DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 August 2003

Tuesday, 26 August 2003

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The Assembly met at 10.30 am.

(Quorum formed.)

MR SPEAKER (Mr Berry) 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.

Personal explanation

MRS CROSS: Mr Speaker, I seek leave to make a statement under standing order 46.

MR SPEAKER: You may proceed.

MRS CROSS: Mr Speaker, on the last sitting day, I was inadvertently embroiled in a situation that I found both upsetting and embarrassing because of the absolute pettiness of certain people in this place. The Civil Wrongs (Amendment) Bill debated last Thursday was a large and important bill and we, as members, took the job of scrutinising it very seriously. Certainly the members of the crossbench took it seriously.

MR SPEAKER: Mrs Cross, this is a personal explanation. I do not want to discourage you from dealing with personal issues, but you should not stray to a debate that has occurred about a bill.

MRS CROSS: No, it is a personal explanation.

MR SPEAKER: Proceed.

MRS CROSS: Mr Speaker, there were many amendments, as you will remember. The crossbench members, in particular, provided a raft of amendments which were designed to deal with issues that caused concern. I do believe that many of those amendments would have improved that bill and not had adverse effects in the end.

MR SPEAKER: Mrs Cross, you are reflecting on a vote and that is disorderly. There has been a vote on that bill and that would be a reflection on the will of this chamber.

MRS CROSS: I am not interested in changing the vote on that bill, Mr Speaker.

MR SPEAKER: No, but you are reflecting on the vote and it is not open for you under the standing orders to do that.

MRS CROSS: My intention is not to reflect on the vote. My intention is simply to reflect on the manner in which my amendment was handled.

MR SPEAKER: Proceed.

MRS CROSS: I seek your guidance. I have not done anything previously under standing order 46.

MR SPEAKER: The relevant standing order reads:

> Having obtained leave from the Chair, a Member may explain matters of a personal nature, although there is no question before the Assembly; but such matters may not be debated.

If an issue has impacted on you personally, it is open to you to reflect on the issue. Standing order 47 may be more appropriate. No, I think it is a matter for standing order 46. If you want to explain matters of a personal nature, you are able to do so, but do not invite debate about an issue which is in the past. If something has affected you personally or you feel that you have been misrepresented, it is open for you to make a statement about that. I refer you to page 472 of *House of Representatives Practice*, which we use if we run out of ideas under our own standing orders.

MRS CROSS: As always, Mr Speaker, I will accept your guidance, because I have not previously sought to discuss any matter under standing order 46. The concern I have, Mr Speaker, is as follows: I had circulated an amendment and I had discussed it, along with a number of other amendments, with government and crossbench members. The government approached me, saying that it had a better amendment and, if I could, I should withdraw mine. The government was were very grateful that I had pointed out the errors in the bill, but it had a better amendment and I was asked whether I would mind withdrawing mine so that the Chief Minister could put his amendment through.

It was not until you asked me to speak on that amendment, Mr Speaker, that I realised that there was confusion, because what you had in front of you was an amendment with my name on it. I would like to acknowledge a fellow crossbench member, Ms Dundas, who pointed out that the wording of what seemed to be an identical amendment with my name crossed out and the Chief Minister's name on it was not a better amendment but the same amendment.

My concern here, Mr Speaker, is that in my aim to work with everyone in this place to achieve better outcomes for the ACT, I feel that I was conned in this situation. Not only were my staff and I given contradictory information when we were trying to negotiate a compromise in getting this bill through, but also I was put in a situation where I had to stand up and explain some sort of confusion that was not clear to me either, because I took the word of the Chief Minister's side and expected what I was told to be, in fact, the truth.

I am happy to continue to work with all members of this place to achieve good outcomes for the community, but it is very important that we do so on a basis of trust. If, to do with ego or whatever, one member feels an urge to have an amendment in their name, they need to come and discuss it with me and explain why it is important that that amendment go through in their name rather than mine, but it was my office that highlighted the shortcomings of this bill to the parliamentary counsel and circulated an amendment accordingly the day before, corrected it on the morning and circulated it again. I will not read the little speech that I had prepared because it

probably goes against standing orders, but I felt that it was important to explain that to the chamber because it did cause me some embarrassment.

Planning and Environment–Standing Committee
Report No 22

Motion (by **Mrs Dunne**, by leave) agreed to:

> That Report No 22 of the Standing Committee on Planning and Environment—*2003 National Conference of Public Works and Environment Committees*—be authorised for publication**.**

Vocational Education and Training Bill 2003

Debate resumed from 3 April 2003, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MRS BURKE (10.39): Mr Speaker, I will not take too long in talking to this bill. The bill revises and updates vocational education and training and higher education legislation. I am most pleased to see the months and months of hard work by many people finally bearing fruit. This bill has been a lot of hard work in the making and my congratulations go out to everyone on the great work on this bill. It is most encouraging to note the shifting landscape of education as it grows and develops. It certainly is not an easy machine to run—again, congratulations on managing that.

There must be credible and recognised alternatives for those not wishing to pursue a university education and also for those who have a need to upskill in a vocational area. In fact, many of our university graduates—about two-thirds, I think, currently—find themselves returning to the vocational sector to gain practical and vocational qualifications to marry with their more academic qualifications in order to secure good employment in the modern workplace.

I congratulate the minister on her work on this bill as it relates to contracts of training which cover the relationship between the employers and their apprentices or trainees. We have, and I suspect will continue to have, issues in relation to consistency of assessment which I hope that for many the new bills—the tertiary accreditation bill and this bill—will iron out and we will be able to work through those issues.

This bill is a critical step forward in the work towards achieving national consistency across the sector. It is high time that Australia worked across a lot of the areas that we deal in and got consistency. We are slowly seeing that happening through a positive drive by the Commonwealth.

I hope that we can now look forward to continued diversity and creativity within the VET sector. This bill allows for greater flexibility in introducing training to new and emerging industries. This bill moves towards covering vocational education and training as it is in 2003, not, as the minister rightly says, as it was in 1995. It has taken great leaps and bounds forward in the way that workplaces, the requirements of

training and the way that we educate people to enter the work force are viewed. This bill is a more modern reflection of those moves and trends.

It is most positive and encouraging to see all the states and territories working together with the Commonwealth for very good and positive outcomes. National consistency, as I have already said, is a very important area. It is most important that when we speak of a full portability of skills each state and territory has the legislation in place to ensure that we are consistent in our approach. Both bills therefore will give effect to ministerial agreements for national consistency in VET and higher education. Mr Speaker, the Liberal opposition will be supporting this bill.

MS DUNDAS (10.42): Mr Speaker, I am happy to support the establishment of a uniform national framework for the regulation of vocational education providers and I am glad that the ACT is implementing this national process, which commenced in 2000.

I am particularly supportive of the requirement for an indigenous representative to be a member of the Vocational Education and Training Authority. Senator Aden Ridgeway, my Democrat colleague, has pointed out in relation to education that the comparative disadvantage of indigenous people is now beyond dispute. He adds that education and vocational training are perhaps among the most important issues to confront indigenous people and indigenous communities, particularly in terms of being able to access and take advantage of opportunities, but most of all in terms of being able to break the cycle of welfare dependency and endemic poverty that exists in many communities. The requirement for an indigenous representative on the authority goes a small but necessary way to ensuring that this comparative disadvantage is redressed.

I also commend the measures to create a standard agreement between apprentices or trainees and their employers. Standard agreements are the only equitable method of ensuring pay parity and working conditions. Likewise, standard agreements between apprentices or trainees and their employers are necessary to ensure that members of this group, one of the most underrepresented groups in society, have the protection and confidence they need when entering into a apprenticeship or a traineeship.

The Democrats have supported this legislation at the federal level and I am happy to join with them in supporting it in the ACT.

MS MacDONALD (10.44): Mr Speaker, I rise to speak briefly. I had not intended to but, I realised that it would be remiss of me not to stand and talk briefly in support of this bill and to applaud the tertiary accreditation bill which was passed last week.

As many people in this place know, I did work within vocational education and training for two years in a paid capacity. Prior to that, I had an association with it for five years through my job within the union movement. I know that a number of my friends within the vocational education and training sectors welcome both this bill and the tertiary accreditation bill which went through last week. It has been a long time coming and I know that they will be happy to see this bill put in place in a formal structure something which is already, to a large extent, operating in a practical structure. I commend the bill.

MR PRATT (10.45): Mr Speaker, I rise briefly to congratulate the government on having put together this instrument. It must be stressed that having alternative pathways for keen young professional students who do not necessarily seek a tertiary line is so important, and that is what this bill will do. Secondly, I would say that this bill is a very important tool for addressing disengaged students who feel that they are not connecting with the schooling system which currently exists. To that end, I would urge the government, in terms of a preliminary phase in high schools, to seek to boost subject areas which are technically oriented that would provide that early pathway for young disengaged kids who might then be seeking a VET career. I would urge the government to look at that and improve those sorts of capabilities.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.46), in reply: Members will recall that the Tertiary Accreditation and Registration Bill 2003, which provided for revised and updated vocational education and training and higher education legislation, was debated in the Assembly last Thursday. The bill received unanimous support from the Assembly.

The Vocational Education and Training Bill 2003 is mainly what remains after the accreditation and registration sections were moved to the Tertiary Accreditation and Registration Act 2003. The bill gives effect to existing ministerial agreements for national consistency in regulating vocational education and training.

The Vocational Education and Training Bill 2003 replaces the 1995 legislation, which will be repealed, and reflects the removal of all accreditation and registration processes to the new Tertiary Accreditation and Registration Act. This bill contains model clauses developed through extensive consultation and agreed to by all states and territories. The bill provides cover for the relationship between an employer and their apprentice or trainee. That cover culminates in a nationally endorsed training agreement.

This bill covers the current context of vocational training, providing a much needed update to the 1995 act. It allows government to introduce training into new and emerging industries, whereas the current act restricts it to named trades. Members will note that the draft bill as presented in April included a reference to a commencement date of 1 July 2003, which has passed. That commencement date I now propose to be 1 November 2003, with consequential changes to other dates as a result of the four-month delay.

The Assembly's scrutiny of bills and subordinate legislation committee raised a question about the Vocational Education and Training Bill 2003. In this bill, two offences were listed as strict liability offences. The offences were associated with the training contract and the misuse of official name badges. The committee has been advised that, as the training contract is the trigger for Commonwealth and ACT incentive payments, it requires some additional regulatory force.

The bill recognises the changing environment for vocational education and training and provides for a flexible approach to training while promoting and supporting quality outcomes. I thank members for their comments and I also thank officers of the

Department of Education, Youth and Family Services for their work on bringing this package together.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.49): I seek leave to move amendments Nos 1 to 4 together.

Leave granted.

MS GALLAGHER: I move amendments Nos 1 to 4 circulated in my name *[see schedule 1 at page 3221]*.

Amendments agreed to.

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

Bill, as amended, agreed to.

Building (Residential Building Warranty) Amendment Bill 2003

Debate resumed from 8 May 2003, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (10.50): Mr Speaker, the Liberal opposition will be supporting this bill. It is mostly procedural and brings building warranty legislation in the ACT into line with what is happening in Victoria and, more importantly, New South Wales.

When this bill first came to my attention, I was particularly concerned to ensure that it did not adversely impact on what I consider to be a substantial and very important policy initiative undertaken in the ACT, that is, the master builders fidelity fund, which provides a large proportion of the building indemnity insurance in the ACT. I have had consultations with the Master Builders Association and some of the main players in the fidelity fund, along with the Housing Industry Association, and I am satisfied that all of the needs of those key players who provide such substantial and important employment sources in the ACT are being met. On that basis, and because it provides cross-jurisdictional consistency, the Liberal opposition will be supporting the bill.

MS TUCKER (10.52): Mr Speaker, this bill brings the ACT residential building warranty into line with Victoria and New South Wales. The process has been driven by the insurance companies, of which there is only one in the ACT, which wanted the

scope of the scheme reduced, particularly in the larger states. Residential building warranties have always had a somewhat narrow scope in the territory, so the ramifications of this bill are not very substantial.

While the so-called insurance crisis has resulted in less coverage for more people, with more stringent conditions in almost all situations, it does not seem to have delivered lower premiums in almost any area, despite booming profits. Indeed the *Australian Financial Review* of 18 August quoted international ratings agency Standard and Poors as saying that non-life insurers are enjoying a period of unprecedented premium rate increases and popularity among market investors. The insurance crisis is paying off very well for some.

The problem with the existing warranty system, which will not be addressed by this bill, is that it only provides cover if the builder dies, disappears or becomes insolvent. So, in most instances, the protection is minimal. The other limitation with the situation we face here is that there is only one insurance company in the marketplace, so there is no competition. We are, in this area as in others, at the mercy of one insurance provider.

It was not long ago—last year, in fact, after Dexta withdrew from warranty insurance—that we introduced a scheme whereby fidelity funds could provide building warranty protection. The MBA has established a scheme under that legislation. The fact is, however, that the fidelity schemes are not APRA compliant and so, to a degree, are less secure. It is also a fact that the Tasmanian government recently shut down the fidelity fund offering such protection in that state. So we do want to ensure that insurance cover continues in the ACT, despite the lack of competition.

I will be supporting this bill as at least it makes the scheme consistent with the one over the border, in New South Wales, and the ones in other parts of Australia that would make a consistent environment for builders. Because this bill makes it explicit that the scheme is only an insurer of last resort and that it does not cover developers—whose claims, when successful, tend to be of a high order—it may encourage the insurance provider to bring down premiums to some small extent at least.

MS DUNDAS (10.54): As has been said, this is another part of the ACT government's response to the insurance crisis, particularly as it relates to building in the ACT. In 2002, a system was introduced that was meant to go some way to addressing the concerns that the building industry had in terms of being unable to get insurance in the ACT. The establishment of the fidelity fund was in response to the ongoing insurance crisis. It appears that the establishment of the fidelity fund did not go far enough, that we still have insurance companies which are unhappy with the laws in the ACT and how they impact on their ability to provide an insurance market, so we have this piece of legislation before us today.

The bill does do some positive things, but they are things that have been dictated to us by the insurance companies. As I have said all the way through this legislative response to the insurance crisis, maybe we need to be looking at how the insurance companies are operating as opposed to continually trying to limit people's rights or impact more on what is being insured as against how the insurance is being provided.

One of the positive things about the piece of legislation before us is how it excludes developers from statutory warranty cover and how they will be still able to obtain their own insurance, but removing them from the pool allows us to reduce the call on the insurance pool without impeding too much on consumers' rights. That is one thing to be commended. As I said, we will not be opposing this piece of legislation, but I will again put on the record our concerns about how the insurance crisis is being dealt with in the ACT and our continuing willingness to bend over for insurance companies without necessarily pushing them to see what they can do to reform themselves and make the situation better.

MR CORBELL (Minister for Health and Minister for Planning) (10.56), in reply: Mr Speaker, this bill is part of the government's response to the continuing crisis in the insurance industry. The proposed changes in warranty protection for home building were brought forward at the request of the insurance industry, as members have noted. The government agreed to these changes because it considered that the effect on residential building warranty protection for homebuyers would be limited and the likely alternative was that insurance would cease to be available. The judgment that the government has made is definitely in the public interest.

In 2001, residential building warranty was directly affected by the collapse of HIH, which was then the only insurance company associated with the Master Builders Association scheme. A year later, the new brokers for the MBA, Dexta, also withdrew from the market. As members would know, the government responded by introducing legislation for the establishment of a fidelity fund to provide building warranty protection alongside the HIA's existing insurer. The MBA has established a fund under this legislation and it provides an alternative to the insurance still available through HIA Insurance Services.

These successive changes were disruptive for the construction industry and its customers. There have never been more than two separate sources of cover in the ACT and, in the present condition of the insurance industry, the government considers it important to make reasonable adjustments to maintain that number. It was in this context that it considered a request from the remaining insurer operating in the ACT to bring key terms of the insurance in line with recent changes in New South Wales and Victoria.

Mr Speaker, the scope of the building work that residential building warranty must cover has been considerably wider in those states than in the ACT. In March last year the governments of Victoria and New South Wales agreed to reduce the scope of residential building warranty insurance. The ACT has been asked to bring the Building Act into line with these reforms. The only change that in itself reduces consumer protection in the ACT is the increase in the value of work that does not require protection from $5,000 to $12,000. The other reforms merely clarify the present position.

Mr Speaker, residential building warranty protection is only one of the ways in which building legislation considers the needs of homebuyers and in the ACT it has been a last resort. This legislation also sets reasonable standards for key aspects of buildings, requires builders to be qualified for the work that they undertake, and gives

the government powers to investigate complaints. The construction occupations licensing bill that I made public as an exposure draft during July and August makes the licensing system more effective and strengthens government powers to deal with complaints in ways that maintain the capacity of the regulatory system to meet the reasonable needs of the consumers and the industry.

Mr Speaker, this bill is a sensible adjustment to our provisions for building warranty protection but, at the same time, does not significantly diminish consumer protection. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Civil Law (Sale of Residential Property) Bill 2003

Debate resumed from 26 June 2003, on motion by **Mr Stanhope:**

> That this bill be agreed to in principle.

MR STEFANIAK (11.00): Mr Speaker, the opposition will be supporting this bill. I am very pleased to see that, after a lot of work by the department as to various models and some interesting suggestions last year by the Real Estate Institute and the Law Society in terms of a compensation regime for people gazumped, in this instance the government has worked in very well with the Real Estate Institute and the Law Society.

The government officials who were involved in that should be commended for their efforts. I understand that the consultations took several months. Some people in the industry said that, if anything, they were a little bit quick, but fundamentally the people I have talked to from the Real Estate Institute and the Law Society are quite content with this bill.

This bill is important. The practice of gazumping is something of concern to all of us, especially those of us with some legal background,. It can lead to a lot of disappointment. Indeed, it has led to some financial problems and expenditure by persons who thought that they had a contract, thought everything was sweet, and then it turned out not to be so. This bill will go a long way to ensuring that the problems we have seen with gazumping are overcome.

I would at this stage ask the government to ensure that the same consultation it and its officials had with the Law Society and the Real Estate Institute continue in relation to the regulations. The Law Society and the Real Estate Institute were quite happy with the consultation, but they both stressed to me the need for the government to continue that type of consultation with them in terms of getting the regulations right. I would certainly impress that upon the government.

There are a number of features of this bill, Mr Speaker. There is some concern in relation to what now occurs at auctions. The government is getting rid of the unethical practice of dummy bidding at public auctions. I do not quite know whether that is meeting with universal acclaim, but it is something that the government will be getting rid of. I would think that if someone really wants a property and they are genuine about it, they are going to bid for a property and buy it. Dummy bidding might help to get people interested, but at the end of the day I can see nothing wrong with just having the genuine bidders in there. Obviously, if they are interested, there will be good bidding and the property will be sold.

I know that Mr Peter Blackshaw has some concerns in relation to just how the process around the auction is going to work. I understand that he has some problems in relation to the registration of bidders and the like. I suppose that we need to see how that will work. He is an experienced real estate agent who has indicated that he feels that this might see the end of auctions in the ACT. I would hope that that will not be the case. I have not heard it from other sources. Indeed, the Real Estate Institute seemed to be quite calm about that practice. Perhaps it is something that we do need to watch.

I would think the practice of registering bidders at an auction is very much a sensible one. Obviously, you want to know who is fair dinkum, who is actually there to bid for the property. It is probably a protection for people who just go along to look and who cannot be involved and accidentally have the property knocked down to them, not that that actually happens in reality, but that is a great fear of anyone who attends auctions. We will probably need to see how that goes, but the Real Estate Institute and the Law Society do not have a problem there.

I think that the provision requiring a draft contract of sale to be available prior to a property going on the market is a sensible move. I was quite pleased to see that, unlike the situation in New South Wales, there will be various reports attached to that contract—the various inspection reports which you have to get if you are a purchaser. That, in itself, has led to problems in New South Wales, where gazumping has not been stamped out. I know of a number of instances in which gazumping has occurred under the current laws, which have been with that state for some time. I have seen that first hand. I think that it will go some of the way towards stopping that that those reports will be there.

I am also pleased that it will be the responsibility of the seller to provide the two main reports and of the buyer to pay for them. Obviously, the buyer interstate would have to pay for those reports anyway. I think that it is a very sensible move to put that in the legislation. I think that that is an improvement on the New South Wales set-up.

The situation in terms of what will occur if it all falls through—I think that it is important to have a cooling-off period—is that the buyer will forfeit 0.25 per cent of the purchase price of the property. That is quite reasonable. For a $300,000 property, which is probably the norm in Canberra these days, a buyer who had second thoughts within the five-day period would forfeit $750. It is right and proper that there be some penalty there as discouragement, but there is still a let-out if something goes

dramatically wrong in the cooling-off period. That is the same as the position that applies interstate.

The bill, as the attorney said, has a number of other features within it, but I will not go through them. As noted to me by the Real Estate Institute or the Law Society, the bill closes up a number of silly gaps but still lets the market forces dictate. I think that that is eminently sensible.

As I have indicated, we will have to wait and see what happens with a couple of areas of the bill. It has been suggested to me that perhaps we should use the new agents tribunal as opposed to the magistrates court for some of the things in the bill. We probably need to monitor that and see how it goes. That could be a future refinement.

In terms of the bill generally, I am very pleased with the amount of work that has been done with the industry. I think that that needs to continue for the regulations. Certainly, this bill is one of the better pieces of consultation I have seen during the life of this government in terms of the people at the coalface being quite happy with the consultation that has gone on.

There is one anomaly which the opposition will be seeking to overcome by way of an amendment. I will speak at some length in relation to this matter. I note that we will not be finishing the consideration of this bill today. Unfortunately, I have to attend a funeral in Sydney on Thursday. Because of that, one of my colleagues will be moving the amendment.

Subclause 26 (4), which deals with the bidder's name and address being established by proof of identity, has a penalty which seems to me to be somewhat out of kilter with the penalties in the rest of the bill. For example, under subclause 26 (1), an agent commits an offence if that agent enters a person's name and address in the bidders record and has not sighted proof of identity for the person. The maximum penalty is 50 units for an oversight, an error or an omission rather than a fraudulent act.

Under subclause 26 (2), an agent commits an offence, with a maximum penalty of 50 units, if the agent enters a person's name and address in the bidders record as a person for whom someone else is bidding and has not sighted a written authority from the other person to enable that person to bid. Again, for an omission, there is a maximum penalty of 50 units.

Under subclause 26 (4), an agent must not enter any details of a person in a bidders record if the agent knows, or is reckless about whether, the details are false and there is a maximum penalty of 50 units. That, to me, is a much more serious matter. It is not an omission; it is either a deliberate or a reckless act in terms of whether the details are false. Knowingly entering something that is false or recklessly doing so is a lot more serious than just an omission.

I note further on in terms of dummy bidding, for example, that the penalty there is 100 units. For example, a seller must not make a bid at a public auction or arrange for someone else to make a bid because that is going beyond the intent of the law; that is doing something that, effectively, this legislation will be banning. It is doing something which is dishonest rather than just an omission and the penalty is 100 units.

Similarly, under clause 31 an auctioneer cannot accept a bid if the auctioneer knows that the bid was made by the seller. The penalty is 100 units. Again, for knowing that something is not so, a falsehood, dishonesty, there is a penalty of 100 units. I would commend to the Assembly acceptance in the detail stage of the opposition's amendment to subclause 26 (4), which makes the penalty a maximum of 100 units rather than 50 units to bring it into line with the deliberate types of offences as opposed to mere omission offences which have a maximum penalty of 50 units.

I mentioned that to the government officials when they gave me their latest briefing last week in relation to this bill. I am not sure what the government is doing in that regard, but I would certainly commend that amendment to the Assembly when the times comes.

All in all, I think that this bill is very much worthy of support. Gazumping is a problem. We specifically have gazumping problems at a time when properties are scarce and there are lots of bidders and it is particularly frustrating for people who are gazumped. I think that this bill goes a long way to redressing that situation. At times when properties are scarce, it will have some effect. The opposition will be supporting the bill and I commend to my Assembly colleagues the proposed amendment on which I have gone into some detail.

MS DUNDAS (11.12): Mr Speaker, the ACT Democrats will be supporting this bill, which will prevent heartache among many people trying to buy their own home. Many people believe that an oral offer and acceptance is binding on both parties in both a legal and a moral sense. Indeed, in classic contract law a spoken acceptance of an offer is just as legally binding as a signature on a written contract.

Many home buyers have been astonished to learn that an oral offer they have made which they were told had been accepted was actually worth nothing. This is particularly galling, given that most people are aware that real estate agents are bound to follow high professional and ethical standards.

I believe that the bill before us will make gazumping much less common and will reduce or eliminate financial losses by gazumped purchasers. It is clear that consultation with property and legal professionals has created an effective and workable solution to the problem of gazumping. This legislation does not make gazumping an offence, but it should reduce the incidences of gazumping by focusing on prevention rather than punishment.

I commend the provisions of the bill that require the vendor to prepare a building inspection report, a pest inspection report, records of encumbrances and title searches to save duplication of effort and expense by prospective purchasers. It is where a prospective buyer has outlaid substantial funds for necessary reports that gazumping causes the most anger and distress. Under this bill, only the successful purchaser has to pay for the costs of obtaining these reports. This solution is more elegant than the earlier proposal to require vendors to compensate a gazumped purchaser for costs incurred. Such a law, I believe, would have been quite messy to administer.

I can see that some buyers may be a little bit nervous about relying upon a building or pest report prepared at the direction of the vendor. However, the provisions of clause 19, providing compensation where a report was misleading, may provide some comfort. It may have been better to include a penalty for deliberately misleading prospective purchasers, but I am happy to support the bill in its current form. If that proves to be an issue, we can amend the legislation at a later date.

I support the retention of the requirement for energy efficiency ratings to be prepared for properties being offered for sale. I remain hopeful that these reports will become mandatory for rental properties as well, something that I am looking at pursuing further. The one week cooling-off period is something that is common in other jurisdictions. The addition of a penalty for exercising it makes this provision fair on the vendor.

Dummy bidding has been a longstanding source of irritation and distress to property purchasers—first home buyers in particular. With auctions becoming the norm for property sales in the ACT, I am glad that this bill does regulate auctions. The requirement to register bidders and for the auctioneer to take bids only from those registered bidders will set purchasers' minds at ease, particularly since I believe that the 50-unit penalty for breaching this requirement is steep. The 100-unit penalty for dummy bidding will also reassure buyers that they are working in a regulated market, but I am happy to look at Mr Stefaniak's amendment in more detail.

The exception to permit one disclosed bid on behalf of a seller will not undermine the general prohibition on dummy bidding, especially since there is an additional requirement to draw it to the attention of bidders if the vendor's bid is the highest bid at the auction before the property is passed in. Intending buyers will know what the highest market bid was for the property.

Overall, I commend the bill and the Democrats are happy to support it.

Debate (on motion by **Ms Tucker**) adjourned to the next sitting.

Registration of Deeds Amendment Bill 2003

Debate resumed from 8 May 2003, on motion by **Mr Wood**, on behalf of **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (11.16): This bill amends the Registration of Deeds Act 1957 to prevent a person registering a deed poll under the act in order to report a change of name. It will restrict the registration of names to the process provided in the Births, Deaths and Marriages Registration Act 1997. That act has a monitoring process designed to reduce fraud and the use of undesirable or offensive names. An attempted use of offensive names in either this jurisdiction or some other jurisdiction was highlighted not all that long ago, so that seems a fairly sensible process.

The Births, Deaths and Marriages Act processes result in a record being kept of all previous names. If someone changes their name, the previous name is recorded there.

As well as preventing the registration of undesirable names, the act permits changes of names only to persons who are resident in the territory, refuses a name change where it is suspected that the change is being made for fraudulent purpose, provides for the notation of the person's birth certificate in the state of birth and establishes mechanisms linking birth and death records around Australia. Better protection of personal privacy is provided because access to birth records where changes of names are recorded is restricted in accordance with a policy that allows only limited categories of persons with a genuine interest to examine the birth record.

I understand that this bill brings us into line with every other state and the northern territory except Queensland. I am not quite sure what Queensland is doing, but that is a matter for that state. This bill is certainly something which registrars-general across the country have been keen to see introduced. I understand also the Australian Federal Police and other law enforcement agencies are keen to see this type of legislation enacted. Mr Speaker, the opposition will be supporting the bill.

MS DUNDAS (11.18): The Democrats also will be supporting this bill. It is a very simple bill and it fixes up what I believe to be an oversight in the legislation. It is interesting to ponder how we had a situation where the exemption that we are fixing up today did actually come into being in terms of those under the age of 18 being able to register name changes in a different way. This legislation just fixes up that small oversight and brings everything into line and I think that it will make the system a lot clearer. I am happy to support the bill.

MS TUCKER (11.19): The Greens also will be supporting the Registration of Deeds Amendment Bill. This bill tightens the process for registering changes of names by removing the option of a name change being a matter that can be officially recognised by a registration of deeds, leaving the only option being acceptance by the registrar in accordance with the Births, Deaths and Marriages Act.

Traditionally, there were those two methods, but gradually the other jurisdictions have removed the deed poll option. The ACT and Queensland are, I understand, the only two jurisdictions which still have the deed poll option. The fees are the same for both systems, but there are more opportunities for background checks and for liaison with interstate registrars when the process is done by the Registrar-General's Office.

Name change processes have become a concern federally because of investigations into various types of fraud in which people have found it easy to construct multiple identities and then carry on fraudulent businesses or to receive grants for assistance in this way. This can be done by inventing names or by taking on the identity of people who have died. There have been cases in which an identify was established so that a person could pose as the owner of a house and then sell the house, although they had no legal rights to the property.

The Australian Passports Office announced recently that from 1 September this year they will not accept name changes based only on deed polls. The Registrar-General, I am informed, recently tightened the process. The office will no longer approve name changes on the spot. There are police checks and the office liaises with interstate registrars to both pass on information about the name change and check on identities.

That, of course, raises concerns about privacy. Shouldn't your choice of name be your own business? The public interest issue to weigh against this interest is that our names are the basis for any contracts or arrangements we enter into. We need to be able to believe that a person is who they say they are.

However, there are powers of some concern which go beyond being sure of names. Under the Births, Deaths and Marriages Act, a prohibited name means a name that:

> (a) is obscene or offensive; or
> (b) could not practically be established by repute or usage—
> (i) because it is too long; or
> (ii) because it consists of or includes symbols without phonetic significance in the English language; or
> (iii) for any other reason; or
> (c) includes or resembles an official title or rank; or
> (d) is misleading because of similarity with the name of a body or organisation; or
> (e) is, in the opinion of the registrar-general, undesirable; or
> (f) is, or is a name of a kind that is, prohibited by the regulations.

That does take away some of the powers to self-identify. Names like "Naughty Sea Monkey" may seem frivolous or strange, but what is the harm if someone wants to take on that identity in the world?

The ACT Registrar-General's Office has, effectively, run a trial of the new system over the past four or five months by recommending to everyone who wants to change their name that they go through the registrar's process. I understand that there have not been any complaints.

In April and May 2002, Adam Graycar of the AIC delivered a paper on identify fraud. I would like to put some of what he said on the record here as it sets the context for this change, but also raises some related issues which will require further thought and debate here in the future. Adam Graycar's paper reported a trial conducted by the New South Wales Registrar of Births, Deaths and Marriages which checked the birth certificates used with Westpac to open bank accounts. It found that 13 per cent of the birth certificates presented during the experimental period were not an exact match with the records held by the issuing authority. In summing up a range of examples, he said:

> I could rattle off more Centrelink cases, banking cases, immigration cases, the market in fake University degrees, et cetera, as well as cases of phantom beds in nursing homes occupied by non-existent patients and serviced by non-existent staff. What we have is false identify in funds transfer fraud, revenue fraud, theft, financial services fraud, social security fraud, other Commonwealth benefits, health insurance fraud, general insurance fraud, workers compensation fraud, payroll tax fraud and lots more things in the future—things we haven't thought of such as electronic conveyancing.
>
> We know therefore that members of the public, like our con-artists, use false identify to obtain benefits illegally. We know that people in trusted positions sometimes do the wrong thing, whether they be professionals like our accountant, or staff members inside banks or the Health Insurance Commission,

> or somewhere similar. We know that in the international arena those who smuggle people, launder money and move drugs and arms are into identify fraud in a big way.
>
> In Australia alone we have estimated identify theft to cost in excess of $2 billion per year. This is miniscule compared to the losses in the USA where credit card fraud makes up 50 per cent of identity theft complaints to the Federal Trade Commission, and where ID theft victims either knew or were related to the criminals in 14 per cent of cases reported.

He went on to outline some key questions around how to deal with the problem. These extend today's debate beyond this particular remedy for fraud, but I think it is worth raising these issues. Tightening the process for registering a new name and getting recognition for it is one thing; introducing an identity card is another again. How should government organisations identify people when they issue official documents such as birth certificates, drivers licences and passports? Is it enough to rely on documentary evidence or should people be interviewed or asked to provide some biometric evidence, such as a fingerprint?

Would a nationally issued identity document solve the problems of identity-related fraud, or would it just be another document that could be counterfeited and abused by fraudsters? Should it be possible to share information on public and private sector databases in order to find counterfeit or altered documents used to verify identity? Should the police maintain a database of identities that have been used for dishonest purposes? What is the right balance in terms of ensuring accuracy of identification, business efficiency and cost effectiveness, and personal liberty?

Later in his paper he outlined some of the considerations to be addressed in looking at these options, including the likelihood that the risk will be realised, the cost of countermeasures, the effectiveness of the technologies used, the user friendliness of systems, privacy concerns if data matching is contemplated, and possible negative consequences of the behaviour of users.

It is also going to be very important to consider the type of society we may create by pursuing various measures. In pursuing these measures, it will be important to have the parliament involved. Much of this kind of work is being done at a national level, which too often means that it is at the councils of relevant ministers or relevant departmental officers, and the Assembly and other jurisdictions which are supposed to be responsible for this area of law are presented with a fait accompli, even with the risk of some sanction against the ACT if we dare to consider the problem in context for our own community and make changes.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.27), in reply: I thank members for their contribution to the debate. This is an important issue. The amendment is designed to ensure, essentially, that there will be at least a reduction of identity fraud in relation to commercial dealings. The issue has been well covered.

The bill does overcome a gap in our registration provisions, particularly as demonstrated in the difference between the Registration of Deeds Act and the Births, Deaths and Marriages Registration Act, but the government is responding to advice

from the Council of the Australian Registrars of Births, Deaths and Marriages and, indeed, the Australian Conference of Registrars of Title of a year ago or more. I thank members for their contribution to the debate and their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Gene Technology Bill 2002

Debate resumed from 21 February 2002, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (11.28): Mr Speaker, this bill is designed to allow the ACT to meet its commitments under the intergovernmental agreement on gene technology to which the ACT is a party. The relevant Commonwealth act is the Gene Technology Act 2000, and until the ACT passes its own legislation, which I assume will happen sometime this week, the Commonwealth act will apply.

The Gene Technology Bill 2002 is also a wonderful opportunity, I think, for the ACT to:

(1) assert itself; and

(2) prove that it is actually committed, as a jurisdiction and as a government, to the principles of sustainability.

Unfortunately, if you look at the government's response to the Standing Committee on Health's report No 2 of December 2002, you'll see that, of the 25 recommendations that the committee put forward, three have been agreed to, three have been part or agreed to in principle and 10 have not been agreed to. I think, with that, you see the opportunity go out the door. If you just go to the very first recommendation, it reads:

> The Committee recommends that the Government make representations to the Gene Technology Ministerial Council to address the outstanding concerns raised in the report *A cautionary tale: fish don't lay tomatoes*.

The government's response is: not agreed. The government then provides to the Assembly a response to each of the issues the committee listed in para 3.3 of the report, and says, "These are the answers that you should have." But there are concerns out there. There are many questions that are still unanswered in the report *A cautionary tale: fish don't lay tomatoes*. I think the government's 2½-page summary or almost three-page summary of how that could be answered is unsatisfactory in this case.

Mr Speaker, the responses can be categorised. Some have been agreed to. We had asked the government to write to the ministerial council or the regulator or to other governments. In some cases the government says, "Yes, we can write to other bodies."

In recommendation 2 we suggested that there be a relationship with New South Wales about concerns regarding cross-border GMO contamination. That one's agreed to, and discussions have commenced with New South Wales representatives.

But when you go to some of the other areas, the government doesn't believe that it's appropriate for them to be talking to the OGTR or indeed to the ministerial council, which I think is disappointing. Thereby the opportunity goes out the window.

If you look at the issue of creating the ACT as a GE-free zone, the government agrees in part but it does say:

> It is the Government's view that the establishment of a broad ACT moratorium is not required at this stage.

Part of what the committee was trying to simply say was that there are some elements in questions and there are some opportunities here—an opportunity to actually be GE free.

When you get economies like Japan and China saying they will not accept more GE modified food, there is a market there—a very large market—for a country that keeps itself GE free. Australia at this stage could take that opportunity up, use it as a marketing ploy and, instead of ending up like some of the North American agricultural communities, which are riddled with GE crops and the mistakes that stem from them, actually have a fantastic opportunity to say that this is the country that's different from all the rest; our produce is best; buy our produce. I don't believe, given what we heard through the committee and through consultation with the community, that there is any risk in that. I believe it's a fantastic opportunity.

Now that's not to say that research shouldn't go on, and the committee was quite clear that research is important. But you have to have a structure set up to deal with that research.

Recommendation 4 from the committee suggested that the ministerial council move gene technology responsibility to the Department of Prime Minister and Cabinet. We saw the only way to keep this as an across-government issue, and not let it be captured by, for instance, agricultural ministers councils or health ministers councils, was to actually have it situated with Prime Minister and Cabinet. The Health Minister will write, if he hasn't done so already, to the Gene Technology Ministerial Council, requesting that they consider that suggestion.

I would thank the government for that. That is absolutely important if we're going to get consistency and appropriate standards on this. So to the government: "Thanks very much."

Recommendation 5 is actually a recommendation that worries me considerably, Mr Speaker, in particular the government's response. The recommendation is:

> The Committee recommends the Government make representations to the Ministerial Council to require the OGTR—

which is the Office of the Gene Technology Regulator—

> to consider the economic and social impact of applications before granting licences.

The government's response is: not agreed. The objective of the Commonwealth act, as stated in section 3, is:

- to protect the health and safety of people;
- to protect the environment by identifying risks posed or as a result of gene technology;
- and to manage those risks through regulating certain dealings with GMOs.

I would have thought any of the risks that may come out of that would have economic and social impacts. I can't see how a health risk of any kind doesn't have an economic or a social impact. So it's illogical to say that we won't make these representations, because the act itself says that it's to protect health and safety, to protect the environment, to identify risk. All of those things, if you look at them long term, will have some impact if something goes wrong.

When we make these assessments, it would be quite easy to see that and quite easy to undertake the economic and social impact of the applications before granting the licences. Until we do that, and until we do it properly, then I think the government's words about sustainability are simply that—words. Here's the sterling example of how they could do something that would improve sustainability long term; here's an opportunity that's just dismissed because it's clearly, under the Commonwealth act, only health and safety of people. Well, that is economic and social; it is environmental; and it is important.

The question would be whether the government's response was actually sent through the Office of Sustainability—with all the work that's been done on sustainability by the government—and whether the office was actually asked to look at this response and to look at the committee's report. Perhaps the minister when he speaks to us will tell us what it is the government did in regard to assessing long-term sustainability against the GM crop issue. If we get that wrong, long-term sustainability may well be out the window in terms of the environment and in terms of the social and economic impact on people.

Mr Speaker, recommendation 6 asks the government to make representations to the council to urgently review the make-up of the Gene Technology Grains Committee. It is interesting that the Gene Technology Grains Committee is made up of representatives of the Grains Research and Development Corporation, some industry

associations, the Oil Seed Federation, the Canola Association, the Organic Association, the Seed Industry Association, some technology providers, some state farm associations and other groups, including the CSIRO and the University of Western Australia. Representatives from both the federal and state governments were also observers.

I guess you could say that some of the agricultural associations, the state farm associations, represent farmers. But what we heard in the committee—and if you read the *Land*, the *Weekly Times* or any of the local newspapers, what you'll see is the same—was a lot of angst from farmers who actually are organising themselves because they don't believe they're being heard or being represented by their state associations. When you get farmers as individuals coming to the committee to make this point, then I think you do need to take this seriously.

So it's agreed in principle. To this end, the government will write to the grains committee passing on the concerns. I hope they do so and do so in the strongest terms, because by no means is there a clear consensus in the agricultural community over the importance of whether gene-technology modified crops should be allowed or not allowed. The split opinion coming from the operators on the ground is that you've got problems because the framework hasn't been set up properly.

Mr Speaker, recommendation 7 is, again, a golden opportunity for this government that is missed. I would ask the minister: has recommendation 7 been run past the Office of Sustainability? Recommendation 7 states:

> The Committee recommends that the Government lobby the Federal Government for an independent inquiry into farming practice, including the use of GM products.

That goes right to the heart of sustainability. As the drought deepens, although in some places it seems to be breaking—and we are thankful for that—and we get to the stage where the ground cover is actually denuded entirely, we run the risk of a repeat of what happened in, I think it was, the mid 1980s where huge windstorms lifted most of the topsoil of western New South Wales and promptly deposited it in New Zealand. The country recovered from the drought, but the problem was that they had destroyed the country in the interim.

I don't think you can blame farmers for what's happened. We transported European technology 200 years ago. But a lot is now known and a lot of farmers are doing the right thing in attempting to change their practices, and they'll actually be the successful farmers into the future. They're cultivating less land for higher crop and produce returns and are actually protecting their environment, restoring trees and doing all the good, commonsense things they should.

But here's a recommendation to the government. Here's the golden opportunity in the context of this report to do something constructive. And what does the government say? It's really interesting. I'll read it again. The recommendation says:

> The Committee recommends that the Government lobby the Federal Government for an independent inquiry into farming practice, including the use of GM products.

Answer: not agreed. But the opening line of the government's response is:

> The Government recognises the importance of sustainable agricultural practices and natural resource management in Australia.

I would have thought that was in agreement with what the committee was saying. It goes on to say:

> While the Government supports continued investigation in farming practice and the use of GM products it is considered an independent Federal inquiry is not warranted at this time.

When would such an inquiry be warranted? When else will you get another opportunity like this to spur us on to do something better and make sure that we get it right into the future? I'd ask the minister to answer why.

There are another two paragraphs where they outline a few bits and pieces. For instance, it says:

> The Government considers that adequate activities are currently undertaken.

But why not raise the whole issue in the context of drought-proofing farms, making farms sustainable, looking after local environments and seeing the impact of GM technology and products on those farms? It's a golden opportunity; it's a golden opportunity that has gone. Indeed, it wouldn't have taken the government much to write a simple letter to the federal government saying, "On the basis of what the committee has said"—blame the committee here; the committee has asked for this to happen—"would you tell us why you cannot do it?" Raise the issue and make sure that something occurred. I think it's another golden opportunity missed, and that's a shame.

Mr Speaker, recommendation 8 states:

> The Committee recommends that the Government make representations to the Ministerial Council to ensure that all residents within a reasonable radius of field trial sites be informed in writing of the location and nature of the site and that the sites of field trials within the ACT be listed on the ACT Government website.

It's agreed in principle, and then the government will write to the regulator. The comparison between recommendation 7's response and recommendation 8's response, I think, is unfortunate, because the opportunity is there. For the want of a simple letter calling on the government and then, if necessary, some lobbying and some work afterwards to look at this whole issue, there's an opportunity gone begging again.

Mr Speaker, in recommendation 9 the committee asked that we make sure there are risk assessments and a standard application that ensures risk assessment management plans are actually done and that they be based on long-term studies taken in Australian conditions. Again, it's not agreed by the government. The government response says that they believe that the case-by-case evaluation is a better system.

I would ask, in terms of certainty and in terms of process to make sure that one application is judged against another: why wouldn't you have it done in a standard application and why wouldn't you take risk assessment and management plans as part of that assessment? I think it just defies logic. Surely it would make it easier if we were doing all this up front instead of fixing up mistakes at the wrong end. It defies logic that we wouldn't see this as something that a government might undertake.

Again, at the easiest and simplest level, it's a matter of the government writing a letter to the gene technology regulator, saying, "Why don't we do it in a standard way?" I assume there are audits done of the Office of the Gene Technology Regulator and we compare how some applications get through and some applications don't. Later on, when we compare these thing, if you don't have a standard process and they're all not judged against the same criteria, then I think clearly there's a flaw in the process.

The committee was very pleased when we went out to various locations and were given some briefings on the GENHAZ process. GENHAZ stands for genetic hazard. It's one of the risk assessment processes that were suggested to us that seem to be a good process. Again, we suggested that everyone undertake a GENHAZ process as a basic requirement to all licence applications.

The government says no, they don't agree, because, according to their response, they think that there's a rigorous licensing system; it's based on scientific risk assessment consultation; and therefore it's okay. They say that, in preparing the information for the application, a licence applicant may undertake the completion of a risk assessment process such as GENHAZ, and GENHAZ is only one of the types.

But I think there must be, again, some way of comparing all of these applications on the same basis, Mr Speaker. There must be some sort of standard assessment that can be brought into place that can be made to work so that we know that we're comparing everybody in the same way; otherwise we run the risk, I think, of making mistakes.

Mr Speaker, it goes on. The next one I'd like to look at is recommendation 13. It says:

> The Committee recommends that section 72A be withdrawn from the ACT bill and replaced with a reference to the *Gene Technology (Licence Charges) Act 2000* or appropriate legislation **…**

The government doesn't agree, and the advice is that, if the clause were replaced with reference to the Commonwealth act, the ACT would not be able to impose its own annual licence charges on holders of GMO licences, unlike the other states. I'm not sure that that's true, and I'd like to know how that might be so.

I note that the government's response refers to the scrutiny of bills report and raises concerns about 72A. But is there another way that we could do it, or did the government just say, "No, investigate that option"?

There are so many recommendations here, and time is running out, Mr Speaker. The other important one is recommendation 19:

> The Committee recommends that Section 1 Part 4 (a) be withdrawn from the Gene Technology Bill and replaced with the definition of the precautionary

> principle as named in the Environment Protection Act 1997 (ACT) … This definition should explicitly name the precautionary principle and not include a reference to cost-effectiveness.

That's not agreed either. I would have thought, as I've said before, if the government was truly interested in sustainability and the Office of Sustainability was anything but a façade, then surely getting to the heart of the precautionary principle in bills like this would be what we would do. The government sort of almost agrees. They say:

> If the ACT Bill was amended in light of the Committee's recommendation, it would fall out of line with the Gene Technology Legislation in the Commonwealth and other States.

Then it goes on to talk about all jurisdictions, and I quote from the government response:

> All jurisdictions agreed in reality the precautionary principle allows governments to take action and decide on measures in circumstances where there is serious or irreversible threat to the environment that the available scientific evidence may be inconclusive. All jurisdictions agreed that the risk assessment and management process outlined in the legislation embodied a precautionary approach.

Then it goes on to say:

> Rather than explicitly referencing the precautionary principle and potentially creating uncertainty about its interpretation, all jurisdictions agreed it was better to provide clear directions to the Regulator about how to apply the precaution in considering each application.

I would have thought the clearest direction you could send to the regulator was to put it in the act. If all states agree in reality that we should follow precautionary principle and all jurisdictions agree that you have to take that into consideration when you do the risk assessment and management process, why not put it in the bill? Perhaps the government needs to go back to the council and go to bat on that issue. If we are going to make a significant and long-term change, this is where we're going to make the change—at the start of the process, not cleaning up potential messes after the event. If you look at what's happening with some companies and some farmers, both large and small, in America and in Canada, what they are now doing is cleaning up the mess.

Mr Speaker, there is an issue on insurance. The committee asked that people take out insurance before they undertake to use GM modified crops. The response is: there are measures that you can resort to in common law. Again, if people do this before they go into using GM crops, if they know that there is a potential and they have to be insured, it may modify their thinking.

Again, if we're keen on the precautionary principle rather than just giving lip service, if we actually do believe in sustainability rather than lip service, then these things are sensible and get people who wish to gain the benefits from GM technology to take what they're gaining seriously so that they also at the same time protect the

communities in which they live, some members of whom might not like to see GM technology used on farms in their region because ultimately these things spread; there's wind; there are feral animals, birds, whatever. It is inevitable that they will spread. *(Extension of time granted.)*

You only have to look at the spread of everything in Australian conditions—Paterson's curse, foxes, rabbits and the cane toad—to know that often things that are developed elsewhere, when they come to Australia, and even things developed in Australia that go wrong, have the potential to spread at extraordinary rates and extraordinary costs to the environment, to the social and economic wellbeing of Australia as well as to the ACT, as well as to individuals.

In supporting the bill—and the opposition will support the bill—let me foreshadow that we will come back to look at it in time. I understand Ms Tucker has some amendments, and we will look at those amendments. I don't think the government has taken seriously the report of the Standing Committee on Health. This is the golden opportunity for the government to show that they actually do believe in sustainability and the precautionary principle. And that opportunity is being thrown away.

Debate (on motion by **Ms Tucker**) adjourned to a later hour.

Leave of absence

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

> That leave of absence from 1 September to 30 September be given to Ms MacDonald.

Sitting suspended from 11.50 am to 2.30 pm.

Questions without notice

Cryptosporidium and giardia cases

MR SMYTH: My question is to the Minister for Health. Over the past few weeks I think we have all become aware of the increasing number of flus and bugs travelling around the territory. Mr Corbell, over the past few weeks has there been an increase in the number of reported cases of cryptosporidium and giardia in the ACT?

MR CORBELL: Not that I am aware of, Mr Speaker.

MR SMYTH: That is fair enough. The minister may wish to find out. My supplementary question is: do you guarantee that Canberra's water supply is not infected with cryptosporidium or giardia?

MR CORBELL: That is a fairly serious issue to raise, Mr Speaker. The Health Protection Service undertakes, in conjunction with ActewAGL's contractor, which monitors the safety of Canberra's water supply, regular testing of that supply. At this stage, as far as I am aware, there are no difficulties with the safety of Canberra's water supply.

Members will be aware that, at the moment, our supply is coming from the Googong catchment and that continuing assessment is made of that catchment, the water from which does receive a higher level of treatment than water from the Cotter catchment. There is ongoing assessment of the water quality in the Cotter catchment. That is a process that has been undertaken jointly by the Health Protection Service, Actew and ActewAGL, and their relevant contractors.

I will take the question on notice and clarify the situation for Mr Smyth, but I do have to raise a concern that Mr Smyth is suggesting that there might be a problem without substantiating it. It is quite a serious issue and if Mr Smyth is aware of a concern, I would certainly appreciate his raising it with me so that I can investigate it. I will take the question on notice and provide further information to him.

Hospital beds

MRS DUNNE: Mr Speaker, my question is also to the Minister for Health, Mr Corbell. Minister, in relation to the discussion paper "Towards the Canberra Spatial Plan", which is a lovely mauve, which you released today, it is reported in the *Canberra Times* and elsewhere that you cannot expect any new hospitals or hospital beds in the next 30 years and that it is estimated that the current number of hospital beds contained within the current hospitals will be sufficient to meet predicted needs.

Minister, why are you predicting that the ACT will not need additional hospital beds, given that the population will grow substantially in that time, that the demand for health care will grow significantly and that the aged profile of the community will increase significantly?

MR CORBELL: The point that that document was trying to make, Mr Speaker, was that, based on existing projections and, indeed, even on a wrapped-up projection of the amount of population growth in the ACT, it would be unlikely that a city of our size would require a third tertiary hospital, given both its cost and the level of investment, therefore, required of the community. But the system has capacity, in terms of the number of beds, to respond. I think the point the document was trying to make was that we could, in fact, have additional beds within the existing infrastructure.

Mr Speaker, it is worth making the point that the capacity for treatment is much more focused now on providing as much care as possible in the home or the community environment and not in the acute care environment. Indeed, all the trends in health care are to shift care out of the acute environment because, the irony is, the longer you stay in hospital, the more difficult it is for you to get well, generally speaking; and the shorter your stay in a hospital, the better your health outcomes are. That is essentially where the evidence points and that has led, over the past 10 years, to the increased use of day surgery, where people don't stay overnight but simply have surgery during the day and return to their home and has led to a focus on expenditure in the community setting and in the home setting.

Whilst our hospitals do have capacity for additional beds, the issue really is whether or not we need to build a new facility. Certainly, based on current projections and,

indeed, even the increased population projections, the need for the community to do that would appear unlikely.

MR SPEAKER: Supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Given that you say that the current number of hospital beds will be sufficient to meet future needs, does this mean that you share the view of Sir Humphrey Appleby that the best hospital you can have is one without patients?

MR CORBELL: It is interesting that Mrs Dunne equates the health of the community with the number of hospital beds that we have. If you have fewer hospital beds, it means you are heading towards a healthier community. I think your former health minister, Mr Moore, made exactly that point when he released his document *Setting the agenda* when he became health minister.

Mr Speaker, the issue of health care and provision is a complex one, and it is not down to the straight number of beds indicating how efficient or how effective your health system is. To suggest otherwise is simply misleading.

Motor vehicle theft

MR PRATT: Mr Speaker, my question is to the Minister for Police and Emergency Services, Mr Wood. In the past six weeks, 91 motor vehicles have been stolen in the Belconnen area, which is a 46 per cent increase, and the police think that those responsible are mostly juveniles, some as young as 12. The *Canberra Sunday Times* of 22 June 2003 reported that operational police numbers on the north side have been cut by 19 officers as a result of a restructure. Given that the level of crime such as car thefts in that area is rising, is the fact that you cut police numbers an indication of your inability to manage the police portfolio?

MR WOOD: I do not think so, Mr Speaker. Yes, we are concerned about the level of car theft and I have had discussions with the Chief Police Officer about that. They believe they are getting on top of that wave and will be managing it. I would be fairly confident in saying that it is not connected at all to claims or allegations that maybe there is a reduction in police numbers in that area.

MR PRATT: Mr Speaker, I ask a supplementary question. Minister, do you care about this issue in terms of the 19 lost positions? If you do care about it, will you take action to address the issue?

MR WOOD: Mr Speaker, I do not know that there were positions lost. Circumstances change in the ACT—in Gungahlin, in Belconnen and in other places. There has been a consistent and, I have to say, increasing level of policing numbers over the years. Mr Cornwell has a question on the notice paper which I think will give us good information about that. But I can say that there are ample police in the community. The Chief Police Officer assures me that he has the numbers of police to manage those circumstances.

From time to time there is an increase in burglary, for example, and that is well managed by the police. Operation Halite and other operations significantly reduced the amount of burglary. There are changes, there are variations over time, in the pattern of crime, to which the AFP responds very well indeed. I am assured they have the numbers they need to manage the circumstances that arise.

Liquor licensing

MS DUNDAS: My question is to the minister for policing. Minister, as you would be aware, there have been a number of alcohol-related violence incidents in Civic over the last number of months. Can you inform the Assembly how many people are employed by the ACT government to enforce liquor licence conditions in the ACT and, in particular, the responsible service of alcohol?

MR WOOD: Liquor licensing is a matter for the Chief Minister, but it is also a matter that the police do not turn away from. They have had an active presence, for example, in clubs in recent times, more related to their target of preventing drink driving. But they are out in the clubs notifying people of their presence and, at the same time, they are aware of any incident that arises, whether in the clubs or in the neighbourhood. The police are very active.

On Mr Stanhope's behalf, unless he wants to respond, I will get details about the licensing arrangements that apply.

Mr Stanhope: I do not have any more.

MR WOOD: I will do that.

MS DUNDAS: I have a supplementary question. Minister, I understand that in New South Wales there are licensing police who are being trained to deal specifically with alcohol-related violence incidents. Is the ACT considering having a similar scheme?

MR WOOD: I have not had any advice from the Chief Police Officer to that effect in our discussions on these issues, but I will seek information on whether anything is happening in that area. I have not heard of it.

Disability services

MRS BURKE: My question is for the minister for disability, Mr Wood. Minister, I refer to the August 2003 edition of *ACROD News*, where it is stated that various aspects of the new structure of Disability ACT "have been communicated to members of the community sector who happened to be in the right place at the right time but little effort has been made to keep the sector as a whole informed in any coordinated or coherent way".

Can the minister explain exactly the information flow that is being communicated—to whom and when—in relation to the development of the new strategic plan for the sector?

MR WOOD: I read that account as well, and it concerned me and my officers. We do not believe that happened. In fact, as we review what we have been doing in recent times, we are very confident about the very large range of people and communities that we are involving in discussion.

It may be that the person concerned, who was a significant player—and still is, but not as chair of the group—notices a bit of a difference in what information is being received. We are nevertheless taking steps to backtrack and to talk to the person involved, and to others, about how information is disseminated. But I remain very confident that the communication is—and I would use the word—excellent. Other than that one report, all the comments I get support my view.

MRS BURKE: What will the minister do to guarantee that the promises made and the assurances given by the former Disability ACT officers to the community will be honoured?

MR WOOD: We will continue to do what we have been doing over the last year or so, and we will do it even more carefully in that respect. I repeat: the process is good. I meet regularly with people, and officers meet regularly with people. A large number of committees are working on this. We have established the Disability Advisory Council. There are subgroups in that, and there are very strong links to disability groups in the ACT. I am confident that the process is working well, but we will pay careful attention to one issue which has been raised.

Sustainability and development controls

MS TUCKER: My question is to the Minister for Planning. I did give his office some notice of this. It is in regard to sustainability and development controls. Minister, the government is on the record as supporting progress towards sustainability, and yet I have heard from constituents that the regulations make it very difficult to put solar hot water systems or photovoltaic cells on the roof when the roof faces the street.

Your office has supplied the answer to my question that asked whether this could possibly be true and, if so, what the problem might be, thank you, and I am pleased to note that a review of these unnecessarily restrictive guidelines is under way.

Mrs Dunne: Sorry, I do not mean to interrupt Ms Tucker, but I understand that Ms Tucker is asking the Chief Minister a question.

MS TUCKER: No.

Mr Hargreaves: No, she is not.

Ms Gallagher: It is Simon's.

Mrs Dunne: Sorry, I apologise in that case. I withdraw.

MS TUCKER: My question is: when will the reviewed regulations be in place, whether the intent is to remove all restrictions based on purely aesthetic grounds, to

clear the way for an aesthetic of sustainability, and what work is being done to remove similar pointless aesthetic restrictions on the placement of water tanks?

MR CORBELL: Mr Speaker, I do not accept that aesthetic considerations are unimportant. I think that if you were to ask any resident you would find that they think you have to seek to strike a balance between visual aesthetic considerations and environmental aesthetic concerns, as Ms Tucker mentions in her question.

In relation to the current situation, I will just recap for the information of members: at the moment, you can install a solar hot water heater or a photovoltaic system on a roof without a development application as long as it does not face onto the street. If you seek to install one of those facilities on the side of the roof that faces the street then, yes, there are aesthetic considerations: you are required to lodge a development application but it is still a relatively straightforward process. That is simply because there may be problems with glare or there may be aesthetic issues that need to be taken into account.

Such considerations are valid for a neighbourhood and can be sensibly addressed. Often, it simply means ensuring that the colour of the unit that is going to be installed on the street-facing side of a roof is consistent with the colour of the building overall and that sort of thing, so that you can accommodate both aesthetics and environmental considerations.

I will have to take that part of the question related to the review on notice and get back to Ms Tucker about when the planning authority proposes to complete that review of the guidelines. We do want to encourage the installation of these appliances. In particular, there is a level of concern at the moment about rainwater tanks and the controls on those. I have had a number of representations from residents who want to install rainwater tanks in the front yards of their properties, which has raised a number of concerns. For that reason, we are reviewing that policy at the moment to make it as streamlined as possible.

However, I think it is fair to make the point that the visual aesthetic is an important consideration in any planning matter, as is the environmental aesthetic.

MS TUCKER: Minister, I was interested to know whether you are in touch with other planning jurisdictions who are working towards more sustainable design, such as Leichhardt City Council in Sydney, in order to develop simple, sustainable development guidelines as expeditiously as possible; and, if so, when we might see the outcomes of this work.

MR CORBELL: Mr Speaker, I would imagine that the planning authority seeks wherever possible to learn from the practices and the experience of other jurisdictions and other local councils. I will certainly point out that Leichhardt example to the planning authority if it is not already aware of it.

Business confidence

MR HARGREAVES: My question is to the Minister for Economic Development, Business and Tourism. The results of the *Sensis Business Index* survey, formerly

known as the *Yellow Pages Business Index*, were released today. Can you advise the Assembly of the results of that survey for the ACT?

MR QUINLAN: I thank Mr Hargreaves for the question. There is a bit of nostalgia in receiving such a question, because I do remember with the former government that whenever one of the business indices improved there were quite wide claims made and all credit taken. We have tried to avoid that in this Assembly, simply because we do recognise that there are more influences on the ACT economy than the government itself. Politically, it might be smart to do so, because what goes up must come down sooner or later, and what goes down must come up to some extent.

But I have to advise that in the latest Yellow Pages survey, which now goes under the term "Sensis", all the indices and all the business optimism were very positive; but, more importantly, more than any other state except Tasmania, with which we are level, the government has the confidence of business.

Mr Smyth: We left you with a good legacy, didn't we?

MR SPEAKER: Order!

MR QUINLAN: It has improved in recent times. The significant element of it is the improvement.

Mr Smyth: To which policy do you attribute this?

MR SPEAKER: Order, Mr Smyth!

MR QUINLAN: According to the survey, "the most significant factor that underpinned the ACT government's positive approval rating was the view that they were generally supportive of small business". Let me say that all the other indices measured in that survey were more positive for the ACT than they were for the national average—for sales, size of the work force, profitability, et cetera. The only cloud on the horizon is a possible reduction in capital expenditure.

I think that these results generally follow the local chamber of commerce survey. Of course, you would accept that a Labor government has to work pretty hard to come out on the positive side of a chamber of commerce survey.

This government will not be running laps of honour around London Circuit every time the unemployment rate shifts by a point or two, because we do realise that these things fluctuate and we do realise that the ACT has had the lowest unemployment rate in Australia for many years and that it is a result of many influences. But I did particularly want to advise the house, including those opposite, of the significant improvement in business confidence, based on the confidence of business in its government.

MR HARGREAVES: I have a supplementary question. Can the minister advise the Assembly about proactive programs that the government has in place or is working on that are designed to assist business in the ACT?

MR QUINLAN: Yes, I can. The government has a long-term strategy, part of which is the economic white paper that is under production. I notice that every now and then—

Mr Smyth: I take a point of order, Mr Speaker. There are questions on the notice paper about the economic white paper. Is it out of order to be asking questions when answers have not been received to questions without notice?

MR SPEAKER: It would have to be exactly the same as the question on the notice paper, Mr Smyth. You have not pointed me to one.

Mr Smyth: No 890.

MR SPEAKER: Please repeat the question, Mr Hargreaves.

Mr Hargreaves: I said, "Can the minister advise the Assembly about proactive programs that the government has in place or is working on that are designed to assist business in the ACT?"

MR SPEAKER: I think that that is okay.

Mrs Dunne: Speaking to the point of order: I would have thought that asking the Treasurer to talk about programs that the government is working on would be seeking an announcement on government policy.

MR SPEAKER: If they are already working on the programs, the policy is already in place. It is not about the announcement of a policy; it is about administrative work that is going on within the agency.

Mrs Dunne: So don't tell us anything we don't already know.

MR QUINLAN: That probably still leaves me with a lot of room to move, Mrs Dunne.

In relation to the economic white paper, let me advise the house that the Leader of the Opposition has recycled a press release which says, "Where is it? We want it now." Without the economic white paper, apparently nothing can happen in the ACT. It is interesting that that is coming from the opposition, which did nothing in terms of long-term strategic thinking, whether it be spatial planning, social planning or economic planning.

Opposition members interjecting—

MR QUINLAN: The opposition does seem to be rather perturbed that the government is putting together a long-term strategy for the territory and is doing it through a process of extensive consultation involving all stakeholders. For some reason, these sorts of things that they never even thought of have to be delivered immediately.

Let me make the point that the survey indicates that the government, as well as working on the long-term health of the economy in the ACT, has not lost sight of the short term. We do have small business programs in place—

Mr Smyth: Renamed, rebadged.

MR SPEAKER: Mr Quinlan, resume your seat for a moment, please. Mr Smyth, I have asked you to maintain order on two or three occasions. I would ask you to desist from interjecting while questions are being answered.

MR QUINLAN: Mr Speaker, I will not take up much more time because I think the point has been well made. You can usually confirm that a point is well made when you start to get squeals from the other side of the house. We do have a suite of small business programs in place.

I have had the pleasure of participating in the awarding of certificates for some of the programs that we have run and of meeting people in small business in the ACT who have a very positive view of what we are doing for them and have a very positive view of what we have done with the knowledge fund, the proof of concept grants, the industry development grants and the equity investment in which we will involve ourselves. We have included in the budget the development of Partners Canberra, which will be the next exciting step forward in a strategic approach to building the economy in the ACT, and not before time.

Bill of rights

MR STEFANIAK: Mr Speaker, my question is to the Attorney-General. I refer him to an opinion piece by the New South Wales Solicitor-General, Michael Sexton, that appeared in the *Australian Financial Review* on 22 August. It relates, Chief Minister, to your social experiment to create a bill of rights in the ACT, creating nebulous rights such as the right to an adequate standard of living and the right to the highest attainable standard of living. The Solicitor-General for New South Wales states:

> This has the potential to unleash a tidal wave of litigation against public authorities by persons complaining that some government action has, for example, lowered their standard of living or affected their health care. It also cuts directly across legislation being enacted by all states and territories to limit the liability of government bodies, corporations and individuals for claims of negligence.

Attorney, why are you implementing a bill of rights to create the potential for a tidal wave of litigation against the ACT government when this house has just passed significant legislation reforming the torts law that has the opposite effect?

MR STANHOPE: I thank the shadow attorney for the question. I'm more than happy to talk about a bill of rights and its significance. I'm grateful to Mr Stefaniak for giving me the opportunity to do that.

Certainly, Mr Sexton, a New South Wales official, has a view about a bill of rights. There are a range of views within the community around a bill of rights and, indeed, about human rights and about the importance of recognising, articulating and

acknowledging that human rights are universal and are worth acknowledging and protecting. That's my view and the view of this government.

Mr Sexton raises an issue in relation to the expansive nature of the draft bill that the ACT bill of rights consultative committee has prepared and issued for the government. Certainly, in relation to the proposals that we have received from the consultative committee to incorporate in a proposed bill of rights the economic, social and cultural rights, there are, indeed, some significant questions to be answered and submissions to be worked through. As I indicated when I provided members with that report, a whole of range of issues and a whole range of work needs to be considered in preparation of the government's response to that report and to a particular proposed human rights act.

I think some of the big issues and some of the really big questions that we face in relation to our consideration of whether or not to proceed with the enactment of a bill of rights are issues around the implications for the ACT and certainly for the ACT public service in seeking to administer a bill of rights that incorporates the full range of social, economic and cultural rights as proposed by the consultative committee, acknowledging that the only other bill of rights in the world which incorporates those rights is that which was implemented by South Africa. It is, indeed, the case that, as things stand, the most progressive and far reaching bill of rights in the many jurisdictions or places around the world that have bills of rights is in South Africa.

I think that is interesting in itself, isn't it—an emerging nation, a nation that emerged out of a century of strife and discrimination and certainly out of the gloom and doom of a repressive regime has, I guess, as a response to its history, seen fit to legislate a very expansive bill of rights, a constitution that entrenches a whole range of social, cultural and economic rights for the people of South Africa.

This is a task that frightens certainly those on the opposition bench in this place, even in discussion—

Mr Stefaniak: Doesn't that tell you something?

MR STANHOPE: It does, actually, Bill, but we won't go there today. It says a lot to me about the state or status and nature of leadership in this nation in relation to a whole range of issues.

They are significant issues. Mr Sexton has a view. There are many views that can be advanced to rebut the legalistic and the narrow view that Mr Sexton promotes. Certainly, when I come to deliver this government's response to the draft bill and the report we have received we will address each and all of those particular issues.

Mr Stefaniak, I think many of us acknowledge there is a real strength and benefit to the community in a community being prepared and having the courage to stand up and say, "These are rights. We have confidence in ourselves to acknowledge that these are the rights that we acknowledge as being universal and fundamental. We, as a government and as a community, are prepared to be accountable and we are prepared to be regarded and judged according to our commitment to these rights." I think that is a good position to put.

I think a bill of rights, at the end of the day, is essentially a very clear statement of a government's or a community's willingness to be accountable for the decisions it makes and for the laws it passes. As you know, it is a proposal or a prospect which has my very strong support.

MR STEFANIAK: A supplementary question. Have you done any research on the impact that this tidal wave of legislation will have on our court system; if not, why not?

MR STANHOPE: Mr Stefaniak, the report that was prepared by the bill of rights consultative committee for the ACT government, I think, is a masterly piece of scholarship and of research and is the fruit of widespread consultation with the people of the ACT. As you know, Mr Stefaniak, the chair of the consultative committee was Professor Hilary Charlesworth, the head of the Institute of Public Affairs at the Australian National University, a world-leading institute of public affairs. Professor Hilary Charlesworth, that academic acknowledged throughout the world as one of the world's leading rights lawyers or advocates, is almost without peer in terms of her scholarship, her understanding of issues around rights and rights regimes.

Mr Stefaniak: On a point of order, Mr Speaker: I actually asked the Chief Minister had he done any research on the impact of this wave of legislation on our court system. I'd ask him to stick to the question and confine himself to the subject matter. He's drifting off rather badly.

MR SPEAKER: Come to the point of the question, please, Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. And I am indeed. I engaged a world-leading expert in rights, namely, Professor Hilary Charlesworth, and I am concerned at the fact that my description of Professor Hilary Charlesworth as a world-leading expert in relation to rights is a matter of mirth for the shadow Attorney-General.

Mr Stefaniak: On a point of order, Mr Speaker: my point of order is the same. He has to confine himself to the subject matter. I didn't ask him about Professor Charlesworth. I asked him about the impact and had he done any research on the impact of his legislation on the court system.

MR STANHOPE: That's what I'm saying. Yes, I have. I engaged Professor Hilary Charlesworth, Professor Larissa Behrendt, Ms Penelope Layland and Ms Elisabeth Kelly—and I would think they are amongst the most intelligent team of experts and professionals in relation to this particular issues—and I asked them to actually investigate on behalf of the ACT government and the people of the ACT these very real issues.

One of the issues they went to in their consultation and in their research was, of course: what are the implications of implementing a bill of rights? One of the issues is that which Mr Sexton raised—a rather tired and discredited old argument that there will be a tidal wave of litigation. Of course, that's what people say every week. Whenever a bill of rights is proposed, the opponents come out with four or five standard arguments, each of which is always rebutted and in relation to each of which

experience has shown that the doomsayers, the knockers, the lily livered, those without conviction are almost invariably wrong. One of them is: we'll be swamped; there'll be a tidal wave of litigation; the courts will be flooded.

I think underlying it all, of course, is: horror, horror, horror, people who traditionally have their rights denied them, people whose rights are often trammelled—namely, those at the edge, the dispossessed, the homeless, indigenous people, people with mental illness, people living with a disability, criminals—will, shock, horror, stand up and seek to assert their rights. Isn't that a horrible prospect? Isn't that a horrible prospect for the Liberals, the conservatives and the rednecks that people with mental illnesses, people with disabilities, people that are black, people perhaps that are Muslim, might actually dare to assert their rights; they might stand up and say, "Listen, I have rights too"?

Mr Stefaniak: On a point of order, Mr Speaker: he is not even being concise now. He is breaching 118 (a) and he is starting to breach 118 (b) too.

MR SPEAKER: I think you were just about to come to the end of your response.

MR STANHOPE: I was. I had concluded my answer, thank you, Mr Speaker.

Public housing rents

MRS CROSS: My question is to the minister responsible for housing, Mr Wood. Minister, ACT Housing has recently increased the rents payable by tenants, and some tenants have found these rent increases to be significant and very difficult to budget for. A number of my constituents have indicated to me that people who are not entitled to a rental rebate, as both partners work, are finding that the system of calculating on the gross income of the family and not the net income is causing real budgetary problems. Some of these constituents have to find an extra $100 a fortnight, which is difficult. These same constituents would like to purchase their own house but are unable to do so as it is this $100 they were saving towards their own purchase.

Minister, are you aware that these people are being disadvantaged by your system, and will you consider changing the system to calculate the rents on net income to help people save to purchase their own home?

MR WOOD: Mr Speaker, there has been much discussion about the issue of whether payment should be based on gross income or net income. I think payment has always been, or certainly it has been for a very long time, established on the basis of gross income. I have examined, looked at and discussed this matter and I assess that it is fair and reasonable to do that. Sometimes houses have quite a number of income earners living in them, and it is fair to do that.

I do not believe they are disadvantaged. In fact, by virtue of the fact that they are living in an ACT Housing property they are significantly advantaged because when rental rebates apply no person need pay more than 25 per cent of household gross income on rent. I think there are many in the private sector who would welcome a deal like that.

MRS CROSS: Mr Speaker, I ask a supplementary question. Minister, would you consider increasing rents for tenants every two years rather than yearly—which these families do not consider fair and reasonable—to help with family finances?

MR WOOD: I am required under the acts that apply to review it every year. It is a legal requirement, so that is what I do. I think it is equitable that I do that—I am not entirely happy about it, I might say. It is equitable because market rents are paid by about 17 per cent of public rent payers. These people, who are above the threshold, pay market rents and are therefore matching what is required in the private market. I do acknowledge that the rents in the private market are very high, and I think there is a very complex problem overall about that. But it is not something that I can easily deal with.

CountryLink train services

MR CORNWELL: My question is to the Chief Minister and concerns the "supposedly" temporary cessation of the CountryLink train service between Canberra and Sydney. Chief Minister, you were talking earlier about rights. Have you, in your responsibilities to this territory, been in communication with your New South Wales Labor counterpart regarding the continuation of this important service to the people of the ACT, particularly our elderly residents and travellers? You would have been aware of that as minister for ageing.

If so, what has been the outcome of your discussions? If not so, will you raise this matter with Mr Bob Carr—a most unfortunate name for a question about trains—when you meet with him at the premiers conference?

MR STANHOPE: I have raised this with my colleague Bob Carr. I wrote to him on the day New South Wales made this regrettable announcement. I have not yet had a response from Mr Carr. I have written to him and raised in strong terms our dissatisfaction with the cessation of the train service. I am more than happy to raise with him at COAG this week the ACT's strongest interest in ensuring the service—as I have in my letter to him.

It is a serious issue. I, along with you, have received a number of representations from Canberrans who have been seriously affected by the cessation of the service. It is a good service, and we believe its cessation to be regrettable. We are advised that it is temporary, and we are concerned to ensure that it is only a temporary break in the service. That is the position I have put. I have asked for it to be restored as soon as possible and am happy to continue to press Mr Carr for the return of the service—irrespective of his rather unfortunate views on bills of rights.

MR CORNWELL: Could you provide the Assembly with a copy of your letter to Mr Carr? In the event that this cessation is permanent, have you any proposed plans to overcome this problem?

MR STANHOPE: I am more than happy to make the letter available, Mr Cornwell. At this stage, I fully expect that New South Wales will restore the service. They have indicated that this is a temporary break in the arrangement, and I have no reason to suspect that they are doing anything other than telling the truth. They have advised

that the cessation is a result of difficulties they have experienced in relation to staff, and I have no reason to disbelieve that. In the context of the future, I remain hopeful that the service will be restored, as promised, by New South Wales.

Mr Speaker, I ask that further questions be placed on the notice paper, Mr Speaker.

Supplementary answers to questions without notice

Street lighting

MR QUINLAN: I did receive a question from Mr Cornwell on 21 August in relation to streetlights in a given street. I have sent a written response to Mr Cornwell's office, but I'll furnish the Assembly with a copy of that to round out the process. I present the following paper:

> Outage of overhead lights in Leane Street, Hughes—Answer to question without notice asked of Mr Quinlan by Mr Cornwell and taken on notice on 21 August 2003.

Uriarra settlement

MR WOOD: On 21 August, Mrs Burke asked me about the Uriarra settlement. The detail of the answer is as follows: ActewAGL has advised that the streetlight system at Uriarra has been completely destroyed by the fire. The street lighting is currently not operational, this person said. The entire electrical system, including streetlights, requires major reconstruction and capital works funding. I'm advised that no reconstruction will be carried out until a final decision is made on the future of the settlement. That would then involve new designs from an electrical reticulation system.

Considerable clean-up has taken place at Uriarra as part of the demolitions and repairs. While some small trees remain, they do not pose a fire threat. Arrangements have nonetheless been made to clear them.

On the issue of fire equipment: Transfield was directed to replace the fire equipment destroyed in the bushfire. However, some delays were experienced in transporting the equipment from interstate. The equipment has now been installed.

In relation to strategic fire fighting education: the government has already announced that, before the next fire season commences, every household in the ACT will receive a bushfire awareness package, at a total cost of half a million dollars. This package is intended to have all people in the ACT bushfire prepared and aware and to assist them in making the necessary decisions if fire approaches their property. There is also work under way to ensure that Canberra Connect can assist community members who may seek additional information once they receive their package of information.

In addition, $400,000 will be provided in this year and forward years for the employment of community education and risk management officers. There is also an education and awareness element in the trial of the community fire units which are in the process of being established for eight locations in this financial year.

Community housing

MR WOOD: Ms Tucker asked me a question about community housing and how those things are progressing. I might advise that the outcomes were advised on 2 May. Billabong Aboriginal Corporation received $430,000 to purchase two dwellings; Canberra Co-Housing, $620,000 for six dwellings; Community Housing Canberra, $674,000 for the group house and big house projects, and $1.1 million for a project for Abbeyfield; Poachling Inc, $114,000 for the construction of three premises; and Tamil Senior Citizens, $400,000 for aged persons units.

In answer to the particular point in Ms Tucker's question: three of the seven projects were subject to securing land; two of these projects have identified sites and have made applications for direct grants of land, and these applications are currently being assessed under the required approval process. A suitable site for one is still being discussed. The other projects, which are not dependent on land, are currently in the process of finalising terms of funding agreements in consultation with the stakeholders.

Sustainability and development controls

MR CORBELL: In question time today Ms Tucker asked me a question about the review of guidelines for the installation of solar hot water systems, photovoltaic systems and other ecologically sustainable measures in homes. I can advise Ms Tucker and the Assembly that the review of those guidelines is practically complete and will be finalised in the next month.

Cryptosporidium and giardia cases

MR CORBELL: Mr Speaker, in question time today, Mr Smyth asked me a question about any risks of cryptosporidium or giardia in the ACT water supply. I'm advised there is no evidence of cryptosporidium or Giardia, based on the testing which occurs regularly in our water supply. The government will also continue testing on a less frequent basis those dams which aren't currently supplying water to the ACT water supply, to monitor their recovery from the bushfires. The government will continue to monitor the water supplies, as we always do, to ensure that, with the combination of treatment and testing, there is a low level of risk involved in any infection of the water supply.

Legislation program–spring 2003

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): For the information of members, I present the following paper:

> 2003 Spring Legislation Program, dated August 2003.

I ask for leave to make a statement.

Leave granted.

MR STANHOPE: I am pleased to present the government's fourth legislation program. During the past 18 months, the government has made many significant achievements and accomplished substantial reforms but there remain social, mental, and economic challenges to be addressed. Chief among these is the rebuilding of Canberra and the continued recovery from the devastating January 2003 bushfires.

To build on the government's achievements for improving Canberra and to maintain the bushfire recovery process, the focus of the program will be towards making Canberra an even safer, stronger, and more confident city with an inclusive community. The government will do this by maintaining its consultative, considered and responsible approach while, at the same time, working in partnership with the community to meet concerns and deliver quality services.

Improved financial management and governance of the territory will also continue to be a focus, with the government's management to date demonstrated through the ACT's ongoing good economic performance. In the time available, I can comment on some of the proposed legislation.

As I indicated earlier, the key government priority is to continue the rebuilding of the city following this year's bushfires and to assist fire-affected people. In this regard, significant measures have already been introduced and the government recently launched a series of new initiatives to provide support to people to carry through to the next phase of the recovery process.

The Appropriation Bill 2003-2004 (No 2), introduced last week by the Treasurer, will provide additional funding to help people rebuild their homes and communities. It will also enable additional bushfire-related measures to be put in place, including an increased capacity to respond to fires—as identified by the McLeod inquiry. Additionally, the government, in its response to the inquiry report, will review emergency management arrangements and seek legislation changes where appropriate.

The government also introduced last week the Financial Management Amendment Bill 2003 (No 2) to legislate principles of improved fiscal management. As outlined by the Treasurer when presenting the bill, it provides for a number of amendments to improve transparency and accountability, such as including in the territory budget a mid-year budget review and pre-election update.

Of course, responsible financial management sometimes requires a government to make tough decisions. One of these was the government's announcement of the wind-up of Totalcare. That organisation has cost Canberra millions of dollars since its corporatisation. The Treasurer has announced that the government will proceed to put the wind-up into effect.

Mr Speaker, the government is committed to improving entitlements for workers. An amendment to the Annual Leave Act 1973 will remove the requirement for employees to work minimum average weekly hours before qualifying for annual leave, improving entitlements for part-time workers, including those who work part time to balance work and family commitments.

Another bill presented by the government last week proposed amendments to the Long Service Leave Act 1976, to ensure that long service leave entitlements in the ACT are consistent with those in New South Wales. Among other things proposed, amendments would entitle workers to pro rata long service leave payments on redundancy after five years service with their employer, rather than seven years service.

The government will bring forward other legislation to improve the health and safety of workers and the broader public. New legislation to regulate dangerous goods and hazardous substances will be introduced in these sittings. This will allow for the regulation of hazardous substances, introduce new regulatory arrangements for explosives, including fireworks, and implement the nationally agreed ban on asbestos from 31 December 2003.

Legislation is also proposed to improve the compliance model established under the Occupational Health and Safety Act 1989. This bill will ensure penalties under the Occupational Health and Safety Act are set at a level that is consistent with the government's proposed industrial manslaughter legislation. It will increase the range of compliance tools available to ACT WorkCover inspectors, and implement other recommendations made by the tripartite Occupational Health and Safety Council.

The government is also keen to address law and order issues. Further amendments are proposed to the Firearms Act 1996, to give effect to the national firearms trafficking policy agreement endorsed by the Australian Police Ministers Council and to make a number of other minor amendments arising from reviews of the act.

The government will propose the Australian Crime Commission (ACT) Bill 2003. It will enact model legislation for the ACT to provide for the operation of the Australian Crime Commission under territory law, and complement the Australian Crime Commission Act 2002.

Further to a clear election promise, the government appointed a consultative committee to examine the feasibility of a bill of rights for the ACT. The committee provided a comprehensive report recommending a bill of rights. I expect the government response to the report to be completed soon and will be making a statement in respect of human rights when I table the government's response to the recommendations of the bill of rights committee. Whilst not wishing to pre-empt a government response, as I indicated in question time—and as I believe all members are aware—I personally would like to see a bill of rights in place in the ACT.

As part of the government's commitment to remove discrimination against gays, lesbians, and transgender persons, stage 2 amendments will be introduced.

Health is another crucial government priority. The Health Amendment Bill 2003 is to be introduced, to facilitate the collective negotiations of terms and conditions for the provision of public health services by visiting medical officers. Additionally, the government will introduce the Nurse Practitioners Legislation Amendment Bill 2003. Implementing the role of nurse practitioners is part of the government's commitment to building a strong, sustainable nursing work force in the territory. The introduction of this bill is the next step to implementing this extended nursing role.

Education is a high government priority, with the government looking to introduce the Education Bill 2003. The bill will provide a framework for the provision of high-quality education to the territory by consolidating into one act provisions now spread over four acts. Members will recall that this was flagged for the autumn 2003 legislation program but has been held over, due to lengthy consultations and a significant response to the exposure draft of the bill.

Other legislation includes the Construction Occupations (Licensing) Bill 2003, which will provide an integrated and more efficient regime for the licensing of construction occupations and improve disciplinary and offence provisions. It also provides a new complaints process. A rewrite of the Building Act 1972 will be part of the associated legislative reform package, to remove existing anomalies and ensure a seamless integration with the licensing bill.

A Heritage Bill will be proposed to replace existing provisions in the land act and introduce new heritage legislation for the territory. This was also held over from the autumn 2003 program.

Mr Speaker, these are just some of the initiatives proposed in the spring 2003 program. The program reflects the government's priorities for good governance and for responding to community needs. I seek the cooperation of all members in the timely consideration of these bills.

I commend the 2003 legislation program to the Assembly.

Classification of films and computer games
Paper and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): For the information of members, I present the following paper:

> Guidelines for the Classification of Films and Computer Games 2003, prepared by the Office of Film and Literature Classification.

I ask for leave to make a statement.

Leave granted.

MR STANHOPE: The new guidelines for the classification of films and computer games came into effect on 30 March this year. These guidelines supersede the guidelines for the classification of films and videotapes and the guidelines for the classification of computer games.

The need to combine the guidelines arose out of the increasing sophistication of computer games, which has resulted in a blurring of the distinction between films and computer games, particularly for classification purposes. As the distinctions between the two are becoming increasingly artificial, it is both sensible and practical to develop a single set of guidelines for both films and computer games.

In January this year, Commonwealth, state and territory censorship ministers approved the new guidelines. The new guidelines are the result of a comprehensive review conducted by the Office of Film and Literature Classification. In the course of the review processes, the OFLC received 372 submissions from the public, the film and computer game industries, and community and professional organisations. The new combined guidelines are the result of the review. The new combined guidelines have been reformatted to be easier for the OFLC's board to use and simpler and clearer for the Australian community to understand.

Consultation with the community demonstrated that, overall, there was no significant change in community standards. The new combined guidelines reflect this and do not change the classification standards. These combined guidelines meet the challenges of classifying convergent media, such as computer games with film components and DVDs with game components. All Commonwealth, state and territory ministers agreed at the last censorship ministers meeting to table in their respective parliaments the new combined guidelines for the classification of films and computer games.

Subordinate legislation

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming): For the information of members, I present the following paper:

> Government Procurement Act, pursuant to section 7 (1)—Government Procurement (Quotation and Tender Thresholds) Guideline 2003 (No 1)—Disallowable Instrument DI2003-248 (LR, 20 August 2003), including explanatory statement.

I ask for leave to make a statement.

Leave granted.

MR QUINLAN: These guidelines—made under the powers of the ACT Government Procurement Board—empower the ACT government to make procurement guidelines. This procurement guideline sets dollar value thresholds that territory entities must comply with, when seeking quotations or inviting public tenders for goods, services and works. The guideline also sets out the process chief executives are to comply with when public tenders, or the minimum number of quotations, are not to be sought.

Industry was consulted as part of the development of this procedure guideline and overall provided positive feedback to the new thresholds. In general, the changes were seen as being positive in reducing the cost to suppliers when responding to detailed public tenders for projects valued under $100,000.

The ACT Government Procurement Board also recognised that it had been eight years since the original thresholds were set, and that changes were appropriate to address the impact of inflation and the introduction of the GST. This procurement guideline demonstrates that, through effective consultation with industry, we are able to put in place procurement policies and practices which reduce the effort and cost incurred by

ACT suppliers when competing for government business opportunities, while continuing with our commitment to implement and maintain an accountable, robust and transparent procurement framework.

Executive contracts
Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): For the information of members, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Robert Donelly, dated 16 July 2003.
>
> Short-term contracts:
>
> Judith Redmond, dated 8 August 2003.
>
> Anne Glover, dated 8 August 2003.
>
> Brett Phillips, dated 30 July 2003.
>
> Stephen Bramah, dated 14 July 2003.
>
> Schedule D variations:
>
> Colin Adrian, dated 27 July 2003.
>
> Ron Shaw, dated 28 July 2003.

I ask for leave to make a statement in relation to the contracts.

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 19 August. Today I present one long-term contract, four short-term contracts and two contract variations. Details of the contracts have been circulated to members.

Public housing asset management strategy 2003-2008
Paper and statement by minister

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (3.35): For the information of members, I present the following paper:

> Public Housing Asset Management Strategy 2003-2008, prepared by the Department of Disability, Housing and Community Services, dated June 2003.

I move:

> That the Assembly takes note of the paper.

Mr Speaker, the Stanhope government is committed to the retention of a strong and viable social housing system in the territory. This is in recognition of the important role public and community housing plays as a foundation upon which individuals and families build stable, healthy and productive lives. This commitment to public housing was reflected in our election promise to maintain public housing stock numbers and implement measures to make public housing more responsive to the needs of its tenants and the community.

The public housing assets total approximately 11,400 properties, valued at some $2.4 billion. This represents almost 10 per cent of the total housing stock in Canberra. Arranging the acquisition and disposal of stock, property upgrades, repairs and maintenance is an enormous asset management task, by any standard. It is therefore essential that a formal framework is in place to support cost-effective service delivery and financial sustainability now and in the future.

Accordingly, a public housing asset management strategy has been developed. This defines a set of principles for guiding public housing asset management decisions. It is part of a broader strategy to achieve the government's commitment to equitably meet the housing needs of the ACT community.

The public housing asset management strategy highlights the challenges confronting the public housing portfolio. Government has a duty to plan today for public housing requirements over the next 50 years. This is no easy task.

The issues we confront are many and vexed. Our stock is rapidly ageing and no longer meets the needs of many applicants. Most of the multi-unit complexes are now more than 40 years old. Many of these do not comply with community standards or current building codes and have significant tenancy and social issues. The government is tackling fire safety deficiencies in the large complexes, with a $16 million program over two years.

There is also a significant maintenance backlog. The extent of this backlog will be known only after the total facility managers undertake a full audit of all properties over the next 12 months. Each property will be assessed against nationally accepted standards developed specifically for application to the public housing stock.

A planned maintenance program will be developed using the stock condition information, to prioritise expenditure and target available funding for those dwellings that do not meet the defined standards. Make no mistake—the task of rejuvenating the stock to better meet tenant and applicant needs and, at the same time, maintain total stock numbers is a substantial challenge for my department within available funding.

Significant efforts have been made in recent years to upgrade the asset portfolio. For example, a total facility management concept has been introduced to pursue efficiencies in the maintenance and upgrading of stock. Some reconfiguration of the stock has also occurred. There has been a significant reduction in the number of bed-sitter flats and three-bedroom properties and an increase in the number of one and two-bedroom properties. Increased sales in the inner south and inner north have enabled additional stock to be acquired in Gungahlin and Tuggeranong. The strategy

incorporates a set of principles around which public housing management strategies have been developed. The five principles aim to ensure that:

- stock is well located across the city and in areas with good access to public transport, employment, education and services;
- public housing contributes to the creation of sustainable communities through better integration with the existing neighbourhoods, the promotion of mixed ownership and the incorporation of high-quality design features;
- there will be sufficient flexibility of stock to respond to ongoing and emerging social housing needs, including provision for clients with special needs;
- the housing portfolio is maintained to agreed condition standards; and—finally and equally importantly—
- the public housing system is managed efficiently and cost-effectively, providing best value for the government and the taxpayer.

The rights of tenants to safe, appropriate and affordable housing underpins this document. The strategies incorporated emphasise increased quality of housing for tenants, resulting in more appropriate accommodation and reduced maintenance costs over the longer term.

Clearly, our social aims must at all times be balanced with a disciplined, business-like approach to the management of this very large property portfolio. The strategy provides this. At the same time, the principles and strategies must be viewed in the context of the government's broader strategy for the expansion of social housing in the ACT in a way that improves the range of housing choices available to ACT residents. I commend the strategy to the Assembly.

Debate (on motion by **Mrs Burke**) adjourned to the next sitting.

Subordinate legislation

Mr Wood presented the following papers:

Legislation Act, pursuant to section 64—

Chiropractors and Osteopaths Act—Chiropractors and Osteopaths (Fees) Determination 2003 (No 1)—Disallowable instrument DI2003-241 (LR, 30 July 2003).

Commissioner for the Environment Act—Commissioner for the Environment Determination 2003—Disallowable instrument DI2003-239 (LR, 28 July 2003).

Confiscation of Criminal Assets Act—Confiscation of Criminal Assets Regulations 2003—Subordinate Law SL2003-25 (LR, 14 August 2003).

Domestic Violence Agencies Act—

Domestic Violence—Appointment of Domestic Violence Project Coordinator 2003—Disallowable instrument DI2003-243 (LR, 7 August 2003).

Domestic Violence Prevention Council Appointments 2003-2004—Disallowable instrument DI2003-244 (LR, 7 August 2003).

Justices of the Peace Act—Justices of the Peace—Appointment of Justices of the Peace 2003 (No 1)—Disallowable instrument DI2003-242 (LR, 4 August 2003).

Land (Planning and Environment) Act—

Land (Planning and Environment) Criteria for the direct grant of Rural Crown Leases (No 2) 2003—Disallowable instrument DI2003-246 (LR, 21 August 2003).

Land (Planning and Environment)—Consent to Transfer Land 2003—Disallowable instrument DI2003-249 (LR, 21 August 2003).

Land (Planning and Environment) Exemption 2003—Disallowable instrument DI2003-252 (LR, 21 August 2003).

Land (Planning and Environment) Determination of Matters to be taken into Consideration—Grant of a Further Rural Lease (No 2)—2003—Disallowable instrument DI2003-254 (LR, 21 August 2003).

Land (Planning and Environment) Act—Land (Planning and Environment) Regulations 1992—

Land (Planning and Environment) Policy Direction—Remission of change of use charge 2003—Disallowable instrument DI2003-250 (LR, 21 August 2003).

Land (Planning and Environment) Determination of Criteria for Exemption of Signs 2003—Disallowable instrument DI2003-251 (LR, 21 August 2003).

Magistrates Court Act—Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003—Subordinate Law SL2003-27 (LR, 25 August 2003).

Public Place Names Act—Public Place Names 2003, No 15—Omit street names in the Division of McKellar—Disallowable instrument DI2003-245 (LR, 11 August 2003).

Road Transport (General) Act—Road Transport (General) Declaration that the road transport legislation does not apply to certain roads and road related areas 2003 (No 6)—Disallowable instrument DI2003-240 (LR, 31 July 2003).

Supervised Injecting Place Trial Act—Supervised Injecting Place Trial Regulations 2003—Subordinate Law SL2003-24 (LR, 31 July 2003).

Supreme Court Act—Supreme Court Amendment Rules 2003 (No 2)—Subordinate Law SL2003-26 (LR, 14 August 2003).

Unit Titles Act—Unit Titles Amendment Regulations 2003 (No 1)—Subordinate Law SL2003-23 (LR, 29 July 2003).

Territory Plan—variation No 202
Paper and statement by minister

MR CORBELL (Minister for Health and Minister for Planning): For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 26 (1) (A)—Approval of Variation No 202 to the Territory Plan—Jamison Group Centre Master Plan, dated 25 August 2003, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I ask for leave to make a statement.

Leave granted

MR CORBELL: On October 2002, draft variation 202 to the Territory Plan to enable implementation of the Jamison Group Centre master plan was released for public comment. The draft variation proposed to vary the Territory Plan map to establish an urban open space land use policy with a public land overlay on part Block 16 Section 50, previously covered by Commercial B2C (Other Group Centres) precinct "b" land use policy. This will be a community park designed to retain the existing trees and provide a playground and active shop frontages along the south of the building.

The draft variation also proposed to change the area specific policies in the Territory Plan written statement, to enable implementation of recommendations contained in the master plan. These include:

- Realigning the existing precinct boundaries. This realignment expands precinct "d" to provide a larger area for car parking to the south of the centre and allows the retail centre to address part of Redfern Street, improving the image and entrance of the centre. The new precinct boundaries generally allow for expansion of mixed use and retail facilities, to create more active street frontages and a more vibrant centre overall.
- Provision for residential use is at ground floor level in precinct "b". This will enable implementation of the recommendation of the master plan for higher residential densities that will enhance retail trade, street vitality, centre diversity and public area surveillance.
- Allowing plot ratio of 2:1 for sections 48 and 50 and 1.5:1 for section 49 as an acceptable standard. Higher density development will assist to promote environmentally responsible development outcomes and increased vitality for the centre.
- Allowing a maximum building height of four storeys or 15 metres above ground level, whichever is greater. This increase in building height will assist in boosting residential density, to improve the day and night-time vitality of the centre, as well as promoting more environmentally sustainable development outcomes for the Jamison Centre.

Five written submissions were received as a result of public consultation on the draft variation, four of which expressed support, while three of those also raised other issues. Issues raised included, among other things, matters concerning precinct boundaries, height, accessibility and parking.

Following consideration of the issues raised in the public consultation, the variation was revised to include a minor change to the precinct boundaries, showing the

exhibited draft variation. Specifically, it amends the boundary between precincts "a" and "b" to accommodate a proposal for the redevelopment of Jamison. The variation has also been revised to allow a maximum building height of four storeys or 15 metres above ground level, whichever is the greater, across precincts "a", "b" and "c" and not just precincts "b" and "c" as proposed in the exhibited draft. This revision is consistent with the original intention of the master plan.

The Legislative Assembly's Standing Committee on Planning and Environment considered the variation and, in their report No 20 of July this year, recommended that the draft variation be adopted. The committee also recommended that the Minister for Planning include, in the government response to the committee's recommendations on draft variation No 202, an explicit statement of effects on adjacent and surrounding areas. This statement must also include a study of transport issues related to traffic flows and safety for the centre and surrounding areas, with particular attention to any impacts flowing from construction of access to Halloran Close and Wiseman Street following any access from Belconnen Way.

In relation to this recommendation, the government considers it more appropriate that these issues are addressed at the development application stage. In this regard it should be noted that, during the master plan development, a transport and engineering services assessment was undertaken, together with an investigation report for block 20 section 50 Macquarie. I commend the variation to the Assembly.

Commonwealth/State/Territory Disability Agreement
Paper and ministerial statement

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (3.44): I ask for leave of the Assembly to make a ministerial statement concerning the Commonwealth/State/Territory Disability Agreement.

Leave granted.

MR WOOD: Following extensive negotiations, I am now able to report to the Assembly that the ACT has signed the new Commonwealth/State/Territory Disability Agreement. The agreement between the Commonwealth, states and territory has effect from July 2002 to June 2007. It provides funding for a range of services for people with a disability, including accommodation, support, access to the community, respite care and peak bodies. In addition, these services assist the families and communities who support people with a disability.

The ACT and the Commonwealth have also signed a bilateral agreement addressing issues and projects specific to the needs and circumstances of the ACT community. The ACT government has committed a total of $188 million over the life of the agreement. This is an average annual growth of 6.84 per cent for the term of this agreement.

For its part, the Commonwealth will provide a total of $39 million to the ACT for a range of services for people with a disability. This equates to an average annual growth of 4.39 per cent in funds to the ACT for the term of the agreement. The

Commonwealth also funds and administers disability employment services for people in the ACT. Funding for the employment services is made at the aggregate level, and no separate allocation of funds for the ACT is available.

Specifically, the Commonwealth/State/Territory Disability Agreement sets out the arrangements for funding and administering disability services in Australia. Under the CSTDA, the Commonwealth has responsibility for employment and vocational training services, while the states and territories have responsibility for accommodation, respite and other support services. The Commonwealth, states and territories have joint responsibility for advocacy services.

Within the multilateral agreement, the Commonwealth and state and territory governments have agreed on the incremental implementation of five strategic policy priorities. These aim to strengthen access to generic services for people with disabilities; strengthen across-government linkages; strengthen individuals, families and carers; improve long-term strategies to respond to, and manage demand for, specialist disability services; and to improve accountability, performance reporting and quality.

The bilateral agreement addresses, in greater detail, issues of joint concern to the ACT and the Commonwealth, and is intended to develop processes to address these areas of concern. It introduces arrangements for joint planning on issues of common interest, such as improving advocacy, stronger complaints policies and quality assurance.

The ACT is particularly interested in collaborating with the Commonwealth on consultative mechanisms with consumers; transition of young people from school to alternative options; strategies to improve aged care/disability services; interface strategies to improve coordination between employment services and territory disability services; and, finally, improve long-term strategies for managing demand for specialist disability services.

The issues identified in both agreements correspond with the key strategies already identified by the ACT in the government response to the report into disability services, *Steps to Reform* and the *Vision and Values for Disability* in the ACT.

I am pleased we have been able to reach a resolution on these agreements, enabling us to continue the important task of delivering high-quality services and support for people with a disability, their families and communities in the ACT. I table the statement. I present the following paper:

> Commonwealth/State/Territory Disability Agreement—Ministerial statement.

I move:

> That the Assembly takes note of the paper.

Debate (on motion by **Mrs Burke**) adjourned to the next sitting.

Leave of absence

Motion (by **Mrs Dunne**) agreed to:

> That leave of absence on 28 August 2003 be given to Mr Stefaniak.

Canberra sporting fields
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Stefaniak proposing that a matter of public importance be submitted to the Assembly, namely:

> The need to properly maintain Canberra sporting fields.

MR STEFANIAK (3.50): I think Canberrans are rightly proud of our excellent sporting fields. They are, in many ways, the envy of the nation. They are one of the flagships of what people expect of the ACT. Our sporting fields represent a significant factor in our very high participation rate in sport and recreational pursuits, especially as many of these fields are used by juniors, in particular.

We have consistently had the highest participation rate of junior players in the country, and I believe that is something our community values. That is most important now, in light of reports of increased obesity in children. People are living a very different lifestyle from that of a generation ago. It is now a much more sedentary lifestyle, so sporting fields are very much a community asset.

I was concerned to see back in 1993 that the government, as an economy measure which was followed by a 2 per cent cut across the board, made 27 ovals—mainly ovals near primary schools but some near high schools—low maintenance. During the terms of the last two governments, about 14 of those ovals were brought back to full maintenance. Five written submissions were received as a result of public consultation on the draft variation, four of which expressed support, while three of those also raised other issues. Issues raised included, among other things, matters concerning precinct boundaries, height, accessibility and parking.

I can appreciate the problems the minister is going through now, with stage 3 water restrictions about to come into force and the varying and competing claims as to how our limited supply of water should best be used. I suggest that one of the last things Canberrans would want to see is their ovals needlessly sacrificed. I think people would be far more prepared to have restrictions in other areas—rather than going down the path of seeing our ovals destroyed. The people of Tamworth had a similar thing happen to them last summer. They opted to save the ovals in that city in inland New South Wales. Five written submissions were received as a result of public consultation on the draft variation, four of which expressed support, while three of those also raised other issues. Issues raised included, among other things, matters concerning precinct boundaries, height, accessibility and parking.

A lot of the use of our ovals is by juniors. In the winter, we see about 10,000 boys and girls playing soccer and about another 10,000 playing the other three football codes of rugby, rugby league and Australian rules. We see OzTag, touch, netball, cricket and

baseball played on our ovals—and Little Athletics. Many of these are played in summer and others in winter.

Sporting fields are a wonderful resource. Of course, we also see a large number of senior games played on our basic suburban fields. Ovals are divided into four categories. Already this year, 40 hectares of category 4 ovals—the low use/low maintenance ovals—have had little or no watering. Five written submissions were received as a result of public consultation on the draft variation, four of which expressed support, while three of those also raised other issues. Issues raised included, among other things, matters concerning precinct boundaries, height, accessibility and parking.

Those ovals are used mainly for junior cricket in the summer and for junior soccer, rugby, rugby league and the AFL in winter. Those ovals are in Campbell, Charnwood, Chisholm, Curtin South, Evatt, Farrer, Florey, Garran, Gilmore, Hall, Isabella, Kaleen South, Lyneham, MacGregor, Mawson, Melba, Monash, Ngunnawal, Pearce, Richardson, Spence, Theodore and Watson. It is particularly sad, in a way, because I recall this minister bringing some of those ovals back to full maintenance. Indeed, a lot was spent at Hall. Nevertheless, they receive little or no water at this stage.

I am enormously concerned at reports that category 3 ovals—district playing fields and high-use neighbourhood ovals—will cease to be watered after 1 October. I am not sure if the minister has yet made up his mind. I have heard other reports indicating a 40 per cent reduction in water use. If that were done right across the board, I think it would be crazy—and I will explain why. Five written submissions were received as a result of public consultation on the draft variation, four of which expressed support, while three of those also raised other issues. Issues raised included, among other things, matters concerning precinct boundaries, height, accessibility and parking.

Mr Quinlan: I will not be.

MR STEFANIAK: I am glad to hear that, Minister.

Mr Quinlan: Probably not.

MR STEFANIAK: I put it to you that it certainly should not be. In 1996, when the then government, in which I was a minister, looked at trying to make some savings, we thought that, if we made a 30 per cent reduction in watering across a number of ovals, that would assist.

It was quickly and effectively pointed out to me by a well-recognised expert—Mr Keith McIntyre—that to do that would kill off those ovals, making it very difficult for them to be used, and would mean spending millions of dollars repairing and replacing them. So we did not proceed with that move.

Mr McIntyre, who is recognised as an expert around town, used to be in charge of the technical services unit in ACT Parks and Conservation Services. His small group was responsible for the technical management of all turf and irrigation in the ACT government. They won the Ed Hunter award, in the USA, for excellence in urban

irrigation and a national gold technology award in Australia for irrigation management.

In the early 1990s, they set up Comtrol—the world's most sophisticated urban irrigation system—which currently manages all of our sportsgrounds. As a result of Mr McIntyre's recommendations to me, there was no way in the world I was going to go into any arbitrary 30 per cent reduction in water use, and of course we did not do that.

I will highlight what Mr McIntyre says in relation to a 40 per cent reduction. He states that, on a hot summer's day, to maintain the grass density, there would be a need to apply 5.5 millimetres of irrigation on our ovals. There are currently 260 hectares under maintenance. Five written submissions were received as a result of public consultation on the draft variation, four of which expressed support, while three of those also raised other issues. Issues raised included, among other things, matters concerning precinct boundaries, height, accessibility and parking.

He says that a loss of grass density would lead to the grass dying and clumpy sward developing. If that happens, the risk of user injury increases dramatically, with facial and hand injuries occurring in ball sports like cricket—and ankle and knee injuries occurring as the grass dies and clumpiness develops. Mr McIntyre goes on to state that other councils have been sued successfully for allowing this to happen, which resulted in user injury. So that in itself is a real problem. Therefore, I hope the minister is going to rule out any artificial reduction of 30 or 40 per cent of the watering of all of our ovals.

However, there would be significant problems if the government decided to effectively not water category 3 ovals at all—those comprise another 60 hectares. Those ovals deal with Little Athletics, cricket, baseball, junior and senior cricket—in summer—and hockey, OzTag, league, union, AFL, soccer and touch in winter. Those ovals are at Majura, Charnwood, Holt, Melba, Stirling, Banks, Bonython, Chapman, Conder, Cook, Downer, Duffy, Hackett, Hughes, Kaleen North, Latham, Nicholls, Page, Palmerston, Rivett, Scullin, Torrens and the Forestry Oval at Yarralumla.

Some of those are very significant ovals, because a lot of sport is played on them. For example, at Rivett Oval, which is the home ground of the Royals, there is junior and senior cricket, plus junior and senior rugby. It is interesting that Cook is on the list, because I can recall getting that back for maintenance for Little Athletics. That would be a significant reduction.

I trust Mr McIntyre's figures. I think this could be a conservative figure, but he states that it costs $15,000 per hectare to fix up an oval once it has been stuffed up. That makes it an extremely expensive exercise. He indicates that we currently use, on our 260 hectares, 14.3 megalitres per day. He points out that Googong can supply only 180 megalitres of water and that 90 to 100 megalitres is used inside our houses.

If we cut water to all of our ovals, that would be only 15 per cent of what we use domestically. I hope the minister is not suggesting anything like that. Mr McIntyre goes on to state that it would not take terribly much—and other places have done it—to save a little more water in our houses.

Mr McIntyre states that, if a concerted program were run by Actew and the ACT government to reduce inside use—by people taking shorter showers, less use of washing machines, fixing leaks et cetera, there would easily be a reduction in inside use of 15 per cent. That is the total use for all of those ovals, on his figures—14.3 megalitres. Mr McIntyre has since sent me a further paper which I think is particularly helpful to the government.

I am raising this debate not so much to try to score political points—because we do have a real water crisis—but to get the government to look sensibly at what has been done elsewhere and what other steps can be taken to save this precious asset of 260 hectares of playing fields.

The proposed cuts on the category 3 ovals, if they stopped being watered, would take irrigated areas to 200 hectares. He states, "I am putting up the case to keep the 60 hectares." He talks of social capital and the health of the community. He states that these 60 hectares will require an increasing amount of water as we get into summer and daily evaporation increases. The amount of extra water required for 60 hectares is only, in October, 1.7 megalitres per day; in November, 2 megalitres per day; in December and January—the hottest and most problematic months—2.5 megalitres per day.

Mr McIntyre says that, currently, we're using about 90 megalitres inside our houses. He states that ACTEW and the government have done almost nothing to reduce this. He says simply that if we, as a community, can reduce the water use inside the house by less than 2 per cent in October and November and by a little over 5.5 per cent for the rest of the summer, we can retain this valuable social asset—namely, all those category 3 ovals. The government needs to look at this as a community trade-off.

He states, "My plea to the government is please don't look at this as the government doing its bit to save water—rather look at it as asking the community to cooperate in saving their own assets. These are not the government's playing fields—they belong to the community. There is no need to lose them." We are not talking about large amounts of water to save these valuable community assets. The City of Tamworth saved its outdoor recreation assets last year by making this decision. It should be a community value decision and the government should not feel guilty for making it.

He goes on to state that these estimates are based on winding Comtrol back to the absolute limit. This would involve using a factor of 55 per cent of net evaporation, rather than the desirable 60 per cent. The calculations are based on 1 millimetre of irrigation on one square metre of turf generating one litre of water. This means that one hectare of grass requires 10,000 litres of water per millimetre of irrigation used.

The average evaporation for October is 5.1 millimetres per day. For November it is 6.4; December, 8.2, January, 8.4; and February, 7.4. For October, the water required per day is 5.1 times 55 per cent, which equals 2.8 millimetres. Then 2.8 millimetres applied to one hectare is 2.8 times 10,000 litres, which equals 28,000 litres. Then 28,000 times 60 hectares is 1,680,000 litres or 1.68 megalitres. That is how he does his computations.

He is a world renowned expert. I was at ACTSPORT several weeks ago. The sporting groups there were very concerned about that issue and were discussing it with the Actew officials. They, of course, had their riding instructions and could not commit to anything there but I did ask them—I read out part of the first email I got from Mr McIntyre—and they certainly recognised him as an expert. They agreed with his calculations in terms of the 260 hectares being 14.3 megalitres per day being used at peak times. So I don't think anyone is doubting what Keith McIntyre says.

However, it is interesting that, even in the peak summer periods of December and January, we are not talking about using a huge amount of extra water on these category 3 ovals to ensure they continue to be watered. As I understand it, there are 60 hectares in those ovals, which would be cut if the proposal to stop watering them goes ahead. If that is only a little over 5.5 per cent of what we use in our households, it isn't terribly difficult to find other areas where we can save water.

There may be parts in the urban services area, apart from sporting ovals, where further savings can be made. There may still be water being wasted by some of the federal government agencies in Canberra, which can also do their little bit. Even when one looks at all of our ovals, we are still talking of not quite 15 per cent of total inside water use, in respect of the water used on all of our ovals.

I believe there would be very few people in Canberra who would not wish to try to save another 5 or 10 per cent within their households, if they knew that one of our most precious assets—our excellent playing fields—was not going to be arbitrarily lost to us. Then, of course, the government, or some future government, has to spend a lot of money—millions and millions of dollars—to get them back up to speed. Surely there are better ways of doing it.

I ask the minister—and recommend to him—to have a look at what the people of Tamworth did. Tamworth is an inland city, much smaller than Canberra, but it has problems similar to ours when it comes to water supply and water access.

I have raised this as a matter of public importance because that is what it is. It also contains many other issues—the sense of community, community wellbeing, the social investment we make in our ovals, and the fact that so many children get enjoyment out of the ovals. It is not only organised sport, it is also the passive recreational enjoyment people individually get out of our ovals.

Sports fields form an essential part of Canberra's wide open spaces. This does indeed come at a cost unless we have a miracle with inches of rain falling, to fill up the Googong Dam. Even with that, I understand there is still a problem, so we must continue our water restrictions—however, I think there are better ways of doing it. I believe the vast majority of people in Canberra would prefer to cut back 5 or 10 per cent on their own domestic use, rather than see this most precious asset destroyed, which would cost the community a hell of a lot of money to bring back.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (4.05): The ACT government manages approximately 320 hectares of irrigated grass sportsgrounds that range from high-profile enclosed ovals through to

local neighbourhood ovals. This places the ACT holding as one of the largest portfolios of such facilities under a single authority in Australia.

Our sportsgrounds are an integral part of the city's infrastructure, providing convenient access for all residents to quality open space and contributing significantly to our having Australia's highest rate of physical activity. The ACT government, in recognising this level of importance, has allocated an appropriate level of budget funding towards maintaining these grounds in a safe and sustainable condition.

In our harsh climate, water is a major component in sustaining quality turf, and over the last decade the government has taken a number of significant initiatives to manage water usage more effectively. Mr Stefaniak has alluded to the installation of Comtrol, a computer-based irrigation management system that utilises world-leading technology to deliver optimal water usage; the introduction of effluent recycling for irrigation; reductions in non-essential irrigation systems; and the use of low-volume plumbing fittings in sportsground amenities buildings. All of these initiatives are underpinned by continual investigation of other methods of reducing water usage.

Regrettably, the extended drought conditions in eastern Australia have led to the introduction of water restrictions in the ACT. From the inception of these restrictions, the government's view has been that we must meet the same targets that we are asking the community to meet. Mr Stefaniak has said we could get the community to cooperate and, in my interpretation, the community could make a somewhat greater sacrifice than the government does.

The government doesn't accept that view, Mr Stefaniak. I can understand where it comes from, but I think that the government needs to show leadership. There are many people in Canberra, most Canberrans indeed, who have put enormous effort and money into their gardens, who are very proud of those gardens and who are protective of them. I think the arguments that you've used here for looking after our sports fields could well apply to people's home gardens. I think this is really the key to the question.

The government has to show that it's prepared to be as tough on itself as it is on the community. In order to get the community to cooperate with 40 per cent reductions, which are pretty steep, the government has to lead the way. I repeat that I don't believe that we can ask more of your local gardener than we ask of ourselves. We have to show leadership, and we must demonstrate to the community that we take the issue of reduction very seriously.

Under the current level 2 restrictions, which have been in place since February, Canberra Urban Parks and Places has reduced its overall water usage by 25 per cent, which is the savings target for level 2 restrictions. So we've done it at that level. We really do need to do it at the next level.

We're now facing a situation where level 3 water restrictions may have to be implemented. If this situation eventuates, then the government will take the necessary steps to achieve the level 3 target, that is, 40 per cent reduction in water usage across its areas of responsibility, including parks and playing fields.

At the same time, yes, we are fully aware of the importance of sportsgrounds to the community. We're still exploring a range of options, but it is likely that a priority system will be implemented. This will probably mean a greater emphasis on sportsgrounds over parklands, with a further priority rating within those two categories.

At the same time, to take your point, Mr Stefaniak, CUPP is looking assiduously to maintain its leadership in water use and is looking at other options—how it may refine its systems to get maximum benefit from the water it uses. Yes, indeed, we'll pay attention to what you've said and to Mr McIntyre's comments, and I'll pass those on. That will also form part of that consideration about the most efficient use of the water that we use.

Depending on rainfall over the next few months, this reduction could have a substantial effect on some lower status sportsgrounds. There is a possibility that some grounds may need to be withdrawn from formal sporting use in the short term. I don't want to make too much of that, but I do want to mention it. I also want to point out very strongly that I'm not a weather forecaster and there's still an element of speculation about all this.

We do, indeed, know the cost of returning sportsgrounds to their former condition. We know that, but we believe this is a step that we must take. Consultation with ACTSPORT and individual affected sports is being undertaken, but I'm confident that any disruption can be managed through cooperation between the government and the relevant sporting groups.

When conditions improve, every effort will be made to reinstate affected grounds, if there are any that are affected, through cooperation between the government and those groups—as soon as that happens, as conditions permit and the resources allow us to do that.

It's not a happy path to take, but I think it is the responsible way to go, showing leadership to the ACT community, and that's the one that we will undertake.

MS TUCKER (4.12): I'll contribute briefly to this. I think it's an important issue that Mr Stefaniak has raised, and I think everyone in this place would agree that Canberra sports ovals serve a great social need. In fact, I was watching my nephew play soccer two weeks ago and was accosted by a man—as happens to one when one is a politician—on the oval who shouted at me, "Are you going to make sure you can keep coming and watching whatever you're doing here?" It was my nephew playing soccer. "Are you going to make sure the government keeps watering this field? You seem to think it matters; you're here." It was quite interesting, really. And I had a chat to him.

I know that it is really important for the community to have the capacity for community sports, in particular, and schools ovals play a very important role. I don't think anyone in this place would disagree with that. I think we have to look at the priorities.

Clearly, as Mr Wood has explained, if we are suffering severe water shortages, the priorities have to be drinking water, personal hygiene and so on. Then we look at the question of water available for outside use.

Obviously it's true that if you let ovals and sports fields die, you're going to have huge costs to fix them up. It is quite interesting, looking at the history generally of what's happened with sports ovals, Canberra in the 1970s was probably overserviced and watered in lots of ways, but then we saw changes occurring under the Follett government, I think, when there was a reduction in the number of ovals that were left on full maintenance. Then, under Kate Carnell, we saw school ovals handed over to schools to manage, under school-based management. That's been a particular problem, especially for small schools that don't have the capacity to fund the maintenance of those ovals to the degree that many would think was necessary.

We are in a situation now where people have a much greater awareness of the need to save water and the capacity for us to still have a beautiful city without it having to include lush green lawns. We can actually have a landscape and an aesthetic that are more in tune with the real character of Australia, which is a dry landscape, which has native grasses and native shrubs, et cetera. So I think that's a shifting consciousness that's occurring, all too slowly, particularly in regard to some of the NCA's aesthetics. They still seem to be a bit stuck in a vision that's totally unrealistic for the national capital.

If we want to talk about water conservation and ovals we should talk about use of grey water and how we can recycle water to water social spaces such as ovals. We also have to talk about other ways of saving water, that is, how we can encourage people to save water in their own homes or in their buildings, commercial buildings, community buildings. I've already raised publicly the possibility of the government following Queanbeyan Council's lead in supporting their water wise program, which has saved millions of litres of water as well as millions of dollars in terms of the need to process water and construct a new sewage facility.

We know that there is the capacity for government to show leadership in that respect, and I am hoping that the ACT government is looking positively at that because, while it would cost money up front, it's certainly a very worthwhile investment and has proven returns. I'm struck by it now whenever I go out. I was at a club just recently and I needed to use the ladies. I looked at the number of toilets there. Each flush was 11 litres basically. I'd suggest every club just about—maybe not the newer clubs but most clubs and hotels in Canberra—would have 11 litres going with each flush of the toilet. That's a shocking waste. I think that there is the potential for the government to really get in in a proactive way and change that, and we would save a lot of water, which would take some of the pressure off the community as a whole.

Just in terms of the water restrictions: I conclude by saying that I would have thought it was possible to be selective in the water restrictions. If it's possible—it does depend on the amount of water that's available—to prioritise, you could look at ways of perhaps not making the water restrictions quite as severe for the community sports and public spaces, but particularly the sports ovals and school ovals. But I don't know if that's logistically difficult; I wouldn't have thought it would be. But I would be encouraging the government to look at the potential of that as well.

MR PRATT (4.17): Mr Speaker, I would like to announce my support for Mr Stefaniak's matter of public importance. I do so as shadow spokesman for education and youth and intend to focus on some of the social aspects of the needs to keep our ovals and that infrastructure in good shape. Canberra's sporting fields are a long-term investment. Short-term savings in maintenance equals long-term damage and destruction to an important piece of our social infrastructure.

Mr Stefaniak's concerns are justified, and I congratulate him for presenting his concern to the Assembly. Canberra is a sports loving community and has a high percentage of sportsmen and women per capita compared to the national average. Mr Speaker, to deny the community its sporting fields, if we took it to its full, logical conclusion, through administrative and bureaucratic neglect and the short-sighted initiative to perhaps save on budgetary matters would, I think, be unacceptable.

Community sport is an integral pillar in society. It adds value to the fabric of the community and, of course, it does something to contribute to increasing our health maintenance in the community as well. Community sport is an important cement in community and cultural cohesion. Our sporting ovals, therefore, are a major element of one of the integral components in our society. The health of society is affected by issues such as community sport, access to sporting facilities and the condition of sporting fields.

Mr Speaker, an effective preventative health policy must be underwritten by a viable community sports program. The rate of obesity in the general community is alarming. Contributing to the prevention of this would be, Mr Speaker, a viable and valuable community sports program.

Mr Speaker, I am primarily concerned with the health of the minds and the bodies of our youth; the development of good health, balanced, positive minds and creative learning.

We know, Mr Speaker, that obesity is progressing at alarming rates in Australian society, and indeed we run second only to the United States in the obesity stakes. While there are a number of factors that contribute to obesity in society surely, Mr Speaker, the primary factor is the sedentary lifestyle that is now becoming second nature in our society. It is imperative that the ACT foster a strong sports regime, particularly focusing on youth during and after school.

Mr Speaker, all of our children, from a very early age, need to be pushed to the point of happy tiredness at school and at the weekend through engagement in sport and of course in PE at school; we need to drag them away from computers and televisions; we need to moderately push our children to their aerobic limits so that they develop sound health and stronger resistances to disease for later in life. It's an investment that kids make now if they get themselves fit, and they have to be guided by parents, by communities and by schools in putting those sorts of lifestyles in place.

Mr Speaker, as a community we need to encourage our children's development of their fine motor skills so as to encourage the pursuit of excellence or simply the pursuit of sporting pleasure and personal achievement. How can this come to fruition

if the community sporting grounds, such as fields and infrastructure, are not in a condition to be enjoyed and to be utilised?

As a community, Mr Speaker, we have a responsibility to develop healthy, competitive attitudes and competitive spirit in our youth. Contrary to the timid concerns of some in this place, as clearly illustrated, I'm afraid to say, in the recent Health Committee report into youth health matters, we do need to foster team spirit and we do need to foster competition rather than encourage our children to shy away from competition, because it is our duty to prepare our children for a fiercely competitive world.

Sport is the foundation for preparing our children to meet challenges and the larger challenges later in life that they must be prepared to meet. This competition needs to be supported by proper grounds, infrastructure and programs, Mr Speaker. Consequently, to meet this community obligation, the community depends on the government to provide the infrastructure and the ovals to support such community sporting programs.

At present, Mr Speaker, the government seems to be perhaps a little concerned about the maintenance and the upgrading of sporting fields in Canberra. Does this mean, for example, that the government is not serious about planning for a robust regime of school and community sporting programs, including for our youth? Mr Speaker, we need to encourage schools to be more robust in their physical education and sporting programs, for all of the reasons I have previously mentioned.

The government rightly points out the challenges presented by the severe drought. I understand the difficulties that this puts forward. While the government is trying to grip these challenges, I feel that they must do so more vigorously. I disagree with Mr Wood's comments, which would indicate that ovals are less important than household gardens. It is much easier for me to take in hand restrictions and still keep my garden in reasonable shape. It is not easy to cut water to ovals and then undertake the massive task of trying to recover ovals which have been dustbowls.

The community, and particularly youth sport, cannot be disrupted. We need to further encourage youth community sport rather than further impede it. I, for one, do not mind exercising further disciplines in household water maintenance.

Mr Deputy Speaker, the government must provide properly maintained and upgraded sporting fields to all our school and community groups to implement such programs.

MS DUNDAS (4.24): We are discussing today the need to properly maintain Canberra sporting fields, and we seem to be focusing the discussion on the need for water to maintain the upkeep of those fields and to keep them green. I've raised a number of questions with the Minister for Environment in relation to the use of grey water on our sporting fields and how that is going to be implemented. I'm looking forward to perhaps broadening the debate to look at how we utilise grey water in the ACT to meet concerns about the drought and water restrictions.

But I'd also like to talk about the maintenance, not just in terms of the grass but of the sporting fields that are being utilised in the ACT and how it appears that governments,

both past and present, have failed the ACT sporting community. I've been looking at the ACTSPORTS *State of sportsgrounds in the ACT* report from October 2002; and not one surveyed sporting organisation reported that the grounds they were using as being better than average, and only eight out of the 43 organisations thought the grounds they were using to be of an average condition.

ACTSPORTS was forced to conclude that the state of sporting fields is well below acceptable, despite already having a report from February 2001 that raised the same concerns. It appears that, even though this information has been supplied to both previous and current governments, there has been little done to rectify this situation.

The ACTSPORTS report also recommended that the government make the maintenance of sportsgrounds a strong priority in order to protect themselves from the heightened chance of litigation that will accompany increasing incidences of injury. While I understand the government allocated in 2002-2003 over $1 million on many important sportsground improvements, my understanding is that not a single one of the things addressed by the spending of this $1 million actually addressed the concerns raised in the ACTSPORTS report.

Of particular concern, I think, is the Hawker oval, the home of softball in Canberra. There were concerns raised that the Hawker ovals did not meet the Australian Softball Federation's standards; they weren't up to standard in February 2001 and they weren't up to standard by December 2002. My understanding is they still are not up to standard, and money won't be available to bring the ovals up to standard until 2004-2005, assuming the government remembers to allocate this funding in the next budget.

Despite not having standard playing fields, Canberra Softball has won the Waratah League grand final in the last fortnight, hosted teams from California and has had 18 ACT players—both men and women—make national teams. If we are to encourage local sport and local Canberrans playing sport at a national or international standard, then we should be making sure that the ovals and fields that they are competing on are of national standard.

I have spoken previously about elite women soccer players having to play on substandard fields because their competition is deemed to be of a lower grade than the men's competition, and I know of women who play at a national level actually receiving quite significant injuries from playing on substandard fields. Concerns have been raised by both ACT Women's Soccer and ACT Netball about the Calwell district playing fields. These organisations complained about poor surfaces, but in 2002-2003 government allocated money for training lights. Of course lights are helpful, but it will result in the situation that players will be able to see the potholes that they're falling over as opposed to actually fixing the potholes. A twisted ankle for a national soccer player is quite significant.

These continuing surveys show that the situation is simply not good enough. Even the jewel in the government's crown, AFL, has been sadly neglected. We are subsidising first-class facilities for an interstate team to play a handful of matches in the ACT, but I understand that players on the Ngunnawal fields have to dodge exposed sprinklers that have jagged edges. Again, this is quite unsafe.

It appears that, even though governments are proud to promote sport and to promote our teams that are playing at the national level, we need to do a lot of work here in the ACT to make our local ovals better, to promote local sport at a local level. We continue to throw money at elite teams, but what is the real situation for our development players, for people having fun on the weekends? They are playing on substandard ovals, even though there have been continual reports put to governments that this needs to be fixed. Women who are playing at national level are being injured on ACT playing fields.

Even though Mr Stefaniak has brought this debate to the attention of the Assembly today, the situation while he was sports minister didn't appear to be any better; and the initial reports were coming through in his term. I hope it doesn't take another damning report or a series of serious accidents to local players to see the condition of our fields actually improve.

We can explore the situation in terms of water maintenance—and I know that that is something that does need further discussion, which is why we raised the issue of the grey water—but exposed sprinklers, pot holes, markings being downgraded, are all things that can be addressed even when we are in water restriction time.

So I call on the government to look seriously at these reports that they have before them and not devalue community sport, especially not women's sport, as it appears that they are doing.

MR SMYTH (Leader of the Opposition) (4.30): Mr Deputy Speaker, many good points have been made in the debate today, and I just want to just touch on a few of the things that Mr Wood spoke about. He said that the government didn't expect the community to do something that they wouldn't match. I think in most cases that's an appropriate thing to do.

But I would put to you—and Mr Wood himself admitted this—given the actual high level of activity in the ACT, the high number of people who engage either in competitive or organised sport or who use the ovals for personal pleasure with their families, what we might do is actually create a better sense of community out of giving people somewhere to play. If backyards and personal gardens are going to deteriorate—and they must deteriorate some, with the limiting of watering—perhaps it is appropriate to actually give people in their community somewhere where they can go and kick a football with their kids or chase the kids or play on fresh grass. What we don't want to see is an accompanying decline throughout the period of the drought, which may go on for some time, of people joining organised sports simply because the ovals are not up to grade.

The second point to make there is that most people who care about their garden will actually take some preventative measure. They've got a number of things open to them. You can put on a water tank. Nobody's putting on water tanks to supply the ovals. You can empty the bath, the dishwasher, the washing machine—use that water. There are various taps and hoses that you can actually put on to water your valuable plants.

Mr Wood: That's a good idea.

MR SMYTH: That's a good idea. Mr Wood says, "That's a good idea." But there's nobody who can do that for the ovals. The government is the guardian of the ovals on behalf of the community. So I just think it is important that we do understand how important these ovals are to us. I'm not saying that the government doesn't, but I think there are occasions when you can differentiate about which parts of the society that we live in, the community that we live in, do what in regard to various issues. I think this is one of those times in which you could discriminate slightly in favour of the ovals so that we minimise those impacts.

On a separate matter: I've just spoken to the minister for tourism about this, and he's got a few words to say. I got the call, it seems, because he was talking to the minister for ovals. There is this issue with Floriade, for instance: sprinklers will not be allowed to be used after 1 October. Floriade is heavily dependent throughout the duration of Floriade, the month of Floriade, on keeping those flowers fresh and those beds alive so that we have a tourist attraction. I think there's an opportunity there to also differentiate, to discriminate in favour of those garden beds, firstly, because of the pleasure they bring to everyone who comes as a tourist; and, secondly, because of the pleasure they actually bring to we Canberrans that go and look at Floriade.

I think it would be a sad state of affairs if half way through Floriade we actually took the step to be consistent with what everybody else in the community was doing and attempting to do and put Floriade at risk. Again, there isn't a bath or a washtub or a sink that you can empty and pour onto the garden beds of Floriade.

I hope the minister will enlighten us as to what they intend to do with Floriade. Again I think that's a special circumstance and I think the people of Canberra would understand that you need to do something special to maintain things like Floriade, which we all value, which we all enjoy. So they're just a few points.

I think it is appropriate to have some sort of positive discrimination in this case in favour of things that Canberrans value. I think if you talk to the community, one of the things they'd say back to all of us is: "Look after the ovals, because everybody can still enjoy them throughout the season where our home gardens might not be as comfortable or as enjoyable as they used to be; and look after Floriade." It would be okay. I suspect most Canberrans would be quite comfortable with Floriade being sprinkled and watered to keep it alive and fresh, because it's something that we all do value.

I look to the government and say, "We on this side of the house would be quite in favour of working with the government, coming up with other strategies." Perhaps we need to encourage Canberrans to do even more to reduce their own impact.

I was thinking this morning, "How many of us still brush our teeth with the tap running?" I suspect a lot of people still don't even think about the litres and litres. I remember certainly from my days in the Army where you had two tin mugs, Mr Deputy Speaker. One was for making your brew, and the other one was for washing and shaving with. Every morning you'd boil up two mugs, one for a brew and one for washing and shaving.

Mr Pratt: Or use your tea water for shaving.

MR SMYTH: That's it. You can shave with the tea water, as Mr Pratt has done on many occasions. But it is amazing how much water we use individually, and it's all those simple things which, to his credit, the minister's been talking about.

One is water efficient showerheads. If you've got one of the old rosettes, it uses about 30 litres a minute as opposed to about 9 litres a minute which an A-standard water saving shower head uses. But how much water do we individually waste every time we brush our teeth, those of us that still leave the tap on as we brush our teeth? Perhaps if all of us just brushed our teeth out of a cup of water instead of out of a sink full of water, that would be enough to keep the ovals of Canberra alive.

MR QUINLAN: (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (4.36): Mr Deputy Speaker, I'd just like to say a few words. What I would first like to do is just inform the house that I've had recent discussions with Actew. I've instructed Actew to conduct some consultation with various stakeholders in relation to stage 3 water restrictions. We have to remember that these restrictions were put together because we're going to be short of water for a while—within that regime. We're now talking about the probability of stage 3 water restrictions through the full course of summer, which lasts until damn near the end of April in Canberra.

I've said to them, "We actually do need to look at the impact of stage 3 restrictions right through the course of a Canberra summer and see if they do need to be tweaked or changed in any way to accommodate some commonsense concessions or changes that are needed."

In relation to sports ovals: I tend to agree with Mr Wood who says that we ought to try to share the load and apply the restrictions equitably. Contrary to some of the claims here—I think there were a few statements made that followed the assertion that most Canberrans wouldn't mind or wouldn't begrudge—my recollection is that, when we get a call from the public, it's usually: "It was raining and I saw the sprinklers," or "There are water restrictions and I saw the sprinklers on the ovals." There does tend to be the other side of that coin where people justifiably resent what they see as waste of water when they are restricted in their own use.

What's important about the structure of the water restrictions now is that they are to some extent on/off; they're binary; you know what you can have; you can use a sprinkler or you can't; you can use a handheld hose from a certain time if you live in an odd numbered house or whatever. There are rules that people could work against. What we've heard in this debate today is: "Well, maybe we could just ask people to have a shorter shower and to be water conscious." We've been doing that anyway. But I don't think that really we can start using water in one sector simply because we've made an appeal over and above the rules.

I don't think there's been any suggestion of a rule that could be actually policed and all people could clearly follow. Remember that we're talking about quite a number of months—we're probably talking about six or seven months—where we will have

stage 3 restrictions. That's a long period of time to expect people to stay water conscious.

Yes, Canberra does have a high participation rate in sport, and that's at all levels. I have to say that I've seen the ABS statistics and standards, and you don't have to do much to be a participant in activity to get measured on the plus side, according to the ABS. I think if you go for a walk twice a year, you're physically active.

Nevertheless, we do have a high level of participation in sport. If I could be a little cynical, I believe that's probably because we are a middle-class town and it's really the attitudes that apply. I think it's a good thing. I don't think there's any better time in Canberra than a sunny Saturday morning driving around the place, with all the fields and netball courts active, and parents out and about taking the kids to and from sport. It's a sight I get a buzz out of and have for many, many years.

We do have a difficulty in trying to make rules that would save us a little bit of extra water to put on ovals; we do have a difficulty in expecting people to agree to some form of inequitable application of the rules. Nevertheless, there is some work being done and still to be done on refinement of these restrictions before they are finally applied. Hopefully, we will get some common sense; hopefully, we will get some understanding by the various stakeholders in the process before the event rather than after. It's usually easier to do things cooperatively, particularly when we're talking about things like restrictions. It's going to be much easier to do it cooperatively than it is just to be straight out imposing the restrictions and then policing the restrictions.

I've heard some costs in relation to oval repair, if we do go for six months and we have a long, hot, dry summer as well, and it may be that's something that the city just has to bear. We have a drought on our hands, and we can't legislate against that; the government can't change that; the Assembly can't change that. Really, we've got to try to implement restrictions that are as fair as is possible to everybody. It won't be the case that everybody will say, "No, no, save my ovals before you save my garden." That won't be the case.

I don't think there will be very, very many people who believe that we shouldn't try to save the territory from reconstituting the grounds after a drought, after some of them do suffer, and who would be happy that we transferred that cost to them by allowing their lawns to die while the ovals stayed green and didn't need to be repaired when lawns did. Remember, once we get past stage 3, we're heading for really strong and severe restrictions.

The limitation on our water supply is as much a function of our capacity to treat water out of the Corin/Bendora system as is the availability of water, even if we do get considerable rains through this spring. This is supposed to be our wettest period now. If we do get considerable runoff, and there's sufficient ground moisture to allow runoff now, we may not be able to use that. Only time will tell. There'll be some tests through this week that will say, with the second decent rainfall since the bushfire, whether we've got immediate increase in turbidity and immediate increase in iron and manganese content in the water, which makes it relatively unusable.

There'll be some tests this week, but I'd say, before we change the decision to move to stage 3 restrictions, we would need to go through another period of rain and another period of testing to make sure that we could maybe bring the Corin/Bendora system back. That's a hope that we still have, but I think it still remains a hope rather than a probability. But only time will tell. Otherwise time will not permit the installation of treatment capacity to get us through at the rate we use water in a summertime when there's no rain.

There will be more advice given, but it really does fall to the government to make some decisions—they won't be easy decisions—in relation to maybe some tuning of stage 3; we may not change them at all. But that job is in hand. We're happy to receive input from anybody and constructive suggestions from anybody, because it's a problem we all share and it's a problem we're not looking forward to living through.

With the 20 seconds that were remaining to me, let me inform the Assembly that Floriade will run for 2 weeks in September and 2 weeks in October. There'll be no problem for the first half of Floriade, and I'm sure that either by the trucking of grey water or, depending on what the rules are, access to the lake—Floriade is quite close to the lake—we will be able to make sure that Floriade does flourish and that it brings to the city the visitors and the revenues that it usually does. It's going from strength to strength, and we intend it to continue to do so.

MR DEPUTY SPEAKER: The discussion has concluded.

Gene Technology Bill 2002

Debate resumed.

MS TUCKER (4.47): Mr Deputy Speaker, you know that the Standing Committee on Health inquired into this bill and presented a report to the Assembly at the end of last year. The government responded in June of this year, and in that response basically disregarded several very important recommendations with only a cursory explanation as to why. And that is really not good enough.

The minister has an opportunity to use his place on the ministerial council to pressure for reform of the regulator, which was pretty well basic to what we were recommending in that committee.

The government did not even properly respond to the recommendation that there be a moratorium on dealings with transgenic organisms. It argued that it was not necessary to establish a broad ACT moratorium. In its argument the government said that it recognised the unease in parts of the community about the use of gene technology; however, it recognised the potential of gene technology to deliver benefits to the environment, the community and the economy through more sustainable and productive agricultural systems with reduced environmental impact and the availability of quality agricultural products at a lower cost or with improved quality.

The government also noted that public health and environmental safety aspects of any GMO proposed to be released into the environment or used in the production of food

or animal feed are addressed under the national gene regulatory scheme or the national framework for food safety regulations. In other words, don't you worry about that; it's all in hand. But obviously the community and many people and organisations all over the world disagree with that, and this committee made a number of recommendations which basically just ask for more work to be done to ensure that the processes were rigorous and accountable.

Australia and this government are not addressing the inadequate hazard assessment processes or the lack of independent and rigorous scientific testing. It has basically taken its hands off the wheel, defying overseas trends where governments are becoming more cautious and interventionist. We know that all is not well with this technology and we also know that Monsanto and other transnationals are extremely powerful in terms of political influence in the United States and, it appears, in Australia.

For example, through the acquisition of companies, Monsanto is the leader in this field of genetically modified organisms technology and is attempting to or has recoded the plant DNA of wheat, rice, potatoes, soybeans, cotton and corn, and has made efforts to control the global water supplies and forestry products. The particular DNA codes Monsanto is developing via purchasers have the plant terminate after it produces an edible product and thus no second-generation seeds are produced from the science.

In essence, the technology patent system of Monsanto turns seeds into machines so they can be patented. Today the top 10 seed companies control 30 per cent of the global seed trade. These 10 companies have been consolidating their power and control by forming partnerships and agreements with each other.

For example, Monsanto, since 1996, has spent $8.4 billion in establishing agreements and taking over other companies that have DNA codes, databases, patents, cross-pollinating procedures and/or access to food seed markets. Why is it, I wonder, that, even though there have been obvious and serious problems identified with the technology, governments continue to ignore the problems and adopt a blindly optimistic approach?

I will detail for the benefit of members some of the concerns that have been raised to make this point clearer. Biotech is being sold around the world on the basis of a myriad of claims and promises, almost all unproven. One of the most successful pieces of hype is that GE crops are producing bumper crops. Another assumption is that GE crops are being rapidly taken up by American farmers because they're helping them compete economically.

Greatly reduced use of agrochemicals and hence environmental benefits is a third major claim made for GE crops by the biotech industry, but this has been challenged by scientists. A report by Dr Charles Benbrook, *Evidence of the magnitude and consequences of the Roundup Ready soybean yield drag from the university-based varietal trials in 1998*, showed clearly that the problems with this technology are greater than previously understood as regards:

> 1. the extent of the yield drag
>
> averaging nearly 7%—even larger than emerged from the University of Wisconsin study;
>
> 2. the increase in chemical use
>
> far from RR soybeans—

that is, Roundup Ready soybeans—

> reducing chemical use, farmers have been using 2 to 5 times more herbicide a degree of tolerance to Roundup is emerging in several key weed species, contributing to chemical usage;
>
> 3. the cost to the farmer
>
> the yield drag plus technology fee are bad news for profitability imposing "a sizable indirect tax" (can be over 12 per cent of gross income per acre)

Regarding the often repeated claims that Roundup Ready soybean systems are reducing pesticide use and increasing grower profits, Benbrook's analysis shows that Roundup Ready soybean systems are:

> … largely dependent on herbicides and hence are not likely to reduce herbicide use or reliance. Claims otherwise are based on incomplete information or analytically flawed comparisons that do not tell the whole story.

Benbrook notes the following:

> Farmers growing RR soybeans used 2 to 5 times more herbicide measured in pounds applied per acre, compared to the other popular weed management systems used on most soybean fields not planted to RR varieties in 1998. RR herbicide use exceeds the level on many farms using multitactic Integrated Weed Management systems by a factor of 10 or more.
>
> There is clear evidence that Roundup use by farmers planting RR soybeans has risen markedly in 1999 because of the emergence of a degree of tolerance to Roundup in several key weed species, shifts in weeds towards those less sensitive to Roundup, price cuts and aggressive marketing.

Benbrook concludes:

> GE soybeans are proving the most expensive soybean seed+weed management system in modern history.
>
> It's interesting that independent research is finally starting to catch up with GE crops in the United States.

Also it's interesting to see what happened in Canada. The Canadian Wheat Board, which is the largest wheat and barley marketer in the world, one of Canada's biggest exporters and a Winnipeg-based organisation, sells grain to more than 70 countries and returns all sales revenue, less marketing costs, to prairie farmers. That group

actually called on Monsanto Canada to withdraw its application for an environmental safety assessment of Roundup Ready wheat, and that was basically because this farmer controlled group, the Canadian Wheat Board, detailed the devastating economic impact the introduction of Roundup Ready wheat will have on western Canadian farmers. I quote:

> Economic harm could include lost access to premium markets, penalties caused by rejected shipments, and increased farm management and grain handling costs.
>
> Monsanto has said in the past it would not introduce RRW unless it was beneficial to farmers.

The Canadian Wheat Board claims:

> Well, there are no benefits. So we're asking Monsanto to put the interests of their customers, western Canadian farmers, ahead of their own commercial interests and put the brakes on RRW, before Prairie farmers suffer serious financial consequences.

It is also interesting to note in 1999 the British Medical Association, in the first statement on genetically modified organisms by a major medical organisation, said that there should be a moratorium on the commercial planting of GM crops until there is scientific consensus on their long-term environmental effects. The BMA report *The impact of genetic modification on agriculture, food and health* warns that any adverse effects from GMOs are likely to be irreversible. As we cannot yet know whether there are any serious risks to the environment or human health, the precautionary principle should apply.

The BMA report had 19 recommendations, some of which included:

- there should be an open-ended moratorium on the commercial planting of GM crops, until there is a scientific consensus on safety;
- they should not be released into the environment until the level of scientific certainty makes this acceptable;
- there should be a ban on the use of antibiotic resistant marker genes in GM food as the risk to human health from antibiotic resistance is one of the major public health threats we face in the 21st century;
- the Food Standards Agency should be established as a matter of urgency and given statutory powers to regulate GMO production;
- GM foodstuffs should be segregated at source to ensure traceability and the Food Standards Agency should consider banning mixed GM and non-GM products or insist that they are clearly labelled;
- because of the risk of cross-pollination, standard separation between GM and non-GM crops should be reviewed;

- further research is needed on allergic reaction to GM products, the cumulative effect of GMOs in the environment and the food chain and the fate of transgenic GMO.

I won't go on, but there were more.

It is also interesting to look at what's happening in Australia. In 2003 there was a comprehensive survey of Victorian farmer attitudes to genetically modified crops, and it showed overwhelmingly that they were concerned about the proposed introduction of GM canola. The survey, commissioned by Doug Shears from ICM Agribusiness and in consultation with a network of concerned farmers, provided overwhelming justification for a state-wide moratorium on the release of GM canola.

The key findings of the survey were:

- 71 per cent of farmers surveyed had concerns regarding the commercial release of GM canola;

- 67 per cent of farmers had significant concerns about the ability to market GM canola;

- 80 per cent of farmers had significant concerns about the ability of GM and non-GM canola to co-exist.

The survey, produced by the Paterson Group, involved phone interviews with a random and representative sample of 200 grain growers in Victoria. The qualitative survey found that the overwhelming majority of farmers have a wide range of concerns, including:

- only 52 per cent of farmers surveyed considered that they have enough information to make a sound decision about the introduction of GM canola;

- 80 per cent of farmers have significant concerns about on-farm contamination issues;

- 72 per cent of farmers have significant concerns about the liability issues due to contamination;

- 71 per cent of farmers have significant concerns about patent rights depriving farmers of the right to save seeds;

- only 20 per cent of farmers are confident that existing quality assurance systems are sufficient to ensure non-GM and GM canola can co-exist.

It was also interesting that there was a recent discovery of transgenic DNA in native Mexican corn. Native varieties of corn grown in remote regions have been contaminated by transgenic DNA, a finding which surprised and dismayed the University of California Berkeley researchers who made the discovery:

> This is very serious because the region where our samples were taken are known for their diverse varieties of native corn, which is something that absolutely needs to be protected.

The assistant of microbial ecology in the Department of Environmental Science Policy and Management at UC Berkeley's College of Natural Resources said that.

Getting back to our particular report: Mr Smyth went into some detail regarding the government's response to the Health Committee's report. I will not repeat what he said. However, I'll briefly talk about the insurance issue. I'll talk about the precautionary principle when we get to the detail stage because I'm putting an amendment on that matter.

But as everyone's aware, insurance is far from being something you can rely on at the moment. Following the collapse of HIH in Australia and the first massive attacks on major Western industrial states by terrorists, insurance companies have become very wary about insuring a range of activities, premiums have risen and companies are demanding fundamental changes to the democratic system of being able to hold negligent people to account in the courts.

In this context, we have the uncertainty of the effects of genetically modified food crops. We have cases where the genetically modified materials have spread to neighbouring crops, where the farmers had absolutely no desire to use the genetic modification and, in fact, were sued for intellectual property patenting problems because they were the victims of accidental contamination.

The committee made it clear that there is confusion over who is liable to hold insurance to protect from any unwanted consequences of environmental release of GMOs and, while there is provision in the bill for the licence to include a condition requiring the licence holder to be adequately insured for these events, there was certainly debate about who was properly the negligent party and over which player in the system should be required to hold insurance.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS TUCKER: The bill does not make it clear who should hold the insurance. The government suggested that the onus of liability lies with the applicant, that is, the producer or developer of the product, to have insurance for adverse effects on other producers, human or environmental health. On the other hand, the Life Sciences Network, an umbrella organisation of national industry organisations, universities, research organisations, producers and other entities who've made an investment in biotechnology and genetic modification, believe that it should be up to the grower to take out insurance against claims of possible contamination by their product.

This is absolutely, clearly a very unsatisfactory situation, and I find it very surprising that this government and the federal government are prepared to proceed without having this fundamental question resolved.

I can see I'm running out of time, and I don't think I'll be able to say as much as I wanted. But I just refer people to the report we've made. If you look at the number of recommendations that were not agreed to by the government, you do have to be very concerned. *(Extension of time granted.)*

The very first recommendation asked the government to look at the unresolved issues from the Senate inquiry in the report called *A cautionary tale: fish don't lay tomatoes.* We asked them to look at the specific unresolved issues from that. They included:

- application of the precautionary principle;
- consideration of Australia's biodiversity and unique flora and fauna;
- ethical considerations;
- commercial-in-confidence provisions;
- public confidence in the scheme and gene technology;
- insurance coverage;
- licence conditions and review;
- roles of the consultative group and committees of the interim Office of the Gene Technology Regulator;
- rights of third parties to seek reviews of decisions.

The government would not pick up those issues. They are obviously extremely serious issues. Once again the government's response is characterised, as is the response of other government's around Australia and in fact around the world, by, as I said, almost a Mary Poppins approach. Greens and Democrats are called fairies at the bottom of the garden. I'm sorry, it's the major parties that are the fairies at the bottom of the garden on this one. Absolutely, they are not prepared to look at how you can support claims that this technology is not going to have serious impacts, long-term impacts, for societies around the world.

It appears ministers and governments are content with the current situation and, in Australia, content to just leave it to the regulator. This is despite the fact that there is huge concern in the farming, scientific and environmental communities who convincingly challenge the laissez faire approach of the regulator and the governments that support it.

We also know that the broader community lacks confidence in the technology and is concerned about potential environmental and health problems. The problems are so basic. Genetic engineering is very different from breeding. It involves the insertion of foreign genes into cells, fundamentally changing the close control that normally exists in cells.

The technology for doing this is in very early stages and is primitive, as it is impossible to accurately predict the effects of an inserted gene. There can be hazardous substances generated and unpredictable results. The safety assessments are not fully reliable and are designed to ensure simplified procedures rather than rigour and are often left in the hands of the promoters of the product.

Knowledge of the ecological effects is very incomplete. Knowledge of the hereditary substance DNA is very limited. The argument that the technology will feed the world also has to be challenged, when even a cursory glance at world hunger shows the problem is political. World Health Organisation figures and other figures show we are currently generating 1½ times the amount of food necessary to feed every man, woman and child on earth with a nutritious diet.

The problem is distribution, not shortage. I am reminded of a sticker that was around in the 1970s, "Food for people not profit". It still stands. I really do not understand why the ACT government has not taken its responsibilities more seriously in this critical policy area, and I think it is extremely regrettable.

The fact that previous ministerial councils have approved an inadequate regulatory system should be challenged by this government in the interests of protecting future generations from a genie which will not be able to be put back into the bottle and which may be far from beneficial for the earth's biodiversity and agricultural capacity.

MS DUNDAS (5.05): The ACT Democrats will be supporting the Gene Technology Bill today. We understand that it is the end result of a long process of development and agreement between Australian jurisdictions to ensure a nationally coordinated approach to genetic technology. It is good to see a national approach being sought on this issue, even though there are the flaws that have been pointed out. We do need to understand that there are certain things that borders cannot contain and genetic technology is definitely one of them. The area of gene technology, like information technology, is one where the fast development of new science has the capacity to outstrip our legislative framework and laws, so that we are now playing catch-up with regard to how we regulate the area.

Genetic technologies have the capacity to do tremendous good in our society, but they can also have negative consequences. The possible benefits to medicine, for example, may be enormous, including the possible use of gene therapies to cure a wide range of illnesses, such as diabetes, haemophilia, cancer and dementia. Genetic technologies are already used in the pharmaceutical industry, where genetically modified organisms are used to mass produce hormones or other biochemicals, such as factor 8 or insulin.

The proponents of genetic engineering also point to the theoretical benefits of gene technology in the field of food production. The ability to produce edible plants that grow quickly and are resistant to a variety of insect pests and plant diseases opens the possibility of the cost of food production being significantly lowered. Whilst the point has been made that we already have enough food in this world, allowing countries to control the production of their own food in arid regions can be a benefit of gene technology moving forward.

However, the technology is new and its effects on human health and the environment are not entirely understood. One particular fear held is that genetically modified organisms may escape into the environment, forever altering the natural ecology. Theoretically, we have been told that eating genetically modified foods should pose no threat to human health, but large numbers of people in our community do not wish to purchase these products—and quite rightly so as we are still waiting for further testing and further information—and prefer to stick to the more naturally grown products.

The stability of genetically modified organisms is another area that requires greater study. The process of genetic engineering often involves using transfer vectors such as viruses or plasmids to insert genetic material from one organism into another. The process may also insert additional antibiotic resistance genes into organisms, even if this was not the purpose of the gene transfer, as antibiotic resistance genes are used as genetic markers for scientists to certify gene transfer. To facilitate DNA insertion, cells often undergo electric shocks to increase membrane permeability or are bombarded with electromagnetic radiation. The process of genetic engineering is still a very imprecise science and it is unknown what additional genetic operations a GMO may be susceptible to over its lifespan.

It is important that this industry is tightly regulated to ensure that the benefits of gene technology may be realised while potentially damaging consequences are avoided. I believe that this bill is one step in that direction. It is essential that genetic technologies are consistently regulated across Australia so that a lax approach in one jurisdiction will not allow the reckless spread of the technology into other states and territories. The Australian community deserves an easily identifiable and accountable Commonwealth regulatory body that oversees a coordinated approach to gene technology work, not one that just adds another layer of paperwork on top of the disparate bodies and schemes that are already overseeing gene technology.

The ACT Assembly's Health Committee report on this bill was extremely useful, I believe, in allowing us to understand the impacts and the science associated with this bill. The report brought to light a number of concerns about the system that is being implemented and made a number of useful recommendations to the government. It is unfortunate that the government has not felt able to take up many of these recommendations. I was disappointed to see that outcome, but I hope that further debate will result in further awareness of those recommendations and the possibility of their being taken up in the future. I do thank the committee for the amount of work that it put into the examination of this piece of legislation.

The government's response to the committee's report highlighted the fact that the agreement among federal, state and territory governments left little scope for parliaments to improve the legislation where they felt it was lacking. The clause included in the Commonwealth legislation that gives the federal minister the right to designate whether a state or territory law is a corresponding law means that we, as members of this Assembly, have little capacity to alter the legislation to meet the specific needs of our community or to strengthen it where we believe that it is lacking.

The arrangement whereby government ministers can make decisions on behalf of this Assembly at a national level and leave us few means of recourse needs to be looked at

in more detail. Democrats across the country have long been irked by the view that governments can make agreements at a national level when they do not necessarily have the ability to deliver on these promises in their own parliaments. The ACT is a diverse community and a number of voices continually wish to be heard. Even though I have already stressed the importance of having a national framework, we do need to recognise that there are voices that are being left out of this debate because of the way that it has been brought together on a national level.

An important part of the agreement is that state and territory governments have been allowed the scope to implement moratoriums on gene technology where they believe that that is appropriate. The particular case of Tasmania is one of note. They have elected to implement a complete moratorium on gene technology. As an island state, being separated from the rest of Australia, Tasmania can actually enforce a complete moratorium on gene technology.

There have been suggestions that we consider having a moratorium in the ACT, although I believe that it might be useful to consider further the form such a moratorium would take. In particular, we have a high concentration of biological research in Canberra, particularly at the CSIRO and the ANU, and I think that we should promote the safe development and research of gene technologies in Canberra, especially in relation to techniques that may reduce the harmful impacts of genetic technology, as well as pure research that investigates the operation of genes in the natural environment and the human body. In essence, we should be promoting the benefits and positive outcomes of genetic technology.

On the other hand, the ACT has only a small area of land that is devoted to agriculture and it is generally unsuitable for the types of genetically modified crops that are being grown commercially. I think it would be prudent for the ACT to enact a moratorium on the commercial release of genetically modified organisms until there has been at least greater community debate and scientific inquiry as to the safety, environmental consequences and desirability of producing GMOs for commercial release in the ACT. I am not saying that we should bury our heads in the sand and ignore GMOs or gene technology altogether. We should encourage research, but well monitored research and strictly regulated research in the ACT so that we can lead the way and better understand the concepts that we are talking about when we look at genetic technology.

I note that a number of the amendments to this bill that were circulated last year have been taken up by the government. They are technical in nature, but bring the legislation into line with other parts of the ACT's statute book and I will be supporting those amendments when moved by the minister. I understand that Ms Tucker would like to debate further in the in-principle stage the implementation of the precautionary principle. I look forward to that debate. I think that that is an important part of what we have been discussing in terms of genetic technology.

MR CORNWELL (5.14): Mr Speaker, the Chief Minister, in his tabling statement, said:

> …the bill reflects a national framework for overseeing gene technology activities. Its objective is to protect the health and safety of the community and

> environment by identifying potential risks posed by gene technology…Community confidence will be encouraged by the knowledge that—

under this legislation—

> gene technology is adequately regulated.

I have no objection to anything that has been said in that or in this bill. However, there has been some comment here about the precautionary principle and I would like to read from and article in the *Institute of Public Affairs Review* by Andrew McIntyre, who is the public relations manager for the IPA in reference to the precautionary principle. He makes the point that most people today cannot begin to grasp just how appalling the physical environment and living conditions were in Europe barely 100 years ago. He said:

> …it is impossible to imagine what our world would have been like if the Precautionary Principle had been adopted a few hundred years ago…There would be almost nothing of what we today take for granted, from penicillin and antibiotics, through electricity, telephones and computers, right down to knives and even fire! Forget about hot showers and breakfast food, let alone genetics, quantum mechanics, space exploration and pesticides. Common household bleach? "You mean you're going to allow poison gas into my house?" The problem is that there is nothing we do or explore or experiment with that has no theoretical risk, and nearly everything carries some actual risk. But the Precautionary Principle effectively outlaws anything with risk.

I can give four examples. Penicillin comes immediately to mind. Were the precautionary principle adopted at the time, penicillin would not have been given to the first trial patient after so little testing in animals. No doubt it would have been tested on other animals, and yet subsequently penicillin was found to be toxic to guinea pigs. In this scenario, would we have been too cautious ever to try out the wonder drug on humans? Even the live Salk polio vaccine carried a 5 per cent risk of infecting the very disease that it was designed to prevent.

The modern contraceptive pill is another example. Not only would the contraceptive pill for women never have come to light, but it is precisely because of the precautionary principle that we still have no such pill for men. The emeritus professor of chemistry at Stanford, who is the father of the modern contraceptive pill, said that had he been forced to deal with the restrictions and interference that are common place these days in biomedical research he would never have set to work on the birth control project.

Finally, DDT. We forget that DDT actually saved millions of humans from dying of malaria. It is now conveniently forgotten that DDT eradicated the disease from the entire Mediterranean region.

Mr Speaker, there is a long list of things that, if we had followed the precautionary principle, we would not have in the world of today. I commend the article in volume 55, No 2, of June 2003 of the *Institute of Public Affairs Review* because I think it puts the whole question of the precautionary principle into perspective.

I would not support the wholehearted open slather that could be proposed under gene technology. That is why I think that what has been brought before us today as a bill is sensible, is responsible and is needed. But I do caution members not to go too far overboard in terms of what we like to call progress. Progress does not apply just to social justice; it also applies to the sciences.

MR CORBELL (Minister for Health and Minister for Planning) (5.20): I am just wondering whether the Liberal Party has changed its position between the speeches of Mr Smyth and Mr Cornwell. I saw Mr Smyth holding his head in his hands, and well he might when it comes to Mr Cornwell's views on the issue of the precautionary principle.

Mr Speaker, this bill represents the ACT component of a nationally consistent scheme for regulating certain dealings with genetically modified organisms. The national regulatory scheme sets up a framework for the regulation of genetically modified organisms in Australia in order to protect the health and safety of Australians and the Australian environment by identifying the risks posed by, or as a result of, gene technology and managing those risks by regulating certain dealings with genetically modified organisms.

The scheme involves three key elements: a gene technology intergovernmental agreement signed by the states and territories; the Commonwealth's Gene Technology Act 2000; and the complementary legislation of all the states and territories, along with the establishment of the Gene Technology Ministerial Council. The scheme is designed to complement other Commonwealth and state regulatory schemes relevant to GMOs, namely, the regulation of foods, therapeutic goods, agricultural and veterinary chemicals and industrial chemicals.

Gene technology involves the modification of living organisms by incorporating or deleting one or more genes to introduce or modify specific characteristics of the organisms. There is a variety of applications of gene technology and I think most members are familiar with those from their undertakings in the Assembly inquiry or through other parts of this debate.

The Commonwealth Gene Technology Act commenced on 21 June 2001 and the Commonwealth relied on a range of constitutional powers to enable it to regulate in this area. There are, however, some gaps in the Commonwealth's powers. These include dealings with GMOs by certain individuals, state government departments and universities that are not involved in cooperative arrangements with corporations or in relation to interstate trade and commerce. The legislation of the states and territories is designed to fill these gaps to ensure that there is one overall regulatory system applying to all persons, things and activities within Australia.

The bill we are discussing today, Mr Speaker, provides the ACT component of the nationally consistent regulatory scheme. It applies to Commonwealth gene technology laws as laws of the ACT. The passage of the bill will ensure that the scheme applies in all circumstances in the ACT where gene technology is used.

A Gene Technology Ministerial Council has been established. It consists of ministers from the Commonwealth and each participating state and territory. The role of the

council is to oversee the operation of the scheme, to issue policy principles and policy guidelines and to advise on codes of practice and standards for persons conducting dealings with GMOs. I am the ACT's representative on that council.

The Commonwealth act established the Gene Technology Regulator as a statutory office holder to administer the legislation. I am sure members are familiar with the roles and the activities of the regulator. A gene technology ethics committee provides advice on the ethics of gene technology, appropriate ethical guidelines and any necessary prohibitions. A gene technology community consultative committee provides advice on community concerns regarding gene technology as well as the development of policy documents.

Mr Speaker, this bill was referred to the Standing Committee on Health when it was introduced into the Assembly in February last year and the committee presented its report to the Assembly in December last year. The government tabled its response in June and is in the process of implementing the commitments the government made in its response.

I would like to address some points prior to responding to some other points made by Mr Smyth. Of particular note was the government's response to recommendation 3 of the committee's report. In recommendation 3 the committee advocated the introduction of a moratorium on dealings with genetically modified organisms in the ACT similar to that in place in Tasmania. As the government has explained in its response, a broad moratorium on GMOs in the ACT is not supported at this time as such an action could significantly undermine the strong biotechnology research base in the ACT.

As Ms Dundas points out, further research is important as we continue to understand and develop our responses to the use of GMOs and such a moratorium could significantly threaten the research base in the ACT if it were as broad ranging as the committee recommended. It is also worth noting that the value of the biotechnology research sector to the ACT is of the order of $180 million per year, so it is not an insignificant industry in the ACT.

However, in line with New South Wales, the ACT government has declared a three-year moratorium on the commercial release of GM food crops and it is proposing to introduce legislation to that effect. Given the geographical location of the ACT and the nature of the region's agriculture industry, the government is of the view that it is appropriate for the ACT to be consistent with New South Wales on this issue. I am obliged to ACT Health for providing me—a bit of colour and movement, Mr Speaker—with this map of "capital country" which shows a canola crop near Young.

Clearly, canola is one of the first commercial crops GMO approved for use and it is important in this context, I think, that the ACT is supportive of a moratorium consistent with that in New South Wales, which prevents contamination which could otherwise occur if we did not have a moratorium in place. That is an example of the fact that we do live in a region where canola, which is the topical crop at the moment, could otherwise be affected.

Mr Speaker, recommendations 13 and 19 of the committee's report proposed amendments to the Gene Technology Bill 2002. The government opposes these changes on the ground that they would result in the ACT legislation falling out of line with the gene technology legislation of the Commonwealth and the states. In particular, it is important to note that, under the intergovernmental agreement, state and territory law must remain consistent with the Commonwealth act to be declared a corresponding state law.

Under recommendation 13, the committee held that clause 72A be withdrawn from the ACT bill and replaced with a reference to the Gene Technology (Licence Charges) Act 2000 of the Commonwealth, or that appropriate legislation be introduced amending the Gene Technology Bill 2002 to resolve the issue of a tax in subordinate legislation. The government has been advised that, if the section were replaced with a reference to the Commonwealth act, the ACT would not be able to impose its own annual licence charge on holders of GM licences, unlike every other jurisdiction, including the Commonwealth. Additionally, if the legislation were amended so that the licence charge would not amount to a tax, but would only be a fee for service, the ACT legislation would fall out of line with the need for it to be a corresponding state law.

Likewise, recommendation 19 of the committee's report recommended that the precautionary principle in clause 4 (a) be withdrawn from the Gene Technology Bill and replaced with the definition of the precautionary principle as set out in section 3 (2) (a) of the Environment Protection Act 1997 of the ACT. If this occurred, again the ACT legislation would fall out of line with the gene technology legislation of the Commonwealth and the other states. The states and territories have agreed on the national scheme for regulating gene technology on the basis that a state or territory law would become part of the national scheme of laws only if the state law were truly consistent with the Commonwealth act. In this regard, before a state or territory law can become part of the national scheme, it has to be declared by the Commonwealth minister to be a corresponding state law.

Additionally, all jurisdictions agreed—I think this is the more important point, Mr Speaker—that it would be better to provide clear directions to the regulator about how to apply precaution in considering each application, rather than having different principles applying under each of the state and territory legislative frameworks. Debate on the adequacy of the legislation should therefore, in the government's view, focus on the adequacy of the risk assessment and risk management processes in the legislation rather than an argument about the interpretation of the precautionary principle.

To further elaborate on that, I think it is worth noting that the key issue here is that there is a framework in place through the Office of the Gene Technology Regulator which is very much focused on the specifics of each individual assessment and making sure that there is a sufficient risk assessment in place in relation to each individual application. Rather than having an overarching principle which may not necessarily be relevant in every case, it is a case of ensuring that there is focus on the individual assessment in relation to each individual application. That is, indeed, the approach that the ACT government supports and it is the approach which has been used by the Gene Technology Regulator to date.

The government believes that the Gene Technology Bill, in conjunction with the Commonwealth act, adequately meets its objective of providing for an effective national regulatory system that is open, transparent and accountable. The government believes further that the measures in the bill will ensure a cautious, comprehensive and rigorous national approach to gene technology and GMOs, with scientifically based decisions, providing the community with confidence in the system.

Mr Speaker, I turn briefly to some of the issues Mr Smyth raised in his comments and will speak further on the issue of the precautionary principle. There is, of course, continuing debate about the interpretation of the precautionary principle, but the government does accept that in most instances it is appropriate to apply the principle. However, in looking at the issue of the application of the precautionary principle in the context of our gene technology legislation, it is worth noting that, in essence, the precautionary principle is already incorporated into the Commonwealth's Gene Technology Act, which uses the same words as those which were endorsed at the 1992 Rio declaration on environment and development.

The act says:

> The objective of this act is to be achieved through a regulatory framework which provides that, where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

There is already a significant level of risk adverse behaviour on the part of the regulator which is drawn from this section of the Commonwealth's Gene Technology Act. The government believes that is the most appropriate way of addressing that issue.

I wish to respond to some of the other issues Mr Smyth raised. He criticised the government's failure to agree to recommendation 7 of the committee report, which reads:

> The Committee recommends that the Government lobby the Federal Government for an independent inquiry into farming practice, including the use of GM products.

This is a quite overarching recommendation. Whilst the government agreed with the other recommendations from the committee which sought the ACT government to lobby the Commonwealth or the relevant ministerial council, in this case the government chose not to agree. The reason for that is that we do not think such a call on the part of the ACT government would be a credible one. We have a very small agricultural base and, in the context of large jurisdictions with significant agricultural bases, we did not think that we would carry much weight in making such a call, so we did not agree.

Further, it should be noted, as the government did in its response, that recently there have been a number of examinations of farming practice in the use of GM products, most recently by the Primary Industries Ministerial Council and its relevant standing

committee of officials in 2000. For those reasons, quite considered reasons, the government did not agree to that recommendation.

Mr Smyth also made comments about whether the GENHAZ process should be a basic requirement of all licence applications to the Office of the Gene Technology Regulator. GENHAZ is a way of undertaking a risk assessment in relation to the potential application of GMOs. However, it is quite clear that GENHAZ is not the best methodology to be used in all circumstances.

It was developed in Britain in 1991 as an inductive risk assessment method. Since that time it has not been widely used. In Australia it has been used by a commercial arm of the Pest Animal Control Cooperative Research Centre, located at CSIRO's sustainable ecosystems precinct in Canberra, and its advice has been that it is not a suitable process to apply to all types of applications which go to the Office of the Gene Technology Regulator. On that basis, the government has taken the decision not to accept that recommendation. *(Extension of time granted.)*

Mr Smyth also raised, if I recall correctly, the issue of the government not agreeing to recommendation 13, which is the recommendation that clause 72A be withdrawn from the ACT bill and replaced with a reference to the Gene Technology (Licence Charges) Act or that alternative legislation be introduced. The government did not agree to this recommendation, Mr Speaker, because it believes, based on the advice it has received, that it would simply be a case of there not being a corresponding law. It would not be of benefit to the territory or, indeed, to the proper regulation of GMO organisms in the territory if we were not part of the national regulatory framework.

The issue of the precautionary principle was also raised and I have addressed that already. The government's response is considered and comprehensive. We are conscious of the issue of the precautionary principle, which I understand is the key issue that Ms Tucker is going to raise. We think it is already well embedded in the legislation which was passed at the Commonwealth level and which our legislation abides by. Mr Speaker, I commend the bill to the Assembly. I foreshadow that the government has a number of minor technical amendments that have been brought to my attention by the Office of Parliamentary Counsel since the bill was introduced. They are not substantive or policy in nature, but simply seek to clarify some operations of the proposed law.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Adjournment

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

That the Assembly do now adjourn.

Death of Mr Vince Kalokerinos

MR SMYTH (Leader of the Opposition) (5.37): Mr Speaker, I wish to bring to the attention of members and, indeed, the entire Canberra community the passing of Vince Kalokerinos, better known to most people as the king of Curtin. Vince, for 32 years, was the proprietor of the Curtin milk bar and he died suddenly on Saturday morning of a heart condition. He leaves with us his wife, Viola; his son, John; and his twins, Matthew and Cathy. He was brother and brother-in-law of Paul, Helen, Jim, Maria, Cathy and Chris and he was a much loved uncle and friend to many.

Vince was one of the unique Canberrans who are often overlooked when we do condolence motions. We seem to concentrate on people supposedly of great stature—and I do not say that in a derogatory way—but Vince's story in many ways is the story of migrants to Australia and the story of many Canberrans. Vince was born in 1939 on the Isle of Kythera in Greece and came to Australia in 1962, where he joined his brothers, who ran, of all things, a coffee shop in Manilla, which is near Tamworth in northern New South Wales.

In 1971 he lashed out and purchased the Curtin milk bar and was to reside there in Curtin and run the milk bar for the next 32 years. In 1975 he returned to Kythera to pick up his childhood sweetheart, Viola, who was only 12 when he left his native Greece. She tells me that he had memories of her long braids. He went back and married his childhood sweetheart and brought her back to Curtin to make their home, and they had three children there.

Vince was such an icon in Curtin that, when we refurbished the Curtin shops in 2001, if my memory is correct, the only thing that we could get consistent agreement on out of the entire Curtin community was that there had to be a plaque in the refurbishment in honour of Vince. I do not think anything like that has been done since in one of our refurbishments, but on one of the pieces of street furniture as you walk out the front door of the Curtin milk bar there is a plaque in honour of Vince Kalokerinos from the people of Curtin, who saw this man as so important to the Curtin shops and so important to the community that they wanted to honour him in that way. I think that speaks volumes for the man.

Vince was famous for his bags of mixed lollies and his vanilla malted thickshakes. He made a fabulous pizza and must have served millions of cups of coffee over the 32 years that he was there in Curtin.

I think that people will miss the underlying generosity of the man. I do not believe I ever heard him have a harsh word for anyone. I know that in times when individuals or the community needed his assistance he was always there. During the bushfires of January this year, Vince was making coffee and sandwiches available for volunteers. I think that was fabulous.

Some 14 years ago when my own mother, who was also a resident of Curtin, died, Vince sent down trays of sandwiches and cakes. That was the sort of guy he was. He certainly did not ever ask for anything back. He gave continually. I think it was that hallmark of great service that earned him the title of king of Curtin.

Most people knew him as Vince. I do not think too many knew his surname was Kalokerinos. But most people would not have known that his real name was Valerius. For all of the folk who have ever been to the Curtin milk bar and spoken to Vince, his Christian name was Valerius, but, in the Australian way, in 1962 people probably could not say that and they called him Vince.

I would just like to bring to the attention of the Assembly and have on the record in this place my gratitude and thanks to Vince, a man of great generosity, great kindness, great humour, great service and great milkshakes. I think that Curtin will be a much poorer place for his passing. I certainly know that I will miss him as a friend.

For all those young Curtin residents who had their first job with Vince—and I know many of them, including a couple of members of my own family—he taught them about service and he taught them about courtesy but, more than anything, he taught them about family, because the thing that was central to Vince's life was his love of his family, that is, his normal family and his extended family, which probably would be half of the Woden Valley.

Farewell, Vince. Good luck. We will remember you for all times.

Question resolved in the affirmative.

The Assembly adjourned at 5.42 pm.

Schedules of amendments

Schedule 1

Vocational Education and Training Bill 2003

Amendments to be moved by the Minister for Education, Youth and Family Services

1
Clause 2
Page 2, line 5—
Omit

1 July 2003.

Substitute

1 November 2003.

2
Clause 50 (1)
Page 27, line 5—
Omit

1 July 2003

substitute

1 November 2003
3
Clause 50 (2)
Page 27, line 8—
Omit

1 July 2003

substitute

1 November 2003
4
Clause 52
Page 27, line 16—
Omit

30 June 1994

substitute

30 October 2004