may be embarrassing for your colleagues, Mr Speaker, but it has to be carried through. I quote:

> We have said, "If you want any more than 3.9 per cent, let us discuss it on an agency level and we can talk about that as well".

That is what Mr De Domenico said. Is it not a fact, Mr Minister, that the education budget does not contain the money to provide for these salary increases as promised by the Chief Minister and your colleague Mr De Domenico in relation to the promised 3.9 per cent?

MR STEFANIAK: Mr Speaker, I think Mr Berry refers to the 3.9 per cent over three years. The short answer to that is: Yes, it does.

MR BERRY: I have a supplementary question. Could you confirm, Mr Minister, that no productivity will be required of teachers for that pay increase over the period, up to an amount of 3.9 per cent as promised by Mr De Domenico, and that that will apply to teachers? If that is not the case, Mr Minister, will you admit that Mr De Domenico has misled this chamber?

Mr Kaine: The answer is no.

Mr Connolly: Mr Kaine, you know the answer. He does not.

Ms Follett: It is another, "Who knows?", is it?

MR STEFANIAK: No, it is not a "Who knows?". That 3.9 per cent was factored into the 206 point whatever million dollars, Mr Speaker, the 212 point whatever million dollars, and the 218 point whatever million dollars over three years. It is factored in there in terms of money within our overall envelope for that amount of wage rise.

National Schools Volleyball Cup

MR OSBORNE: My question is to the Chief Minister. Mrs Carnell, I am addressing this question to you because it seems that the relevant Minister has washed his hands of the situation. I am referring to the National Schools Volleyball Cup, which is held in Canberra each year and brings about $3.5m into the local economy. In light of the obvious advantages of keeping this tournament in Canberra and both the previous Government's and your Government's apparent willingness to sponsor sports events, even through the Health Promotion Board, are you willing and able to organise your Government and resolve this problem before the annual tournament and the 10-year deal go to another city, taking the much needed cash out of our local economy?

MRS CARNELL: Thank you, Mr Osborne. This is a really interesting one. It is one that we have been trying to solve for the last little while. The problem, as I understand it at this stage, is that they have not actually put in an application, and it is extraordinarily difficult to give them a grant with no application.

Mr Connolly: Just like the police - they never asked for the money, Paul.

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

MRS CARNELL: As those opposite would know, they really do have to put in a formal application. It does mean that they miss out on sports grants. My understanding is that we are looking at the possibility of CanTrade and HealthPACT as options to be able to keep them here because, like you, we want the volleyball tournament to stay in Canberra.

MR OSBORNE: I have a supplementary question. Will it stay in Canberra, Mrs Carnell? That is the question.

Mr Berry: No, she just wants them to.

MR OSBORNE: We are keeping our fingers crossed, are we?

MRS CARNELL: My understanding is that initially, when they missed out on sports funding, we told them to put in an application to HealthPACT and to put in an application to CanTrade. I support them staying in Canberra and we will do everything in our power to achieve that. As you would know, HealthPACT is an independent statutory authority, so we cannot direct what they will approve; but we will do everything in our power to achieve funding from one of those two levels.

Legal Services - After Hours

MR MOORE: Mr Speaker, my question is to Mr Humphries as Attorney-General. It is my understanding, Mr Humphries, that from 31 December people who are arrested and placed in a police station will not have access to an after-hours solicitor because of the $40,000 saving to legal aid funds.

Mr Osborne: What is wrong with that?

MR MOORE: My close independent colleague, Mr Osborne, asks, "What is wrong with that?". I will explain for him as part of my question. No doubt the Minister at least is aware, even if Mr Osborne is not, that the Commonwealth Crimes Act, section 23G, which applies in the ACT, states that all persons have the right of access to legal representation. That is what is wrong with that, Mr Osborne. I understand, Mr Humphries, that you have asked the Law Society to provide this service on a pro bono basis. What plans have you to provide this service if the Law Society does not agree to fill the gap on a voluntary basis?

MR HUMPHRIES: Mr Speaker, Mr Moore's understanding is wrong. There is no proposal to discontinue a service to people outside normal trading hours.

Mr Berry: You just decided to cut the money.

MR HUMPHRIES: No. There is no cut of money. I have indicated that the service operated, I think for the last six months - it might have been 12 months - from a firm of solicitors in Canberra that provides after-hours service is being reviewed on the basis that it had a very low patronage, and that is quite understandable. I think that ought to be supported by people who want to know what value for money we are getting when we put this through the Legal Aid Commission.

Ms McRae: More volunteers to go and use a solicitor.

MR HUMPHRIES: Just listen, Ms McRae. You might find out something. It is just possible, if you listen. Exercise patience and you will get somewhere.

MR SPEAKER: You will not find out anything if you keep interjecting, because you cannot hear the Minister's answer.

MR HUMPHRIES: The service will not be discontinued. It will either continue through the present service funded through legal aid or be replaced by a service provided by a roster of lawyers voluntarily entered into by the Law Society. I have had several discussions with the Law Society about the arrangement.

Mr Connolly: We will rely on charity.

MR HUMPHRIES: No. The Law Society is quite happy to entertain the idea. They have said to me several times that they are prepared to look at the idea, and that is currently under way. There will be no decision to remove the services of lawyers to people in custody after hours. It will be available, whether it is through a roster or through this particular scheme funded presently through legal aid.

MR MOORE: I ask a supplementary question, Mr Speaker. Mr Humphries, even if the $40,000 savings is made and not spent on this firm, will you guarantee that all persons who seek to have legal representation under those circumstances will have legal representation?

MR HUMPHRIES: Yes.

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

ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE
Report on Airports Conference - Government Response

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (3.14): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Economic Development and Tourism's report entitled "'The Future of Airports in Australia' Conference" and move:

> That the Assembly takes note of the paper.

Mr Speaker, the Government welcomes the report from members of the Standing Committee on Economic Development and Tourism from the conference they attended entitled "The Future of Airports in Australia". I would like to thank the members for the work put into preparing the report. The report acknowledges the importance of the airport and the question of access by tourists and business people to the national capital.

Future development of Canberra Airport is very important, given the implications of planning, land management and infrastructure provision. Therefore, any response to the committee's questions must be set in the context of the overall strategic direction for the ACT.

Mr Speaker, as members will know, the Chief Minister, together with the Commonwealth Minister for Housing and Regional Development, recently announced a joint review of the Territory's metropolitan growth strategy. This review will provide a framework for the wider development of the Territory over the next five to 10 years and must encompass issues such as what, in an overall transport strategy, is the role of Canberra Airport. The examination of the future directions for Canberra Airport must also take account of the impacts of a high speed rail link between Sydney and Melbourne.

The report raises several implications for consideration by the Government, the National Capital Planning Authority and the owner of the airport, currently the Federal Airports Corporation. Several of the issues raised by the committee are currently being addressed in the current master planning exercise being undertaken by the Federal Airports Corporation as a requirement of the National Capital Plan. In particular, it is looking at long-term development options for Canberra Airport. The Government is represented on the steering committee by the ACT Planning Authority and we will refer the relevant points to that committee for its consideration.

Good transport links are essential to Canberra's economic and social wellbeing. As part of our drive to improve these links, we want to ensure that Canberrans derive the maximum value from the airport, which is an important element of the region's business and community infrastructure. There have been some studies undertaken on specific aspects of the airport in the past. In the light of the Commonwealth Government's intention to lease all Federal airports, including Canberra, there is now a need for a comprehensive study and, as members will be aware, this Government has allocated $91,000 in the 1995 budget for this task.

Mr Speaker, the terms of reference for the study have not been finalised. However, it will examine and report on the future of Canberra Airport as a transport and economic entity for the region and enable the ACT Government to determine what involvement it should have in the future lease of the airport and the approach it should take to ensure any such involvement. When the report on this study is received, and also the outcome of the feasibility of a high speed rail link to Sydney is known, the Government will decide how this major gateway to the region can be developed in conjunction with the private sector. The study on the airport is expected to be completed in June 1996.

Mr Speaker, the Government recognises that the ACT has enormous potential to attract visitors, both national and international. We have a unique product, a product that is growing and developing, a product that we are promoting in key international markets. Canberra Airport therefore is a key infrastructure element in that equation. In tabling the detailed response to the report, I would like, once again, to thank the committee for the work it has done.

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

COMMUNITY LAW REFORM COMMITTEE
Paper on Residential Tenancies Law Draft Legislation

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present the Community Law Reform Committee's proposals for residential tenancies law.

TIMBER INDUSTRY - IMPLEMENTATION OF ASSEMBLY RESOLUTION
Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I seek leave to make a ministerial statement on the Assembly resolution on the Australian timber industry.

Leave granted.

MR HUMPHRIES: Mr Speaker, the native forest and woodchip debates have been the source of some concern for a large number of people for quite some time, and many people see the future of our native forests as a pivotal issue in the environment debate. The ACT is a small player in the national scene. All of our native forests are already protected within national park and reserve areas, and our forest industry is based purely on plantation forests. As such, we are very much a part of the expanding plantation industry within Australia.

The Assembly resolution of 18 October 1995 regarding the Australian timber industry is an important step in clarifying our position on the industry. The first part of this resolution talks of the plantation sector of the Australian timber industry working towards the supply of our total domestic timber needs. Although the national expansion of the plantation sector will undoubtedly take considerable pressure off native forest production, it is unlikely that plantations will be able to replace production from native forests in the near future. The technology by which plantations will yield forest products of a quality and variety akin to timber products from native forests does not yet exist, and may not exist within our children's lifetime. One only needs to look at the beauty of the wood in this chamber to see the benefits of the sustainable harvesting of native forests.

The ACT Government supports the national forest policy statement - a statement which was drafted by both conservation and forest resource experts and endorsed by conservation and resource Ministers from every Territory and State and the Commonwealth. The balance struck in that statement is important. It allows the preservation in reserves of ecologically important native forest areas and the continuing utilisation of native forest areas of lesser ecological significance in conjunction with the expansion of the plantation sector. This can be the cornerstone for the future of a strong, green and internationally competitive forest industry sector.

The second part of the resolution contained a decision by the Assembly to welcome moves where, by the year 2000, no woodchip exports will be permitted from native forests, except from areas covered by regional forest agreements. The crux of this statement dates back to the Special Premiers Conference in July 1991 and was encapsulated in the national forest policy statement which was signed by the previous Chief Minister and which this Government fully endorses. We do believe in national agreements.

The third part of the resolution suggests the adoption of a national goal which would see no unprocessed woodchip being exported. One of the cornerstones of the national forest policy statement was the removal of controls on the export of woodchips originating from plantations because it was seen that the capacity to sell woodchip-type material was an important part of the process of encouraging investment in plantation infrastructure in Australia. Without this, it will be impossible to achieve the goal of an expanding plantation resource.

The Canberra-based forestry and forest products industries generate $60m of economic activity in the ACT each year, employ around 350 people, and are based on sawmills processing suitable logs from our plantations which are managed on a sustainable basis. The production of these sawlogs also necessarily involves the production of some logs which are unsuitable for sawing as well as the production of wood residues at the sawmills themselves. One of the uses for this sort of material is for it to be turned into woodchips either for use by a local industry or for export, where they are used to manufacture particle board or paper products which are such an important part of modern society.

Although Judith Clarke's report to the State conservation councils on Australia's plantations has been criticised for being too optimistic in its assessment of the potential for plantation timber to replace native forest timbers, it does confirm the fact that there is not enough residue available in this region to allow a locally based processing industry, and it recognises that the export of this material, at least in the immediate future, is a valid option.

In terms of what an export market would mean to the Canberra region, access to a market for the currently unused pulplog material generated from the region's plantations would substantially enhance their financial viability and encourage further plantation establishment. It would enhance the viability of the local sawmilling industry, thereby generating more interest in plantation establishment. Eventually, we will have a sufficiently large plantation resource to support a local processing industry for the region's plantation-grown woodchip. So, Mr Speaker, although we agree that, in the interests of Australian jobs, the aim of having no unprocessed woodchips exported is an admirable but long-term goal, the establishment of an export market in the short to medium term should be recognised as an option to increase the utilisation and profitability of plantations.

Part 4 of the resolution considers that the ACT Government should adopt a policy of purchasing timber products that are recycled or sourced from plantations wherever possible. The timber used by the ACT Government consists of both softwood and hardwood. The softwood timber is obtained from plantations, as there are no Australian softwoods suitable or commercially available for construction purposes. The majority of hardwood timber is obtained from State forest areas, as there are insufficient hardwood plantations in Australia to meet the demands. There are also certain building applications where only hardwood is suitable - for example, bridge construction and flooring joists.

The Department of Primary Industries advises that hardwood plantations are currently being established throughout Australia and it takes approximately 10 years for the harvesting of thinnings suitable for pulp manufacture and 40 to 50 years for timbers suitable for construction. The manufacture of paper products requires the use of either or both softwood and hardwood fibres as the characteristics of each timber are necessary to produce different paper products. The ACT Government's major paper usage is photocopy and laser printer paper which requires hardwood fibres in its manufacture. The ACT Government is also a major user of recycled paper, and an ACT purchasing circular has been issued encouraging its use by agencies. All softwood timber used in paper manufacture is obtained from plantations. However, there are insufficient hardwood plantations within Australia to meet the needs of paper manufacturers and the majority of this timber is obtained from State forests. Approximately 50 per cent of all pulp used in paper manufacture was imported.

The Government is also currently developing an environmental purchasing policy that will address the Government's commitment to environmental issues. Mr Speaker, within the above constraints, the Government will purchase timber products that are recycled or sourced from plantations or certified sustainable managed native forests under the regional forest agreement whenever that is possible. I present the following paper:

> Australian Timber Industry - Implementation of Assembly Resolution - ministerial statement, 13 December 1995.

I move:

> That the Assembly takes note of the paper.

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

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995
Detail Stage

Debate resumed from 12 December 1995.

Clauses 11 to 19, by leave, taken together, and agreed to.

Clause 20

MS FOLLETT (Leader of the Opposition) (3.27), by leave: Mr Speaker, I move my amendments Nos 4 and 5 on the pink sheet which has been circulated in my name. They read:

> Page 11, line 21, proposed new section 73, after subsection (1), insert the following subsections:
>
> "(1A) A contract under section 72 that contains a provision of the kind referred to in subsection (1) shall specify the grounds on which the contract may be terminated under that provision.
>
> "(1B) The grounds specified pursuant to subsection (1A) shall not include -
>
> (a) the ground that the person employed under the contract is incompatible with another person; or
>
> (b) any ground to the same effect.".
>
> Page 12, line 8, after proposed section 73, insert the following section:
>
> **"Effect of contracts on responsibilities of Ministers**
>
> 73A. Nothing in a contract under section 72 shall be taken to derogate in any way from the responsibility of the Minister administering an administrative unit for -
>
> (a) the policies developed or applied by the administrative unit; or
>
> (b) the financial and other performance of the administrative unit.".

Mr Speaker, for the benefit of members who have not followed the layout on the pink sheet, amendments Nos 1, 2 and 3, which have all been passed, related to chief executive officers, and amendments Nos 4, 5 and 6 are the mirror amendments, but this time relating to SES officers. My amendment No. 4 relates to the question of contracts being terminated on the grounds of incompatibility. I have spoken before about my reasons for believing that that is totally inappropriate, and the Assembly accepted that

argument in the case of chief executives. The arguments are the same for executive officers, except they are stronger, because in that case there are far more people for the executive officers to be potentially incompatible with. Amendment No. 5 relates to the responsibilities of Ministers and, again, this amendment mirrors an amendment which the Assembly has already passed, so I will not speak further on it.

Amendments agreed to.

MRS CARNELL (Chief Minister) (3.29): I move amendment No. 2 circulated in my name, which reads:

> Page 13, line 23, proposed new section 76, add the following subsection:
>
> "(2) A contract under section 72 or 75 by which a person is employed to perform the duties of the office of Chief Executive Officer, Calvary Hospital shall not be varied unless Calvary Hospital A.C.T. Incorporated has, by writing, consented to the variation.".

Mr Speaker, this is an amendment to clause 20 of the Bill. Clause 20 includes proposed new section 76, which requires the consent of Calvary Hospital ACT Inc. to the engagement of the chief executive officer of the hospital. For consistency, the amendment adds that the hospital's consent must be obtained for any variation to the chief executive officer's contract as well. This is very much in line with the procedures that are now in place.

Amendment agreed to.

MS FOLLETT (Leader of the Opposition) (3.30): Mr Speaker, I move my amendment No. 6 on the pink sheet. It reads:

> Page 13, line 38, after proposed new section 77, insert the following section:
>
> **"Tabling of contracts and variations of contracts**
>
> 77A. The Minister shall cause a copy of -
>
> (a) each contract made under section 72 or 75; and
>
> (b) each instrument by which such a contract is varied;
>
> to be laid before the Legislative Assembly within 6 sitting days after the day on which the contract or variation is made.".

Amendment No. 6 relates to the provisions that we have already passed in the Assembly in relation to chief executives in that contracts can be made public by being laid before the Legislative Assembly. It is exactly the same amendment as was agreed to by the Assembly, so I will not speak further on it.

MRS CARNELL (Chief Minister) (3.30): Mr Speaker, I would like to make a couple of very brief comments that I hope the Assembly will take on board. I commented earlier, when we were debating making contracts public, that I was very concerned that the contracts would end up being the subject of political toing-and-froing in this place; in other words, public servants would end up being talked about without any capacity to respond to potential criticism. I fully understand that this Assembly has determined that the contracts should be made public; but, if my worst fears come to fruition and it ends up that people in our Senior Executive Service are being unfairly treated because of the contracts being made public, I would ask that this Assembly revisit the whole issue.

MR MOORE (3.31): Mr Speaker, the Assembly can revisit any piece of legislation it likes at any time. Mr Osborne put in much effort and used all his persuasive powers in this situation, Mr Speaker, but I was finally persuaded when I was reminded that, any time something within the public service has been secret, the worst fears have always been exaggerated beyond what actually turned up. That seems to have been the case almost every time that I have pursued something. People have said, "What is going on is terrible", and we have gone through freedom of information and other methods and finally got the papers, whatever they were, and the situation has always turned out not to be as bad as everybody said it was. I think that is one of the strongest arguments for saying, "Let us just see how things are".

There is none of the talk that Mr Connolly alluded to yesterday. It is a small community. People can see what is going on. I think that that is the argument that carried the day yesterday. I think that is why it is that members generally believe that we should ensure that these are open to public scrutiny. I think, Chief Minister, that your fears will not come to fruition; that, by and large, people will see that the contracts are exactly what they are - contracts to complete certain work. That will be quite appropriate for not only members of this Assembly but also the general public.

MS TUCKER (3.33): I will speak very briefly. Obviously, we support this amendment, because it is the same as the amendment we put up. There is one point I would like to make in response to Mrs Carnell's concerns. Maybe you will have people complaining if they are not happy with what these contracts are about; but that is about being open and accountable, so I do not see why you should be so concerned about it. It should surely be an incentive to make sure that these contracts are not open to criticism. These people are basically public servants. They are not private consultants. You cannot apply the same sorts of terms and approach to these people. The public of Canberra have a right to know what these people are getting paid for and how much they are being paid. Maybe you will have people getting upset when they see $350,000 being spent on one person when you cannot afford the salaried medical practitioners, which is saving only $600,000. We are having all these other crises around us and one person, for some reason, deserves $350,000.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

MRS CARNELL (Chief Minister) (3.35): I move amendment No. 3 circulated in my name. It reads as follows:

> Page 23, lines 5 to 10, clause 59, paragraph (b), omit the paragraph.

Amendment No. 3 proposes a change to clause 59. The clause provides for the making of management standards with respect to the payment of accumulated recreation and long service leave to officers accepting an executive contract. We are now suggesting that we should omit this paragraph. The Government intended to provide the option - I stress the word "option" - of cashing out accrued leave, but, on looking at the general budgetary situation at the moment, Mr Speaker, it is simply not possible.

MS FOLLETT (Leader of the Opposition) (3.36): Mr Speaker, I think this is an extraordinary move by the Chief Minister. I think it really does smack of the contempt in which she holds this Assembly. Mr Speaker, if members go back to the first explanatory memorandum that the Government put out for this piece of legislation they will see the original proposition in relation to cashing out. I will quote from the explanatory memorandum. It says:

> The effect of new paragraph (2)(za) is to enable the Commissioner to make Standards with respect to the payment of accumulated recreation and long service leave entitlements to officers accepting an executive contract. These entitlements would usually be payable only on termination of employment. The purpose of this provision is to provide for the "cashing out" of accrued leave. As Executive contracts will be for periods of five years or less, it is undesirable that persons entering those contracts retain large leave credits.

Mr Speaker, that suggested very strongly to me that people entering into contracts would, in fact, not be allowed to retain leave credits and would have to cash out their entitlements. That was very much the view taken by the majority report of the Public Accounts Committee when we examined this legislation. Our view was, of course, coloured by all of the information that we had available to us, including information and submissions from the Government. The majority of the Public Accounts Committee found as follows, at paragraphs 5.20 and 5.21:

> Those SES officers, and indeed other officers of the ACTGS in the future, who accept executive contracts will incur substantial financial penalty and loss of amenity by being required to cash out accumulated recreation leave or long service leave entitlements. The Bill is silent on whether officers would also forfeit accumulated sick leave credits.

Mrs Carnell has remained silent on that matter. The report continued:

> The after tax return on leave and furlough cash out is substantially less than the real value of the leave when taken as leave. Further, the committee is concerned that the proposed legislation appears to ignore the beneficial purpose of leave.

The committee went on:

> The committee is strongly of the view that the provisions in the Bill relating to the cash out of leave should be reviewed to ensure equity for those currently serving SES officers who accept executive contracts and that the Bill be amended to ensure that there be no ambiguity in relation to the carry over of sick leave credits.

Mr Speaker, what we have seen from Mrs Carnell now is a complete reversal of her original position. What she said about the Public Accounts Committee's report showed how little this Government understood what was in their own legislation. The Government's response to the Public Accounts Committee majority report said, at paragraph 8:

> The Committee expressed concerns in paragraphs 5.19 to 5.21, 6.4, and 6.6, that both current SES officers and other officers who might in future sign an executive contract will be forced to resign from the Service and to cash out or otherwise surrender accumulated recreation leave, long service leave and sick leave entitlements. This is simply not correct.

That is what Mrs Carnell said in response to the Public Accounts Committee's report.

Mrs Carnell: That is still right.

MS FOLLETT: Mrs Carnell, as your own amendment proves, the Public Accounts Committee was correct. Our interpretation of the legislation was far more astute than yours. This is certainly the case, as shown previously in relation to part-time employment in the SES. What Mrs Carnell has told this house is at complete variance with what was contained in the explanatory memorandum. We are yet to have any reconciliation of those two very diverse points of view, Mr Speaker, which is a matter which I had asked you to look at.

Mr Speaker, I think that the amendment that Mrs Carnell now proposes is a far more reasonable proposition, but I will not resile from the fact that in the original Government proposition there was a clearly stated intention that officers taking on a contract would cash out their leave entitlements. There is no other possible interpretation that could be put on the information that has been provided on that matter. I think Mrs Carnell should admit it was a mistake, just as her statements on part-time employment were a mistake, and just say that they have had to revise their view. As this legislation develops, it is more and more apparent that it has been done in enormous haste. Not all “i”s have been dotted and not all “t”s have been crossed.

Whilst I disagree in principle with this legislation, there are some points, Mr Speaker, on which the Government ought to acknowledge that some of the criticism being made is valid. If Mrs Carnell were a big enough person to admit that this is one such occasion, I would certainly have a far greater regard for her and for the people who prepared this legislation. It is not the first time that there has had to be a change made. I think it would be only commonsense for Mrs Carnell to admit that there was a mistake and it has to be changed.

Mr Speaker, after all of the deliberation in the Public Accounts Committee, the report and the Government's response to that report, and all the denials from the Government about the effect of this clause, I think it is now very apparent that the Government, itself, has had to move to have that clause removed because it was draconian in effect. It is still very unclear whether the Government did not know what they were doing, and I suspect that is the case, or whether they changed their mind after the formal response to the PAC report was tabled; but what is very clear is that the Government's action now is contradicting their earlier statements in the explanatory memorandum. We have had no explanation whatsoever from Mrs Carnell, except that it would cost more if people were to cash out their entitlements. That may well be the case in the short term, but the fact of the matter is, Mr Speaker, that it is the officers themselves who lose over the longer term by cashing out their entitlements. There is no way a cashed out entitlement is worth as much to you as that entitlement taken in full when you want to take it.

Mr Speaker, I think that, as a rationale, the one that Mrs Carnell has put forward is so flimsy that you can only draw the conclusion that the Government really do not know what they are doing and that they have really no idea of what was the effect of their proposal earlier on. They may now have come to that realisation, but there is no doubt whatsoever that originally long serving public servants were to have their accumulated entitlements cashed out.

Mrs Carnell: That is absolute rubbish. Where does it say that they were required to?

MS FOLLETT: Mr Speaker, I will read from the explanatory memorandum again if Mrs Carnell still has not read it. It says:

> The purpose of this provision is to provide for the "cashing out" of accrued leave. As Executive contracts will be for periods of five years or less, it is undesirable that persons entering those contracts retain large leave credits.

Mr Speaker, that says to me that the Government wanted them to cash out their credits, and now they have changed their minds. I think that they ought to be big enough to admit that they were wrong in the first place and that their response to the Public Accounts Committee was wrong. They really do owe the Assembly an apology on that score.

Mr De Domenico: Bitter and twisted.

MRS CARNELL (Chief Minister) (3.44): Yes, I think "bitter and twisted" are the words. Anyway, to reiterate what I said before, clause 59 allowed for a management standard to be established which would allow for the option of paying out accumulated recreation and long service leave. The proposal that was put forward was that SES officers could choose to have those things paid out when they went into their contracts. We relooked at that and if all of our SES officers chose to cash out their recreation and long service leave it would create a very significant budget problem. There is no doubt that we decided to pull back from that option. Where the Public Accounts Committee was wrong, and we made it clear that it was wrong, is that there was no requirement for people to cash out their accumulated leave or long service leave. All clause 59 did was allow for management standards to be established which allowed for that option. We have decided that that is not an appropriate situation in our current budget situation and we propose that amendment.

Amendment agreed to.

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

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

AYES, 9	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Follett
Mr Hird	Ms Horodny
Mr Humphries	Ms McRae
Mr Kaine	Ms Tucker
Mr Moore	Mr Whitecross
Mr Osborne	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

Bill, as amended, agreed to.

WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 3) 1995

Debate resumed from 23 November 1995, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

MR BERRY (3.50): This matter has been raised in relation to professional sportspersons and the application of the Workers' Compensation Act in the Australian Capital Territory. My understanding is that this has arisen because a professional sportsperson has made an application for workers compensation for a sports-related injury. The fact that somebody has raised the issue makes one wonder whether or not the earlier intention behind this might have been to rule out access by other sportspeople who have been injured following the sporting pursuit of their choice. There would be, I expect, a wide range of sporting people who have been out with injuries. I suspect that anybody who has ever played rugby is carrying an injury somewhere, particularly if they have played professionally. The limits in earnings that were provided under the Act certainly relate to the sorts of money you would expect many professional sportspersons to earn throughout the ACT.

The other interesting aspect of this is how one provides for safety in the workplace, and that is something Labor is going to be taking a keen interest in. If one is a professional sportsperson one ought to be entitled to the protection of reasonable occupational health and safety standards in the workplace. Being a front row forward might cause some activity amongst occupational health and safety officers in relation to the style of work. For front rowers it is easy; they do not know when they are injured. The further back you get, the easier it becomes. There is an old story that you can always tell the backliners because they are the ones who take the mouthguard out before they eat the meat pie.

Football anecdotes aside, one thing we are very concerned about is that this does not represent a precedent. In some ways, this would worry people because some might see the removal of the travel injuries risk as creating a precedent. We do not see it in that way, and certainly we do not see this as creating a precedent for any changes ruling out other categories of worker from the coverage of the Workers' Compensation Act. What I am saying to members is that we are very reserved about this. We are not going to oppose the Government on this issue, but we are quite concerned that others might see this as something of a precedent.

I have received a letter from the Independent Schools Staff Association, who raise some concerns about the removal of a category of worker from protection afforded by the Workers' Compensation Act. They are reserved as a matter of principle, and I think that they are entitled to that concern. They describe it as the thin edge of the wedge, and I want the Government to understand that we do not see it as the thin edge of the wedge. This is the end of it, and if we find any future problems with it as a result of our consultation with the community we will be working quickly to reverse it or take such action as is required to remedy any problems that arise from this issue. Bear in mind that this matter has been raised and dealt with at fairly short notice and there has not really

been sufficient time to consult widely and in detail. I am almost inclined to adjourn the matter because of the inadequacy of the time available to consult with the community. The efforts of our consultation have not led us to a point where we have been able to discuss it in detail with other people.

I raised earlier the matter of travelling to and from sporting activities, and this has been raised by the Independent Schools Staff Association. They seem to think that it is unclear as to why this contingency is excluded, and they are worried about the removal of the travel component in other types of employment, which might arise from this. The legislation excludes all types of professional sporting activities, not just body-contact sports, and I think that that is a fair judgment. There is a range of sporting activities that would be virtually injury free, but there are some that could hardly be described as injury free. My experience at rugby league was a short one, but I am sure I have a few injuries that I brought with me, especially to the old knees.

The Opposition is reserved about the position. We are prepared to not oppose this amendment to the legislation, but we would like to emphasise our nervousness about the issue, particularly because of the short time allowed for consultation between the introduction of the legislation and the debate on it.

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (3.58), in reply: I thank Mr Berry for his contribution to the debate and his support, albeit reluctant, for the Bill. He is concerned about it. I can assure Mr Berry that there is nothing untoward about the Government doing this. Very basically, the Bill removes the requirements for employers, or clubs in this instance, to take out workers compensation insurance to cover the professional sporting activities of sportspersons whom they employ. It removes the entitlement of those sportspersons to workers compensation for injuries resulting from the engagement in professional sporting activities only. Anything else that the person might do is not excluded. It is just that sporting part.

Currently, professional sportspeople such as the Raiders, the Cannons, the Cosmos, the Kookaburras and others are classed as employees of the sporting organisations which have engaged them. This means that under certain conditions - for instance, if the player is paid more than $15,000 - the sporting body is required to take out workers compensation insurance for each player to cover them on the playing field. The best way to exemplify the support which has been expressed for the Bill is to read into *Hansard* a letter from Mr Kevin Neil, the chief executive of the Canberra Raiders. The letter says:

> I understand that you are considering a proposal to remove professional sports persons as persons covered by the Workers Compensation Act of the Territory.
>
> I wish to inform you that the Raiders strongly support the proposal.
>
> Our total player payments could exceed $5m in the near future. At a quoted rate of 60 per cent of total salary the Club would be liable to pay some $3m in workers compensation premiums. We clearly could not afford this.

> In New South Wales under Workcover we would be liable for $60 per head per game. Based on a player roster of 40, the total premium would be in the vicinity of $50,000.

In New South Wales under WorkCover, which we could never afford to introduce into the ACT, it would cost $50,000. Under the current workers compensation situation in the ACT, it would cost $3m. Mr Neil continued:

> The Raiders have for a considerable period of time wished to locate its headquarters in Canberra but have been unable to do so because of the provisions of the Workers Compensation Act.
>
> We see Northbourne Oval as the best prospect for our future headquarters. Our long term plans envisage the construction of a Skill Centre ...
>
> I congratulate you on this initiative and hope it succeeds.

As I said, the risk of injury in sports such as football and in other sports as well, but especially in the contact sports, is high. Premiums, as Mr Neil quite aptly described, can be as high as 60 per cent. Organisations cannot pay these premiums and remain competitive at the same time. The Government has given particular attention to the fostering of the business environment in the ACT as well, and ACT participation in sport stimulates our local economy and helps keep people in jobs.

However, the Government has responded to a plea for help from Rugby Union (ACT), supported by other sporting organisations, that the requirement to have workers compensation coverage for players is threatening the viability of the ACT's participation in national professional sports. The proposed amendments bring the ACT into line with other jurisdictions and ensure the viability of ACT professional sports. New South Wales, Victoria, Tasmania, Queensland and Western Australia exempt sportspersons from workers compensation. Only New South Wales has legislated alternative coverage arrangements. It has a New South Wales sports injury insurance scheme, whereby all players, including schoolchildren, contribute to a fund which covers serious injury. Other States do not have any compensation arrangements in their legislation. As I said before, the ACT is too small to have its own sports injury scheme.

The Government is exploring the possibility of extending the New South Wales sports injury insurance scheme into the ACT. I have initiated negotiations with the relevant New South Wales authorities and our officers, but it is too early to tell whether those negotiations will bear fruit. I have been advised that there may be legal problems associated with extending the New South Wales scheme into the Territory. I congratulate the New South Wales Government, because they have gone out of their way to assure us that, if it takes only an amendment to the New South Wales legislation, as long as they cannot see any detrimental effect to the New South Wales scheme, they would be prepared to do that to try to assist the ACT. I thank Premier Carr and his colleagues for the cooperation that he has given us in this respect.

In the meantime, professional sports men and women need not be left uninsured by the changes. They have access to income protection schemes and personal accident coverage. In this regard, they are not very different to other self-employed contractors in the private sector. I am also told, by my colleague Mr Stefaniak, that most of the professional sporting bodies that have contacted us intend to go down that path in terms of making sure that, when they have players on contract, part of that contract has a clause in it for special coverage under personal accident insurance. Some clubs in the States and Territories other than New South Wales organise personal accident cover for their players by the inclusion of clauses in the contracts. It could happen in the ACT, and we encourage that to happen; but it is a matter of negotiation between the clubs and the players.

Can I also say that the amending legislation covers professional sportspersons on the field, in training sessions and in travel to and from those activities. It does not extend to other activities, such as promotional activities, or other employment undertaken by the player for the sporting organisation. That player is covered only when he is on the field. Employers will still need to take out workers compensation insurance to cover employees for those other activities.

We are confident that there are alternative forms of coverage available for these people and that they are not being placed at any disadvantage compared with their interstate colleagues. The changes will not affect boxers, jockeys and others who are already deemed to be workers by specific provisions in the Workers' Compensation Act 1951. The amendment will clarify some confusion in our ACT sporting industry regarding the requirement to cover professional players for workers compensation. The changes are necessary and will help establish a level playing field for our sporting organisations when competing against States which have similar exemptions.

I would once again like to thank the Opposition, Mr Berry in particular. I give Mr Berry an undertaking that if the Government finds that there are concerns being expressed by the sporting community we will be back. One thing that I have learnt about sport is that it tends to unify even people in this place. I am sure that that bipartisan support is appreciated. I thank the Opposition for not opposing the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAND TITLES (AMENDMENT) BILL 1995

[COGNATE BILL:

LAND TITLES (CONSEQUENTIAL AMENDMENTS) BILL 1995]

Debate resumed from 23 November 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 4, Land Titles (Consequential Amendments) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to order of the day No. 4.

MR CONNOLLY (4.06): These two Bills, essentially, are technical amendments which tidy up the black letter area of conveyancing law which has developed following a report some years ago by the Federal Law Reform Commission. They have been drafted in consultation with the Law Society and the credit unions. They have the support of the Opposition.

MR MOORE (4.06): The Land Titles (Amendment) Bill was tabled on 23 November. The Bills are generally, as Mr Connolly says, mechanical provisions. Many of the provisions are based on a fairly recent Queensland Act and clarify conveyancing and make conveyancing easier. I have not had the opportunity to have them checked through, in the way that I normally would, by other people. My reading of them does not cause me any real concerns at this stage; but I draw to the Minister's attention that, if a concern comes up on them, then I hope that he would ensure that I have access to Parliamentary Counsel to draft any further amendments if they are necessary. On the face of it, it appears to me that they are appropriate. At this stage I am prepared to support the legislation both in principle and at the detail stage.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.07), in reply: I thank members for their support. I warmly endorse what members have said, whatever that was. I hope that this will prove to be effective legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAND TITLES (CONSEQUENTIAL AMENDMENTS) BILL 1995

Debate resumed from 23 November 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.08 pm